



# KOMITI ITI AROTAKE MAHERE Ā-ROHE | DISTRICT PLAN REVIEW SUBCOMMITTEE

3 February 2022

Order Paper for the meeting to be held in the  
Council Chambers, 2nd Floor, 30 Laings Road, Lower Hutt,  
on:

## **Thursday 10 February 2022 commencing at 2.00pm**

This meeting is held under the Red Traffic Light setting.  
Members of the public wishing to speak to items on the agenda are  
asked to contact [democraticserviceteam@huttcity.govt.nz](mailto:democraticserviceteam@huttcity.govt.nz).

## **Membership**

	Cr S Edwards (Chair)
Cr K Brown	Cr B Dyer
Deputy Mayor T Lewis (Deputy Chair)	Cr N Shaw
Maiora Dentice (endorsed by Te Rūnanganui o Te Ati Awa)	

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### **Have your say**

[You can speak under public comment to items on the agenda to the Mayor and Councillors at this meeting. Please let us know by noon the working day before the meeting. You can do this by emailing \[DemocraticServicesTeam@huttcity.govt.nz\]\(mailto:DemocraticServicesTeam@huttcity.govt.nz\) or calling the Democratic Services Team on 04 570 6666 | 0800 HUTT CITY](#)

## DISTRICT PLAN REVIEW SUBCOMMITTEE

**Membership:** Chair of Policy, Finance and Strategy Committee  
4 other councillors  
Up to 2 representatives appointed by Iwi

**NOTE:**

Elected members should hold current certification under the Making Good Decisions Training, Assessment and Certification Programme for RMA Decision-Makers. The Chair should in addition hold Chair certification. Standing Orders 30 and 31 outlining provisions for Tangata Whenua and Taura Here do not apply to this Subcommittee, and Iwi appointees will have full voting rights as members of the Subcommittee under Standing Orders.

**Meeting Cycle:** As required  
**Quorum:** 4

**Reports to:** Policy, Finance and Strategy Committee

### **PURPOSE:**

To make recommendations to the Policy, Finance and Strategy Committee, for recommendation to Council on the matters to be addressed in the full review of the District Plan and development of a Proposed District Plan.

### **Provide:**

Direction to Council officers on all matters relating to the drafting of content for the review of the District Plan. This includes but is not limited to:

- scoping and investigation of the issues
- engagement on possible content
- development of discussion documents and other draft documents for consultation
- development of a Draft District Plan for consultation
- development of a Proposed District Plan for statutory consultation.

### **General:**

Any other matters delegated to the Subcommittee by Council in accordance with approved policies and bylaws.

## HUTT CITY COUNCIL

### KOMITI ITI AROTAKE MAHERE Ā-ROHE | DISTRICT PLAN REVIEW SUBCOMMITTEE

Meeting to be held in the Council Chambers, 2nd Floor, 30 Laings Road, Lower Hutt  
on Thursday 10 February 2022 commencing at 2.00pm.

#### ORDER PAPER

#### PUBLIC BUSINESS

1. OPENING FORMALITIES - KARAKIA (22/35)

Ki a tau ki a tātou katoa  
Te atawhai o tō tatou  
Ariki o Ihu Karaiti  
Me te Aroha o te Atua  
Me te whiwhinga tahitanga  
Ki te wairua tapu  
Ake ake ake  
Amine

2. APOLOGIES

Ms M Dentice

3. PUBLIC COMMENT

Generally up to 30 minutes is set aside for public comment (three minutes per speaker on items appearing on the agenda). Speakers may be asked questions on the matters they raise.

4. CONFLICT OF INTEREST DECLARATIONS

Members are reminded of the need to be vigilant to stand aside from decision making when a conflict arises between their role as a member and any private or other external interest they might have.

5. MINUTES

Meeting minutes District Plan Review Subcommittee, 6 December 2021 5

6. RESOURCE MANAGEMENT (ENABLING HOUSING SUPPLY AND  
OTHER MATTERS) AMENDMENT ACT 2021 AND ITS  
IMPLICATIONS FOR THE DISTRICT PLAN REVIEW (22/11)

Report No. DPRS2022/1/1 by the Senior Environmental Policy Analyst 11

CHAIR'S RECOMMENDATION:

“That the recommendations contained in the report be endorsed.”

7. **INTENSIFICATION PLANNING INSTRUMENT - INITIAL OPTION IDENTIFICATION AND ANALYSIS (22/22)**

Report No. DPRS2022/1/2 by the Senior Environmental Policy Analyst 41

**CHAIR'S RECOMMENDATION:**

"That the recommendations contained in the report be endorsed."

8. **QUESTIONS**

With reference to section 32 of Standing Orders, before putting a question a member shall endeavour to obtain the information. Questions shall be concise and in writing and handed to the Chair prior to the commencement of the meeting.

Annie Doornebosch  
**Democracy Advisor**

HUTT CITY COUNCILKOMITI ITI AROTAKE MAHERE Ā-ROHE |  
DISTRICT PLAN REVIEW SUBCOMMITTEE

Minutes of a meeting held in the Council Chambers,  
2nd Floor, 30 Laings Road, Lower Hutt on  
Monday 6 December 2021 commencing at 1.00pm

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**PRESENT:** Cr S Edwards (Chair) Cr K Brown (via audio visual link)  
Cr B Dyer Deputy Mayor T Lewis (Deputy Chair)  
Cr N Shaw

**APOLOGIES:** Ms M Dentice

**IN ATTENDANCE:** Ms H Oram, Director Environment and Sustainability  
Mr M Jennings, Kaitatari Tumuaki Māori  
Ms P Rotherham, Head of Planning  
Mr N Geard, Senior Environmental Policy Analyst (part meeting)  
Mr B Haddrell, Policy Planner  
Mr S Davis, Policy Planner  
Ms M Schwalger, Senior Communications Advisor  
Mrs A Doornebosch, Democracy Advisor  
Ms H Clegg, Minute Taker

PUBLIC BUSINESS**1. OPENING FORMALITIES - KARAKIA TIMATANGA**

Ki a tau ki a tātou katoa  
Te atawhai o tō tatou  
Ariki o Ihu Karaiti  
Me te Aroha o te Atua  
Me te whiwhinga tahitanga  
Ki te wairua tapu  
Ake ake ake  
Amine

**2. APOLOGIES**

**RESOLVED:** (Cr Edwards/Cr Shaw)

**Minute No. DPRS21501 (2)**

*“That the apology received from Ms Dentice be accepted and leave of absence be granted.”*

### 3. PUBLIC COMMENT

Comments are recorded under the item to which they relate.

### 4. CONFLICT OF INTEREST DECLARATIONS

Deputy Mayor Lewis declared a conflict of interest in relation to item 8, Historic Heritage and took no part in discussion or voting on the matter.

### 5. MINUTES

RESOLVED: (Cr Edwards/Deputy Mayor Lewis)

**Minute No. DPRS 21502 (2)**

*"That the minutes of the meeting of the District Plan Review Subcommittee held on Thursday, 4 November 2021, be confirmed as a true and correct record."*

### 6. STRATEGIC DIRECTIONS - DRAFT CHAPTER (21/1791)

Report No. DPRS2021/5/284 by the Policy Planner

The Head of Planning elaborated on the report.

In response to questions from members, the Senior Environmental Policy Analyst advised the draft Urban Form and Development Objective 02 was not in direct conflict with the new Bill currently before Parliament. He explained that amendments to the Resource Management Act would require councils to identify areas for high density residential development and required such areas to be well served by facilities and transport infrastructure. He agreed to re-visit the wording used in the draft objective. He confirmed it was a legal requirement to have place holders within the draft document such as the draft Urban Form and Development Objective 04. He noted that actual figures would be inserted in the near future.

The Director Environment and Sustainability advised no legislation had yet been passed by Parliament. She noted officers were cognisant of possible changing requirements and would address them as and when they became law.

RESOLVED: (Cr Edwards/Cr Shaw)

**Minute No. DPRS 21503 (2)**

*"That the Subcommittee:*

*(1) notes and receives the draft Strategic Direction chapter and information contained in the report; and*

*(2) directs officers to make subsequent changes made at the meeting to the draft chapter."*

7. **MANA WHENUA/TANGATA WHENUA - DRAFT CHAPTER AND OTHER MATTERS** (21/1922)

Report No. DPRS2021/5/286 by the Policy Planner

The Head of Planning elaborated on the report.

Ms Jade Wikaira from Wikaira Consulting was in attendance for the item. She explained the chapter had been delivered based on information held to date. She noted extensive engagement had been undertaken. She said further consultation would be undertaken including visits to marae to finalise approaches to sites of significance to Māori and Māori purpose zones. She highlighted further work would also be undertaken regarding links to the Heritage chapter work.

In response to questions from members, Ms Wikaira said the wording that appeared in the Introduction chapter had been taken directly from the Resource Management Act. She agreed to amend this wording to better reflect that Council was instigating change and to refer to Council's Corporate Leadership Team in the document rather than the General Managers of Council. She acknowledged the document referred to the Hutt River and Te Awakairangi and agreed to ensure consistency of terminology. She also agreed to ensure the narrative regarding the history of the naming of the river was accurate. She said she would welcome more time for meaningful engagement with relevant Treaty partners and marae. She noted they had committed to an engagement schedule with a number of organisations and marae by the end of the year. She confirmed there may be different classifications for different marae in the draft District Plan, depending on their functions. She clarified that the draft Mana Whenua/Tangata Whenua chapter would include commentary on the Heritage policy. She agreed to amend the reference to Seaview Urupā to Owhiti Urupā. She said she would be happy to accept guidance on references to taurahere (people from other iwi) to reflect the urban drift of Māori from other parts of Aotearoa.

The Director Environment and Sustainability advised any recommendations from the Whaitua process that were adopted by Council, would be incorporated in the draft District Plan. She added there were a number of different processes, which had implications for the draft District Plan and that relevant ones would be incorporated as required.

The Kaitatari Tumuaki Māori advised he had been involved in a limited capacity in the development of the draft chapter.

**RESOLVED:** (Cr Edwards/Cr Shaw)

**Minute No. DPRS 21504 (2)**

*"That the Subcommittee:*

- (1) notes and receives the draft Mana Whenua/Tangata Whenua chapter and update on the framework for identifying and protecting sites and areas of significance to Māori and the Māori Purpose Zone contained in this report; and*
- (2) directs officers to make subsequent changes made at the meeting to the draft chapter."*

8. **HISTORIC HERITAGE** (21/1881)

Report No. DPRS2021/5/285 by the Policy Planner

Deputy Mayor Lewis declared a conflict of interest and took no part in discussion or voting on the matter.

The Policy Planner elaborated on the report. He said the feedback received to date had been positive and that there were many comments both for and against the draft provisions.

In response to questions from members, the Policy Planner confirmed qualifying matters would be dealt with under the Residential Chapter. He added that the process to identify specific areas was currently underway. He noted there were no plans to restrict internal alterations to identified buildings, with controls proposed only for external alterations. He noted it would be extremely difficult to assess all proposed interior alterations and this would be a costly and time-consuming process.

**RESOLVED:** (Cr Edwards/Cr Brown)

**Minute No. DPRS 21505 (2)**

*“That the Subcommittee:*

- (1) notes and receives the information contained in the report;*
- (2) accepts the draft Historic Heritage chapter provided in the report for inclusion in the draft District Plan; and*
- (3) directs officers to make subsequent changes made at the meeting to the draft chapter.”*

For the reason that the draft Historic Heritage chapter:

- a. Gives effect to statutory requirements and the Heritage Policy – Taonga Tuku Iho.
- b. Provides a balance between protecting significant historic heritage values and providing for use and development.
- c. Relatively consistent with the approach of other district plans in the Wellington region.
- d. Provides a balanced approach that aims to address the range of views held by the community and stakeholders.

9. NOISE - DRAFT CHAPTER (21/1986)

Report No. DPRS2021/5/287 by the Policy Planner

Speaking under public comment, **Mr Max Shierlaw** expressed concern that the draft Noise chapter did not include any base limit noise levels. He explained his personal experience of dealing with noise emitted from concerts held at the Station Village complex. He said quiet enjoyment of your own property should not be compromised by excessive noise. He questioned why the existing base noise limit for the Bellevue Hotel was not being carried through into the draft District Plan. He suggested Council undertake a comprehensive review of noise.

In response to questions from members, Mr Shierlaw confirmed the Station Village concerts had occurred every year for a number of years over Christmas break periods. He noted whilst they had not occurred recently, he believed there was no noise protection for the general public in the proposed draft District Plan, should the concerts be reinstated. He noted he would prefer that minimum base noise limits were instigated across the whole city. He said he had not investigated how other local authorities dealt with noise.

The Policy Planner elaborated on the report. He said that whilst control of noise was specifically targeted in the Resource Management Act, enforcement was not always based on District Plan rules, with other enforcement options also being available. He noted the draft chapter included base noise limits specifically for major events in parks. He said that it was proposed to simplify the noise controls within the draft District Plan and that all commercial areas would have the same noise limits. He added that this included a more restrictive way of measuring vibration. He noted noise management plans would be required for all major events in parks.

In response to questions from members, the Policy Planner agreed to include consideration of Sunday noise levels in the public engagement process. He noted the construction industry did not generally work on Sundays. He advised that higher noise limits were proposed for large park areas such as Williams Park, Te Puni Reserve and the Hutt Recreational Ground, under major events within the Temporary Activities Chapter. He confirmed the current rules did not treat public holidays differently to other days of the week. He advised the District Plan could not control noise emanating from moving vehicles and that this was a matter for the Police. He agreed to report back on any controls Council may have in regard to loud music from vehicles. He noted that once a Noise Control Officer had requested noise levels be reduced at an event, generally most venue holders complied. He confirmed residents could share through the District Plan consultation process, any specific event or source of noise of concern.

In response to a question from a member, the Head of Planning advised any large event would require a resource consent application and would be assessed on its own merits.

RESOLVED: (Cr Edwards/Deputy Mayor Lewis)

**Minute No. DPRS 21506 (2)**

*"That the Subcommittee:*

- (1) *notes and receives the draft Noise chapter and information contained in the report; and*
- (2) *proceeds with the review of the City of Lower Hutt District Plan regarding noise through the recommended option, being use of the draft Noise chapter for engagement."*

**10. NATURAL HAZARDS - DRAFT CHAPTER (21/2028)**

Report No. DPRS2021/5/289 by the Senior Environmental Policy Analyst

The Senior Environmental Policy Analyst elaborated on the report. He highlighted an error in his report from paragraph 24 onwards, noting that all references to Option 3 should read Option 2 - a balanced approach.

In response to a question from a member, the Senior Environmental Policy Analyst confirmed that rules concerning earthworks and the building up of land would be addressed in the Earthworks Chapter.

RESOLVED: (Cr Edwards/Cr Dyer)

**Minute No. DPRS 21507 (2)**

*"That the Subcommittee:*

- (1) *proceeds with the review of the City of Lower Hutt District Plan regarding natural hazards through Option 2: A balanced approach, including:*
  - (a) *requiring resource consent for activities that are sensitive to the risks from natural hazards within identified hazard risk areas; and*
  - (b) *permitting activities where the types of activity would have minimal risk or consequences within identified hazard risk areas;*

*complemented by both regulatory and non-regulatory methods outside of the District Plan;*
- (2) *notes and receives the draft Natural Hazards chapter and information contained in the report; and*
- (3) *directs officers to make subsequent changes made at the meeting to the draft chapter."*

**11. QUESTIONS**

There were no questions.

There being no further business the Chair declared the meeting closed at 2.18pm.

Cr S Edwards  
CHAIR

**CONFIRMED as a true and correct record  
Dated this 10th day of February 2022**



## District Plan Review Subcommittee

12 January 2022

File: (22/11)

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Report no: DPRS2022/1/1

# Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 and its implications for the District Plan Review

## Purpose of Report

1. The purpose of this report is to:
  - a. Inform the Subcommittee on Council's new requirements under the Resource Management Act (RMA) to:
    - i. Prepare an Intensification Planning Instrument; and
    - ii. Process the Intensification Planning Instrument through an Intensification Streamlined Planning Process.
  - b. Inform the Subcommittee on the implications of the Intensification Planning Instrument and Intensification Streamlined Planning Process for the District Plan Review.
  - c. Seek direction from the Subcommittee on how to proceed with the District Plan Review in light of the new requirements.

## Recommendations

That the Subcommittee:

- (1) receives the information contained in the report; and
- (2) proceeds with the District Plan Review through *Option 2: An Intensification Planning Instrument plan change followed by full new District Plan.*

## Background

2. Since 2019, Council has been undertaking a full review of the *City of Lower Hutt District Plan* (the District Plan Review).
3. The current work programme for the District Plan review involves:
  - Preparation of a draft District Plan for engagement with the community in March/April 2022;
  - Preparation of a proposed District Plan, to be notified for formal submissions by August 2022, following the standard RMA Schedule 1 process, which includes hearings and Council notifying decisions on submissions by August 2024; and
  - From August 2024, resolving any appeals lodged with the Environment Court.
4. Over the last two years, a significant amount of work has been undertaken in reviewing the current District Plan. This work has included technical assessments and research on a range of topics (for example - heritage, natural hazards and noise), engagement with the community and stakeholders, and monitoring the efficiency and effectiveness of the current District Plan. Preparation of new District Plan chapters has also progressed as part of the new draft District Plan.
5. However, in December 2021, the government passed the *Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021* (the Housing Supply Act) which seeks to accelerate the supply of housing in urban areas where demand for housing is high, including the Wellington urban area, by amending the RMA and *National Policy Statement on Urban Development 2020* (NPS-UD).
6. As a result of these amendments, territorial authorities are now required to:
  - Prepare an Intensification Planning Instrument (IPI)- a specific district plan change to enable greater building heights and density, primarily in residential and commercial areas. This plan change must be notified by 20 August 2022; and
  - Process the Intensification Planning Instrument through an Intensification Streamlined Planning Process - a new plan change process that is more streamlined and condensed than the standard plan change process.
7. *Note: The exact timing is not specified in the Housing Supply Act. Under this Act, the Minister for the Environment has the power to specify the timing, and the government has indicated that it will set timeframes so that councils can complete the plan change process by mid-2023.*

8. These new requirements have significant implications for the District Plan review. The following sections summarise the requirements of the IPI and Intensification Streamlined Planning Process. In addition, options for how the District Plan Review are identified and evaluated.

#### Requirements of the IPI and Intensification Streamlined Planning Process

9. As a result of the Housing Supply Act, territorial authorities are required to prepare an Intensification Planning Instrument (an IPI). An IPI is a change to a district plan for the specific purpose of:
  - Incorporating specific Medium Density Residential Standards (MDRS) in the district plan; and
  - Giving effect to Policies 3, 4 and 5 of the National Policy Statement on Urban Development (NPS-UD).
10. The MDRS is a set of mandatory minimum permitted activity standards that must be applied to residential zones, with complimentary objectives and policies. The MDRS are included in Appendix 1 attached to the report. However, territorial authorities can modify the MDRS requirements to be more enabling of development by either omitting a standard or including more lenient rules that regulate the same effect as a standard.
11. However, there are exceptions where *qualifying matters* apply – see discussion below.
12. Policy 3 of the NPS-UD relates to enabling a minimum level of building heights and density of urban form in specific areas. Policy 4 relates to when these building heights and densities of urban form can be modified. These policies are included in Appendix 2 attached to the report. While IPIs also need to give effect to Policy 5 of the NPS-UD, it only applies to tier 2 and 3 local authorities (Hutt City Council is a tier 1 local authority), so is not covered in this report.

13. The requirements of an Intensification Planning Instrument are summarised in Table 1.

<b>Table 1. Requirements of an Intensification Planning Instrument.</b>	
<b>Mandatory requirements</b>	
All residential zones, except for large lot residential zones	Incorporate the Medium Density Residential Standards.
City centre zones	Enable building heights and density of urban form to realise as much development capacity as possible.
Metropolitan centre zones	Enable building heights and density of urban form to reflect demand for housing and business use in those locations, and in all cases building heights of at least 6 storeys.
Walkable catchments of: <ul style="list-style-type: none"> <li>Existing and planned rapid transit stops,</li> <li>The edge of city centre zones, and</li> <li>The edge of metropolitan centre zones.</li> </ul>	Enable building heights of least 6 storeys.
In and adjacent to: <ul style="list-style-type: none"> <li>Neighbourhood centre zones,</li> <li>Local centre zones, and</li> <li>Town centre zones.</li> </ul>	Enable building heights and density of urban form commensurate with the level of commercial activity and community services.
<b>Optional provisions</b>	
<ul style="list-style-type: none"> <li>Provisions relating to financial contributions.</li> <li>Provisions to enable papakāinga housing.</li> <li>Related provisions, including objectives, policies, rules, standards, and zones, that support or are consequential on the MDRS or Policies 3, 4 and 5 of the NPS-UD.</li> </ul>	

14. Territorial authorities are only able to make these building height and density requirements less enabling of development to the extent necessary to accommodate qualifying matters specified in the RMA, which includes protection of outstanding natural features and landscapes, protection of historic heritage and management of significant risks from natural hazards. The list of qualifying matters is included in Appendix 3 attached to the report.

#### Intensification Streamlined Planning Process

15. Territorial authorities are required to process IPIs through a new Intensification Streamlined Planning Process.

16. This process is a more streamlined, condensed version of the standard (RMA, Schedule 1) plan change process. The Intensification Streamlined Planning Process involves the typical public notification, submission/ further submission phases and a hearing. The key differences between the Intensification Streamlined Planning Process and the standard Schedule 1 plan change process include:
- a. Council must appoint an Independent Hearings Panel to hold hearings on the plan change. The Minister for the Environment may direct the number of panel members Council must appoint, and the level of experience and qualifications panel members must have.
  - b. The Independent Hearings Panel, following the hearing, will make recommendations on the plan change to Council. Council can choose to accept all recommendations, and if this is the case, the plan change will become operative.
  - c. If Council chooses to reject in part or in full the recommendations of the Independent Hearings panel, then the plan change must be referred to the Minister for the Environment, with reasons that the recommendation was rejected. The Minister must:
    - i. Decide to accept or reject any or all recommendations referred to them;
    - ii. For any recommendation that they reject, decide whether to adopt an alternative recommendation that was referred to them; and
    - iii. Notify Council of their decisions, with reasons for making them.
  - d. While submissions are allowed, there is no right of appeal of any decision or action of the Minister or Council (although the right to judicial review is preserved).
17. While the Housing Supply Act does not specify a timeframe, the Minister for the Environment has the power to specify the timing. Based on indications from the government to date, this process is expected to be completed within approximately 12 months of notification of the IPI.

#### Implications for the District Plan Review

18. The narrow range of matters that can be included in the IPI is problematic for Hutt City Council. Prior to these new requirements, Council was working on a full review of the District Plan that would have implemented the NPS-UD alongside a range of other matters, such as responding to the risks from natural hazards, historic heritage, and many other district-wide matters.
19. The purpose of the District Plan review was to ensure the District Plan reflects the community's current aspirations and views, implement the full range of national and regional policy direction and requirements (including the National Planning Standards), and implement Council's strategic priorities.

However, because of the new requirements, Council is now required to restructure the work programme for the District Plan Review to run at least two separate planning processes. Specifically:

- a. Intensification Streamlined Planning Process for an IPI, to incorporate the MDRS and give effect to the intensification policies of the NPS-UD; and
- b. A separate plan change or full District Plan process to address parts of the District Plan that cannot be addressed through the IPI, including zones and district-wide chapters (such as natural hazards, historic heritage, tangata whenua).

### Options

20. Given the new IPI requirements, officers have identified the following options for the District Plan Review:
  - **Option 1:** An IPI plan change and a full new District Plan in parallel processes;
  - **Option 2:** An IPI plan change followed by full new District Plan;
  - **Option 3:** Notification of a plan change on qualifying matters (including natural hazards, historic heritage, sites of significance to Māori), followed by an IPI plan change, followed by a plan change on the remaining parts of the District Plan; or
  - **Option 4:** An IPI plan change and a plan change on qualifying matters (including natural hazards, historic heritage, sites of significance to Māori) in parallel processes, followed by a plan change on the remaining parts of the District Plan.
21. These four options are illustrated in Appendix 4 attached to the report and are described further below.

*Option 1: An IPI plan change and a full new District Plan in parallel processes*

22. This option would involve preparing an IPI as well as continuing with the full District Plan review. Council would prepare a proposed District Plan that would include all chapters of the District Plan excluding the provisions of the IPI. Both the intensification planning instrument and proposed District Plan would be notified in August 2022.

*Option 2: An IPI plan change followed by full new District Plan*

23. This option would involve preparing an IPI that would be notified by August 2022, with decisions made by August 2023. At the same time, work would continue on the full District Plan review, with a full proposed District Plan to be notified following the decisions on the IPI (after August 2023).

**Option 3:** Notification of a plan change on qualifying matters (including natural hazards, historic heritage, sites of significance to Māori), followed by an IPI plan change, followed by a plan change on the remaining parts of the District Plan

24. This option would involve preparation of a plan change on qualifying matters which relate to the IPI. These matters would include natural hazards, historic heritage and sites of significance to Māori. This plan change would be notified in advance of the IPI. The IPI and qualifying matters plan change would be prepared simultaneously to ensure they were integrated. The remaining chapters of the District Plan continue to be reviewed with an additional plan change for these remaining chapters to be notified on the completion of the earlier processes (after August 2023 at the earliest).

**Option 4:** An IPI plan change and a plan change on qualifying matters (including natural hazards, historic heritage, sites of significance to Māori), in parallel processes, followed by a plan change on the remaining parts of the District Plan

25. This option would involve preparation of a qualifying matters plan change and an IPI simultaneously to ensure that they are integrated. They two plan changes would be notified at the same time but would follow two separate processes. The remaining chapters of the District Plan not covered in these plan changes would continue to be reviewed, with an additional plan change for these remaining chapters to be notified on the completion of the earlier processes (after August 2023 at the earliest).

#### Option Assessment

26. To inform assessment of the merits of these options, officers have developed the following criteria:
- **Efficiency and effectiveness** - will the option enable compliance with the Housing Supply Act, RMA and National Planning Standards to be achieved in an efficient and effective manner?
  - **Capacity and capability** - does Council have sufficient financial and staff capacity and capability to effectively execute the option?
  - **Certainty** - does the option provide the community and plan users with sufficient certainty?
  - **Utility** - will the option improve the overall usability of the plan to users?
  - **Integration** - does the option encourage a timely, coherent approach to implementing the Housing Supply Act, undertaking the District Plan review, and aligning the National Planning Standards?
  - **Co-ordinated** - does the option provide an opportunity to implement and align the District Plan with Council priorities and strategies (such as the Spatial Plan, climate change initiatives and Integrated Transport Strategy), national and regional policy direction, and community aspirations and views?

27. Appendix 5 attached to the report includes an assessment of the relative advantages, disadvantages and risks of the four identified options, based on these criteria.

#### Recommended option – Option 2

28. Option 2 is recommended.
29. All four options have a similar level of efficiency and effectiveness. However, Option 2 would have more achievable timelines for the District Plan review.
30. While all the options are more complex than the current work programme (a single proposed District Plan notified by August 2022, going through a single plan process), Option 2 is more straight forward than the other options and as a result, it would be easier for potential submitters and plan users to follow the District Plan Review and be involved in.
31. There are disadvantages associated with Option 2, particularly around Council's capacity to undertake the work. However, this is an issue with all four options (with Option 2 the most achievable from a capacity perspective) and is a result of the overall magnitude of the District Plan Review.
32. Option 2 would result in a delay in some parts of the review, which in turn would delay some of the improvements that could be made to the District Plan through the review. This delay is likely to be in the order of 12 to 18 months.

#### **Next Steps**

33. If the recommended option is supported by the Subcommittee, the next steps for the District Plan review will be:
- Updating people who have expressed an interest in the District Plan Review on the changes (by the end February 2022);
  - Mana whenua, community and stakeholder engagement on the IPI, including the identified options (from February to April 2022);
  - Reporting back to the Subcommittee on the outcomes of the engagement, and seeking further direction from the Subcommittee on what to include in the IPI (by the end of May 2022); and
  - Preparation of the IPI for public notification (by 20 August 2022).
34. In addition, work would continue on the other parts of the District Plan review, in preparation for the new District Plan in 2023/2024.

#### **Engagement**

35. Regardless of how the District Plan review progresses, it is expected that there would need to be engagement with iwi, the community and other stakeholders for each part of the review.

36. If the recommended option is supported by the Subcommittee, engagement on the IPI would be undertaken over the next few months. This engagement would focus on:
- Communicating the mandatory requirements of the IPI;
  - Outlining where there are options of what Council can include in its IPI; and
  - Receiving input from iwi, the community and other stakeholders on these options.
37. Ongoing engagement would occur on the wider District Plan Review, effectively addressing the parts of the review that are outside the scope of the IPI. The purpose of this engagement would be similar to the engagement on the IPI. This engagement will make use of the draft District Plan chapters that have already been prepared as part of the District Plan Review.

### **Climate Change Impact and Considerations**

38. The matters addressed in this report have been considered in accordance with the process set out in Council's Climate Change Considerations Guide.
39. As discussed above, intensification enabled through an IPI can be restricted to address qualifying matters specified in the RMA and NPS-UD. Management of significant risks from natural hazards is one of the qualifying matters.
40. Climate change will increase the magnitude and/or likelihood of flooding, coastal inundation and tsunami hazard events. As a result, the impacts of climate change should be taken into account when considering how the IPI should address natural hazard risk.
41. Other aspects of how the District Plan can address climate change would need to be addressed through the later plan change. While this would result in a delay to the District Plan addressing some aspects of climate change, it would enable Council to take into account some legislative and strategic direction that are currently being developed, including central governments Emissions Reduction Plan (expected to be published by 31 May 2022) and the Climate Adaptation Act (being developed by central government as part of their Resource Management Reform program).

### **Legal Considerations**

42. The key legal consideration for the District Plan Review is the necessity for Council to meet the requirements of the RMA, as amended by the Housing Supply Act. Key requirements of the RMA are:
- Territorial authorities must review all sections of their district plans;
  - Any proposed changes to a district plan resulting from a review, and any parts of the plan that a council proposes to retain unchanged, must be publicly notified and processed through the plan making processes set out in the RMA;

- Tier 1 territorial authorities must notify an IPI by 20 August 2022, and the IPI must be processed through an Intensification Streamlined Planning Process; and
- District plans must give effect to:
  - Any national policy statement;
  - Any New Zealand coastal policy statement;
  - Any national planning standards; and
  - Any regional policy statement.

### **Financial Considerations**

#### Financial implications for District Plan review budget

43. As the amended work programme would extend the overall length of the District Plan review, and involve a second formal plan change process, it is likely that amending the District Plan review work programme would increase the overall financial costs of the District Plan review.
44. The additional cost would mostly be associated with:
- Additional community and stakeholder engagement;
  - Preparation of evaluation reports; and
  - Formal submission and hearing processes.
45. However, the new requirements for an IPI may result in some cost savings as the IPI cannot be appealed to the Environment Court.
46. The current District Plan review budget for the 2021/22 financial year is likely to be sufficient to prepare the IPI and continue with the District Plan review. However, depending on the number and nature of submissions, including matters raised in submissions on the IPI, additional budget may be required for the 2022/23 financial year. With the extended District Plan review work programme, additional budget may be required for the 2024/25 and 2025/26 financial years to complete the District Plan review. This additional budget would be calculated for the 2024/25 Long Term Plan.

#### Financial implications for iwi, the community and other stakeholders

47. There may also be increase financial costs for iwi, the community and other stakeholders if they choose to be involved in more than one plan change process. Additional costs would be a result of being involved in additional engagement, submitting on an additional plan change and presenting at an additional hearing.

## Appendices

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**Author:** Nathan Geard  
Senior Environmental Policy Analyst

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**Reviewed By:** Parvati Rotherham  
Head of Planning

**Approved By:** Helen Oram  
Director Environment and Sustainability

# Resource Management Act 1991

## Schedule 3A

### MDRS to be incorporated by specified territorial authorities

#### Part 1 General

##### 1 Interpretation

- (1) In this schedule, unless the context otherwise requires,—

**construction** includes construction and conversion, and additions and alterations to an existing building

**density standard** means a standard setting out requirements relating to building height, height in relation to boundary, building setbacks, building coverage, outdoor living space, outlook space, windows to streets, or landscaped area for the construction of a building

**subdivision** means the subdivision of land, as defined in section 218(1).

- (2) Terms used in this schedule that are defined in section 77F have the same meaning in this schedule as they do in that section.
- (3) Terms used in this schedule that are defined in the national planning standards have the same meaning in this schedule as they do in those standards.

##### 2 Permitted activities

- (1) It is a permitted activity to construct or use a building if it complies with the density standards in the district plan (once incorporated as required by section 77G).
- (2) There must be no other density standards included in a district plan additional to those set out in Part 2 of this schedule relating to a permitted activity for a residential unit or building.

##### 3 Subdivision as controlled activity

Subdivision requirements must (subject to section 106) provide for as a controlled activity the subdivision of land for the purpose of the construction and use of residential units in accordance with clauses 2 and 4.

##### 4 Restricted discretionary activities

A relevant residential zone must provide for as a restricted discretionary activity the construction and use of 1 or more residential units on a site if they do not comply with the building density standards in the district plan (once incorporated as required by section 77G).

## 5 Certain notification requirements precluded

- (1) Public notification of an application for resource consent is precluded if the application is for the construction and use of 1, 2, or 3 residential units that do not comply with 1 or more of the density standards (except for the standard in clause 10) in the district plan (once incorporated as required by section 77G).
- (2) Public and limited notification of an application for resource consent is precluded if the application is for the construction and use of 4 or more residential units that comply with the density standards (except for the standard in clause 10) in the district plan (once incorporated as required by section 77G).
- (3) Public and limited notification of an application for a subdivision resource consent is precluded if the subdivision is associated with an application for the construction and use of residential units described in subclause (1) or (2).

## 6 Objectives and policies

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

### *Objective 1*

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

### *Objective 2*

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

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

### *Policy 1*

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

### *Policy 2*

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

### *Policy 3*

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

*Policy 4*

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

*Policy 5*

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

*Subdivision requirements*

## **7 General subdivision requirements**

Any subdivision provisions (including rules and standards) must be consistent with the level of development permitted under the other clauses of this schedule, and provide for subdivision applications as a controlled activity.

## **8 Further rules about subdivision requirements**

Without limiting clause 7, there must be no minimum lot size, shape size, or other size-related subdivision requirements for the following:

- (a) any allotment with an existing residential unit, if—
  - (i) either the subdivision does not increase the degree of any non-compliance with the density standards in the district plan (once incorporated as required by section 77G) or land use consent has been granted; and
  - (ii) no vacant allotments are created:
- (b) any allotment with no existing residential unit, where a subdivision application is accompanied by a land use application that will be determined concurrently if the applicant for the resource consent can demonstrate that—
  - (i) it is practicable to construct on every allotment within the proposed subdivision, as a permitted activity, a residential unit; and
  - (ii) each residential unit complies with the density standards in the district plan (once incorporated as required by section 77G); and
  - (iii) no vacant allotments are created.

## **9 Rules about common walls**

For the purposes of clause 8(a)(i), if a subdivision is proposed between residential units that share a common wall, the requirements as to height in relation to boundary in the district plan (once incorporated as required in section 77G) do not apply along the length of the common wall.

## Part 2

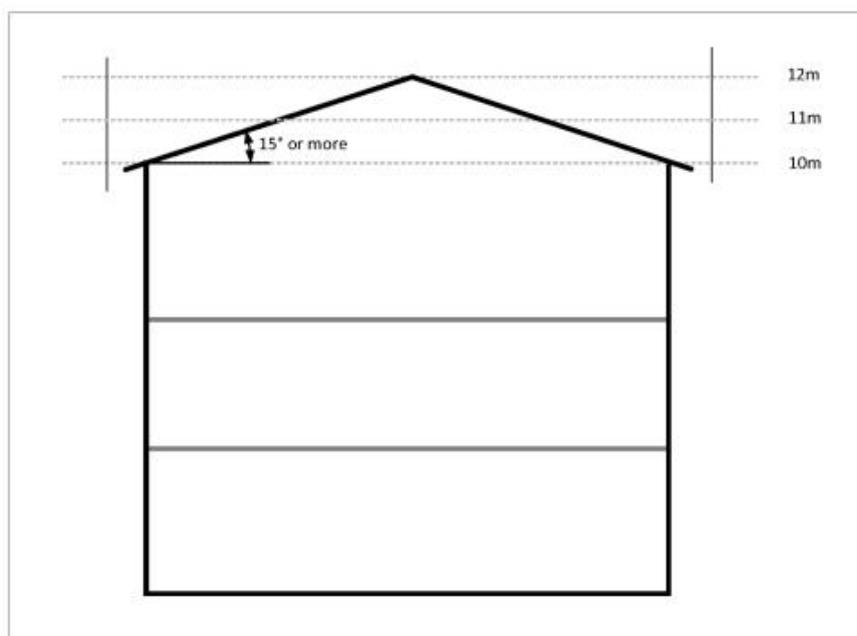
### Density standards

#### 10 Number of residential units per site

There must be no more than 3 residential units per site.

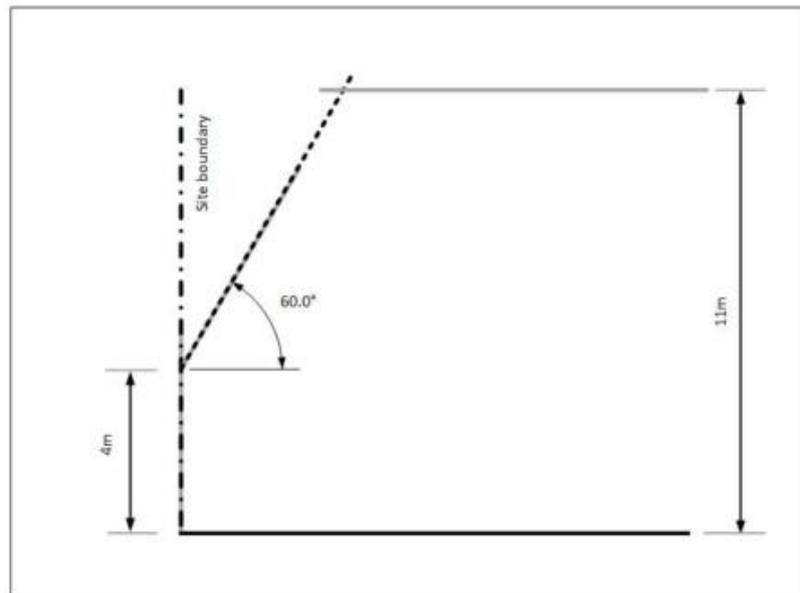
#### 11 Building height

Buildings must not exceed 11 metres in height, except that 50% of a building's roof in elevation, measured vertically from the junction between wall and roof, may exceed this height by 1 metre, where the entire roof slopes 15° or more, as shown on the following diagram:



#### 12 Height in relation to boundary

- (1) Buildings must not project beyond a 60° recession plane measured from a point 4 metres vertically above ground level along all boundaries, as shown on the following diagram. Where the boundary forms part of a legal right of way, entrance strip, access site, or pedestrian access way, the height in relation to boundary applies from the farthest boundary of that legal right of way, entrance strip, access site, or pedestrian access way.



- (2) This standard does not apply to—
- a boundary with a road;
  - existing or proposed internal boundaries within a site;
  - site boundaries where there is an existing common wall between 2 buildings on adjacent sites or where a common wall is proposed.

### 13 Setbacks

- (1) Buildings must be set back from the relevant boundary by the minimum depth listed in the yards table below:

<b>Yard</b>	<b>Minimum depth</b>
Front	1.5 metres
Side	1 metre
Rear	1 metre (excluded on corner sites)

- (2) This standard does not apply to site boundaries where there is an existing common wall between 2 buildings on adjacent sites or where a common wall is proposed.

### 14 Building coverage

The maximum building coverage must not exceed 50% of the net site area.

### 15 Outdoor living space (per unit)

- (1) A residential unit at ground floor level must have an outdoor living space that is at least 20 square metres and that comprises ground floor, balcony, patio, or roof terrace space that,—

- (a) where located at ground level, has no dimension less than 3 metres; and
  - (b) where provided in the form of a balcony, patio, or roof terrace, is at least 8 square metres and has a minimum dimension of 1.8 metres; and
  - (c) is accessible from the residential unit; and
  - (d) may be—
    - (i) grouped cumulatively by area in 1 communally accessible location; or
    - (ii) located directly adjacent to the unit; and
  - (e) is free of buildings, parking spaces, and servicing and manoeuvring areas.
- (2) A residential unit located above ground floor level must have an outdoor living space in the form of a balcony, patio, or roof terrace that—
- (a) is at least 8 square metres and has a minimum dimension of 1.8 metres; and
  - (b) is accessible from the residential unit; and
  - (c) may be—
    - (i) grouped cumulatively by area in 1 communally accessible location, in which case it may be located at ground level; or
    - (ii) located directly adjacent to the unit.

## **16 Outlook space (per unit)**

- (1) An outlook space must be provided for each residential unit as specified in this clause.
- (2) An outlook space must be provided from habitable room windows as shown in the diagram below:



























14 January 2022

File: (22/22)

Report no: DPRS2022/1/2

## Intensification Planning Instrument - Initial option identification and analysis

### Purpose of Report

1. The purpose of this report is to present options to the Subcommittee for the Intensification Planning Instrument (District Plan change) and to obtain direction from the Subcommittee on these options.

### Recommendations

That the Subcommittee:

- (1) receives the information contained in the report, including the identification and evaluation of options for the Intensification Planning Instrument;
- (2) requests officers to prepare a draft Intensification Planning Instrument for consideration at the District Plan Review Subcommittee meeting on 17 March 2022, through the following approach:

#### *Commercial zones*

- (a) In the city centre, no specific building height and density limits in the Core and Riverfront (Core) Precincts and increased height limits in other precincts to six storeys (*Option CZ1.1*); and
- (b) In suburban centres, provide for varying heights based on commercial and community services and access to public and active transport, which would be above six storeys in some areas, and below six storeys in others (*Option CZ2.2*);

#### *Residential zones*

- (a) A 1200m walkable catchment for the city centre and Petone metropolitan centre, and a 800m walkable catchment for train stations on the Hutt Valley and Melling Lines (*Option RZ1.2*);
- (b) In walkable catchments of the city centre, Petone metropolitan centre and train stations on the Hutt Valley and Melling Lines:

- 1) Permit buildings of up to three storeys, subject to standards of the Medium Density Residential Standard; and
  - 2) Require resource consent for buildings of four or more storeys, with provisions supporting buildings up to six storeys (*Option RZ2.2*);
- (c) Align building heights for residential areas adjacent to Neighbourhood, Local and Town centre zones with the building height and density provisions of other residential areas with similar levels of access to commercial activities and community services (*Option RZ3.2*); and
- (d) Modify the Medium Density Residential Standards to align them with the existing District Plan standards for the Medium Density Residential Activity Area, including the omission of standards on Landscaped areas, Outlook space and Window requirements for street facing facades (*Option RZ4.2*);

*Qualifying matters*

- (a) Modify the Medium Density Residential Standards and building height and density requirements under Policy 3 of the NPS-UD to accommodate the following:
- 1) The protection of historic heritage from inappropriate subdivision, use, and development;
  - 2) The management of significant risks from natural hazards; and
  - 3) Open space provided for public use, but only in relation to land that is open space.

## **Background**

2. In December 2021, Parliament passed the *Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021* (the Housing Supply Act).
3. This Act seeks to accelerate the supply of housing in urban areas where demand for housing is high, which includes the Lower Hutt urban area, by amending the Resource Management Act 1991 (RMA) and National Policy Statement on Urban Development 2020 (NPS-UD).
4. As a result of these amendments, territorial authorities are required to:
  - Prepare an Intensification Planning Instrument – a specific district plan change to enable greater building heights and density of urban form, primarily in residential areas.
  - Process the Intensification Planning Instrument through an Intensification Streamlined Planning Process - a new district plan change process that is more streamlined and condensed than the standard plan change process.
5. Through this report, officers are seeking direction from the Subcommittee on the approach to take in a draft Intensification Planning Instrument, to assist with community and stakeholder engagement.

## Discussion

### Intensification Planning Instrument requirements

6. The Intensification Planning Instrument is a change to a district plan that *must*:
  - Incorporate specific Medium Density Residential Standards (MDRS) as set out in the Housing Supply Act; and
  - Give effect to Policies 3, 4 and 5 of the NPS-UD.
7. In addition, the Intensification Planning Instrument *may* amend or include:
  - Provisions relating to financial contributions,
  - Provisions to enable papakāinga housing; and
  - Related provisions (including objectives, policies, rules, standards and zones) that support or are consequential to the MDRS or Policies 3, 4 and 5 of the NPS-UD.

*Note: As Policy 5 of the NPS-UD relates solely to tier 2 and 3 territorial authorities, it is not relevant to Hutt City Council (as a tier 1 territorial authority), and is therefore not discussed in this report.*

8. The following sections of this report discuss these requirements, along with their relevance for Lower Hutt and the City of Lower Hutt District Plan. The purpose of these discussions is to provide the necessary background information to inform decisions on the options for the Intensification Planning Instrument.

### Medium Density Residential Standards requirements

9. The Medium Density Residential Standards (MDRS) are a specific set of permitted activity standards for residential zones, with complimentary objectives and policies. The MDRS are set out in the Housing Supply Act.
10. The MDRS are included in Appendix 1 attached to the report. They include permitted activity standards (referred to as density standards) on:
  - The number of residential units per site;
  - Height in relation to boundary;
  - Setbacks;
  - Building coverage;
  - Outdoor living space per unit;
  - Outlook space per unit;
  - Windows to street; and
  - Landscaped area.
11. The MDRS also include:
  - Objectives and policies that set the context for development in the relevant residential zones and would be assessed during resource consent processes; and
  - Subdivision requirements that support development that would meet the density standards.

12. Territorial authorities are required to incorporate the MDRS in their district plans for all *relevant residential zones*, with the following exceptions:
  - The standards can be modified to enable a greater level of development, either by omitting a standard or including a more lenient standard; and
  - The standards can be made less enabling of development to the extent necessary to accommodate a qualifying matter (discussed below).
13. Relevant residential zones are defined to include all residential zones excluding large lot residential zones, as described by the National Planning Standards.

*Note: There are also exceptions for offshore islands, settlement zones and areas with a population less than 5,000, but these exceptions do not apply to Lower Hutt.*

14. The City of Lower Hutt District Plan does not yet implement the National Planning Standards. As a result, it does not use the residential zones described in the National Planning Standards. In these circumstances, territorial authorities are required to apply the standards to the nearest equivalent zone.
15. Table 1 identifies the equivalent zones of the City of Lower Hutt District Plan for the residential zones of the National Planning Standards.

<b>Table 1. Equivalent zones of the City of Lower Hutt District Plan for the residential zones of the National Planning Standards.</b>	
<b>National Planning Standards zones</b>	<b>Equivalent City of Lower Hutt District Plan zones</b>
General residential zone <i>Areas used predominantly for residential activities with a mix of building types, and other compatible activities.</i>	General Residential Activity Area Historic Residential Activity Area
High density residential zone <i>Areas used predominantly for residential activities with high concentration and bulk of buildings, such as apartments, and other compatible activities.</i>	<i>No equivalent zone</i>
Medium density residential zone <i>Areas used predominantly for residential activities with moderate concentration and bulk of buildings, such as detached, semi-detached and terraced housing, low-rise apartments, and other compatible activities.</i>	Medium Density Residential Activity Area
Low density residential zone <i>Areas used predominantly for residential activities and buildings consistent with a suburban scale and subdivision pattern, such as one to two storey houses with yards and landscaping, and other compatible activities.</i>	Special Residential Activity Area
Large lot residential zone <i>Areas used predominantly for residential activities and buildings such as detached houses on lots larger than those of the Low density residential and General residential zones, and where there are particular landscape characteristics, physical limitations or other constraints to more intensive development.</i>	Landscape Protection Residential Activity Area Hill Residential Activity Area

*Note to Table. Based on the Resource Management Act definition of equivalent zone, each zone of the National Planning Standards can only have one equivalent zone. As a result, the Hill Residential Activity Area and Historic Residential Activity Area are not an equivalent zone for any zones in the National Planning Standards.*

16. As a result, Council's Intensification Planning instrument will need to incorporate the MDRS for the following zones:
- General Residential Activity Area;
  - Medium Density Residential Activity Area; and
  - Special Residential Activity Areas,
- but will not be able to apply them to the following zones:
- Landscape Protection Residential Activity Area;
  - Hill Residential Activity Area; and
  - Rural Residential Activity Area.
17. As noted above and discussed further below, as the MDRS applies to the majority of residential zones, an exception may be appropriate where a qualifying matter applies, such as areas with significant heritage values.
18. In addition, the provisions of the General Residential Activity Area apply to some parts of the Community Iwi Activity Area. As a result, there would be an indirect effect of these parts of the Community Iwi Activity Area.
19. Introducing the MDRS will significantly impact the level of built development that is permitted in some residential areas of Lower Hutt.
20. Appendix 2 attached to the report includes a table that compares the current permitted activity standards of the General Residential, Historic Residential, Medium Density Residential Activity Area and Special Residential Activity Areas, compared against the MDRS.
21. Key aspects to highlight from the comparison in Appendix 2:
- Incorporating the MDRS in the District Plan will result in a significant change for the Special Residential and General Residential Activity Areas, particularly regarding the permitted number of dwellings per site, maximum building height (effectively increasing from two to three storeys), recession planes and site coverage.
  - The change will be less significant for the Medium Density Residential Activity Area, as the zone already permits three storey developments, and with a higher site coverage. However, the more permissive recession plane standard will enable taller buildings nearer property boundaries.
  - The current dwellings per site and site coverage standards for the Medium Density Residential Activity Area are more enabling than the MDRS.
  - The MDRS include standards on minimum landscaped areas, minimum outlook space and minimum window requirements for street facing facades.

- The MDRS do not include standards on minimum permeable surface area, maximum building length and rainwater retention tanks.
- For the Historic Residential Activity Area, the standards of the MDRS are more enabling of development than the standards of the current District Plan. However, development may need to be constrained to manage effects on heritage values within this area (the protection of historic heritage is a qualifying matter, discussed further below).

Requirements of Policy 3 of the NPS-UD, regarding intensification

22. Policy 3 of the NPS-UD sets requirements for building heights and density in specific locations. These requirements are summarised in Table 2.

<b>Table 2. Policy 3 of the National Policy Statement on Urban Development.</b>	
City centre zones	Enable building heights and density of urban form to realise as much development capacity as possible.
Metropolitan centre zones	Enable building heights and density of urban form to reflect demand for housing and business use in those locations, and in all cases building heights of at least 6 storeys.
Walkable catchments of: <ul style="list-style-type: none"> <li>• Existing and planned rapid transit stops,</li> <li>• The edge of city centre zones, and</li> <li>• The edge of metropolitan centre zones.</li> </ul>	Enable building heights of at least 6 storeys (including in non-residential zones).
In and adjacent to: <ul style="list-style-type: none"> <li>• Neighbourhood centre zones,</li> <li>• Local centre zones, and</li> <li>• Town centre zones.</li> </ul>	Enable building heights and density of urban form commensurate with the level of commercial activity and community services.

23. These are not new requirements, and Council was already required to give effect to the policies of the NPS-UD. However, the requirements for areas in and adjacent to neighbourhood centre zones, local centre zones and town centre zones were added as part of the recent amendments to the RMA.
24. To give effect to Policy 3 of the NPS-UD, Council will need to determine the locations of:
- Commercial centre zones,
  - Existing and planned rapid transit stops; and
  - Walkable catchments.

These locations are discussed below:

*Commercial centre zones*

25. As discussed above regarding MDRS, Policy 3 refers to zones described in the National Planning Standards, and as the City of Lower Hutt District Plan does not yet implement the National Planning Standards, Council will need to use the equivalent zones of the District Plan when applying the requirements of Policy 3.
26. Table 3 identifies the zones of the City of Lower Hutt District Plan that are the equivalent zones for the zones referred to in Policy 3 of the NPS-UD.

<b>Table 3. Equivalent zones of the City of Lower Hutt District Plan for commercial zones of from Policy 3 of the National Planning Standards and National Policy Statement on Urban Development.</b>	
<b>National Planning Standards zones</b>	<b>Equivalent District Plan zones and precincts</b>
City centre zone <i>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.</i>	Central Commercial Activity Area – Core Precinct and Riverfront (Core) Precinct
Metropolitan centre zone <i>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.</i>	Petone Commercial Activity Area
Neighbourhood centre zone <i>Areas used predominantly for small-scale commercial and community activities that service the needs of the immediate residential neighbourhood.</i>	Suburban Mixed Use Activity Area (in some places)
Local centre zone <i>Areas used predominantly for a range of commercial and community activities that service the needs of the residential catchment.</i>	Suburban Commercial Activity Area (in some places), Special Commercial Activity Area
Mixed use zone <i>Areas used predominantly for a compatible mixture of residential, commercial, light industrial, recreational and/or community activities.</i>	Central Commercial Activity Area – Commercial Precinct, Riverfront (Commercial) Precinct and Residential Transition Precinct

*Existing and planned rapid transit stops*

27. Under the NPS-UD, a rapid transit stop is defined as *a place where people can enter or exit a rapid transit service, whether existing or planned. A rapid transit service is defined as any existing or planned frequent, quick, reliable and high-capacity public transport service that operates on a permanent route (road or rail) that is largely separated from other traffic.*

28. Council will need to determine which of its transit services meet the definition of a rapid transit service, then use these locations as the starting point for determining the associated walkable catchment areas. The city's transit services are:
- Rail services on the Hutt Valley line;
  - Rail services on the Melling line;
  - Bus services; and
  - Ferry services.
29. The Wellington Regional Land Transport Plan 2021 identifies both the Hutt Valley Line and Melling Line as part of the 'rapid transit network'. The Hutt Valley Line has frequent, quick, reliable and high-capacity services. While the Melling Line currently has quick, reliable and high-capacity services, there is a question of whether it would meet the NPS-UD definition of a rapid transit service given there is only one train per hour during much of the day, with no evening or weekend services.
30. The city's bus services do not meet the definition of a rapid transit service as the bus service is not separated from other traffic.
31. The city's ferry services do not meet the definition of a rapid transit service as there are few services during most of the day.

#### *Walkable catchments*

32. *Walkable catchment* is not defined in the NPS-UD, RMA or any other relevant piece of legislation or planning document.
33. The key issue when considering the size of a walkable catchment is the distance that people will walk to the destination for the catchment. National guidance is a walkable catchment is around 800m, which is approximately a 10-minute walk for most people.

*Note: Officers acknowledge that not only do walking speeds differ from person to person, but also that there are people in the community where walking is not an option. While this may not influence the size of walkable catchments for the purposes of giving effect to the NPS-UD, it is an important consideration for planning of Lower Hutt's urban environment.*

34. The walkability of a neighbourhood is influenced by a range of factors, including:
- a. Gradient;
  - b. Pedestrian safety;
  - c. Physical barriers; and
  - d. Whether there are pedestrian crossings for busy roads.
35. A case could be made that the walkable catchment for a rapid transit stop should be smaller than the walkable catchment of a commercial centre, as the walk to a rapid transit stop is likely to be one leg of a longer journey, where a commercial centre is more likely to be a destination. However, most rapid

transit stops for Lower Hutt are also part of a wider commercial and community centre, so may themselves be the destination.

36. An added consideration for Lower Hutt is the direction of the *Wellington Regional Growth Framework* to increase housing supply and improve housing affordability and choice in walkable neighbourhoods. While the *Wellington Regional Growth Framework* does not define walkable neighbourhood, it gives the following description:

***What is .... a walkable neighbourhood?***

*This is also sometimes referred to as a 10-20-minute village or neighbourhood. The concept is about “living locally” – where people can access most of their daily needs within a walkable distance from their home.*

*Walkable distances can also be accessed by other transport modes such as safe cycling routes and local public transport options.*

*Not every walkable neighbourhood in the region will be the same or have all the same services but they will be high quality environments.*

*Examples of services people might be able to access within a walkable neighbourhood are – your local primary school, a local park, some health services, some community facilities and retail that is more than a dairy.*

**Enabling building heights of at least six storeys**

37. A key aspect of Policy 3 of the NPS-UD is the need to enable building heights of at least six storeys in the walkable catchment areas.
38. While most of these areas will be in residential zones, this requirement also applies to non-residential zones, including some areas in the General Business Activity Area and the Community Health Activity Area. It will also need to apply to privately owned land in open space zones where that land is not open to the public.
39. This policy direction does not necessarily mean that buildings of six storeys or more need to be permitted, and resource consent may be required for buildings of this scale. However, if resource consent is required, the District Plan cannot include objectives, policies and rules that prevent buildings of six storeys from being able to obtain resource consent.
40. In order to enable building heights of at least six storeys, the District Plan may need to include:
- Objectives and policies that make it clear that buildings of six storeys or more are appropriate (although the objectives and policies may clarify in what circumstances the taller buildings are appropriate,
  - Provisions that specify urban design outcomes for high density developments, and
  - Provisions that preclude notification of resource consent applications.

Qualifying matters

41. Territorial authorities are able to make the MDRS and the relevant building height and density requirements under Policy 3 of the NPS-UD less enabling of development to accommodate a specific qualifying matter, but only to the extent necessary to accommodate that matter.

42. The qualifying matters (as listed in Policy 4 of the NPS-UD and s77I of the RMA) are listed in Table 4.

<b>Table 4. Qualifying matters from Policy 4 of the National Policy Statement on Urban Development and Section 77I of the Resource Management Act.</b>
The following matters of national importance that decision makers are required to recognise and provide for under section 6 of the RMA:
a. The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development.
b. The protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development.
c. The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna.
d. The maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers.
e. The relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.
f. The protection of historic heritage from inappropriate subdivision, use, and development.
g. The protection of protected customary rights.
h. The management of significant risks from natural hazards.
A matter required in order to give effect to a national policy statement (other than the NPS-UD) or the New Zealand Coastal Policy Statement 2010.
A matter required to give effect to Te Ture Whaimana o Te Awa o Waikato – the Vision and Strategy for the Waikato River.
A matter required to give effect to the Hauraki Gulf Marine Park Act 2000 or the Waitakere Ranges Heritage Area Act 2008.
A matter required for the purpose of ensuring the safe or efficient operation of nationally significant infrastructure.
Open space provided for public use, but only in relation to land that is open space.
The need to give effect to a designation or heritage order, but only in relation to land that is subject to the designation or heritage order.
A matter necessary to implement, or to ensure consistency with, iwi participation legislation.
The requirement in the NPS-UD to provide sufficient business land suitable for low density uses to meet expected demand.
Any other matter that makes higher density, as provided for by the MDRS or Policy 3 of the NPS-UD, inappropriate in an area, but only if supported by an evaluation report. The evaluation report must:
<ul style="list-style-type: none"> <li>• Identifies the specific characteristic that makes the level of development provided by the MDRS or Policy 3 of the NPS-UD inappropriate in the area,</li> <li>• Justifies why that characteristic makes that level of development inappropriate in light of the national significance of urban development and the objectives of the NPS-UD,</li> <li>• Includes a site-specific analysis that: <ul style="list-style-type: none"> <li>○ Identifies the site to which the matter relates; and</li> <li>○ Evaluates the specific characteristic on a site-specific basis to determine the geographic area where intensification needs to be compatible with the specific matter; and</li> <li>○ Evaluates an appropriate range of options to achieve the greatest heights and densities permitted by the MDRS or as provided for by Policy 3 of the NPS-UD while managing the specific characteristics.</li> </ul> </li> </ul>

43. As part of the development of the Intensification Planning Instrument, Council will need to determine:
- Which of these qualifying matters exist in the areas of Lower Hutt that are subject to the Intensification Planning Instrument;
  - Whether building heights and densities should be restricted to accommodate the qualifying matter; and
  - How to restrict building heights and densities to the extent necessary to accommodate the qualifying matter.
44. As this has been a requirement of the NPS-UD since it took effect in 2020, Council has been working on identifying and evaluating qualifying matters as part of the full review of the District Plan.

#### Other requirements

45. In addition to the mandatory requirements discussed above, an Intensification Planning Instrument may also amend or include:
- Provisions relating to financial contributions;
  - Provisions to enable papakāinga housing; or
  - Related provisions that support or are consequential on the MDRS or Policies 3, 4 and 5 of the NPS-UD.

#### *Provisions relating to financial contributions*

46. Under the RMA, territorial authorities can include conditions on resource consents that require consent holders to make a financial contribution to the territorial authority. The contribution is typically required to address an impact of the consented development.
47. The territorial authority is only able to require a financial contribution if it is for a purpose specified in a district plan. The level of the contribution also needs to be determined in the manner described in the plan.
48. Currently, Council requires financial contributions as a condition of most subdivision consents. The financial contributions primarily relate to provision of reserves, but can also be associated with provision of infrastructures.
49. However, the recent amendments to the RMA have enabled territorial authorities to also require financial contributions for permitted activities.
50. Dwayne Fletcher of Vale Consulting, who has previously advised Council on development contributions, has been engaged to prepare advice to Council on how to address financial contributions in the Intensification Planning Instrument and wider review of the District Plan.
51. Further advice and recommendations on financial contributions in the Intensification Planning Instrument will be presented to the Subcommittee at a future Subcommittee meeting.

*Provisions to enable papakāinga*

52. Papakāinga are housing and community developments on mana whenua land that reflect their cultural customs and values. In addition to housing and residential activities, papakāinga can include a range of other complementary activities, including social, cultural, economic and recreation activities.
53. Papakāinga is one of the topics of discussion in ongoing meetings between officers and mana whenua for the District Plan review. These discussions will inform officers recommendations on how papakāinga should be provided for through the District Plan, including which provisions should be included in the Intensification Planning Instrument.
54. Further advice and recommendations on how papakāinga should be provided for in the Intensification Planning Instrument will be presented to the Subcommittee at a future Subcommittee meeting.

*Related provisions that support or are consequential on the MDRS or Policies 3 and 4 of the NPS-UD*

55. An Intensification Planning Instrument can include *related provisions* including objectives, policies, rules, standards, and zones, that support or are consequential on the MDRS or Policies 3, 4 and 5 of the NPS-UD.
56. While the term *related provisions* is not defined, the RMA clarifies that related provisions includes provisions that relate to any of the following, without limitation:
  - District-wide matters;
  - Earthworks;
  - Fencing;
  - Infrastructure;
  - Qualifying matters;
  - Storm water management (including permeability and hydraulic neutrality); and
  - Subdivision of land.
57. This is a rather all-encompassing list of matters, particularly given the inclusion of district-wide matters and qualifying matters.
58. To include a related provision in the Intensification Planning Instrument, the provision will either need to *support* or be *consequential on* the MDRS or Policies 3 and 4 of the NPS-UD. This determination will need to be made on a case-by-case basis, depending on the specifics of the potential provision.
59. While the RMA does not specify how to determine whether provisions support or are consequential on the MDRS or NPS-UD policies, key considerations may include:

- Whether the provision addresses an effect that would be brought about or exacerbated by the development enabled;
  - The extent to which existing plan provisions address the effect;
  - Whether the provision solely addresses the new development enabled by the Intensification Planning Instrument or whether it is attempting to address a wider issue in the District Plan; and
  - Whether the provision would be better addressed through a separate plan change process as part of the full District Plan review.
60. Further advice and recommendations on related provisions to include in the in the Intensification Planning Instrument will be presented to the Subcommittee at a future Subcommittee meeting.

When provisions of an Intensification Planning Instrument take legal effect

61. Section 86BA of the RMA specifies when provisions of an Intensification Planning Instrument take legal effect.
62. In general, rules that incorporate the MDRS have immediate legal effect on notification.
63. However, exceptions may apply where the Intensification Planning Instrument either omits a MDRS or modifies the standard to be more enabling of development.
64. Further advice on when provisions in the Intensification Planning Instrument take legal effect will be presented to the Subcommittee at a future Subcommittee meeting, along with a draft of the Intensification Planning Instrument.

### Summary of Intensification Planning Instrument requirements

65. Table 6 is a summary of the requirements of the Intensification Planning Instrument.

<b>Table 6. Requirements of an Intensification Planning Instrument.</b>	
<b>Mandatory requirements</b>	
All residential zones, except for large lot residential zones	Incorporate the MDRS.
City centre zones	Enable building heights and density of urban form to realise as much development capacity as possible.
Metropolitan centre zones	Enable building heights and density of urban form to reflect demand for housing and business use in those locations, and in all cases building heights of at least 6 storeys.
Walkable catchments of: <ul style="list-style-type: none"> <li>• Existing and planned rapid transit stops,</li> <li>• The edge of city centre zones, and</li> <li>• The edge of metropolitan centre zones.</li> </ul>	Enable building heights of at least 6 storeys (including in non-residential zones).
In and adjacent to: <ul style="list-style-type: none"> <li>• Neighbourhood centre zones,</li> <li>• Local centre zones, and</li> <li>• Town centre zones.</li> </ul>	Enable building heights and density of urban form commensurate with the level of commercial activity and community services.
<b>Optional provisions</b>	
<ul style="list-style-type: none"> <li>• Provisions relating to financial contributions.</li> <li>• Provisions to enable papakāinga housing.</li> <li>• Related provisions, including objectives, policies, rules, standards, and zones, that support or are consequential on the MDRS or Policies 3, 4 and 5 of the NPS-UD.</li> </ul>	
<b>Circumstances where requirements can be modified</b>	
<ul style="list-style-type: none"> <li>• MDRS requirements can be modified to be more enabling of development by either omitting a standard or including more lenient rules that regulate the same effect as a standard.</li> <li>• Territorial authorities may make building height and density requirements less enabling of development to the extent necessary to accommodate qualifying matters specified in the RMA.</li> </ul>	

### **Options**

66. Officers have identified the following areas where there are options for the Intensification Planning Instrument:

- Building heights and density in:
  - The City centre zone; and
  - Suburban centres.

- Location and extent of walkable catchment areas;
- How to enable buildings of at least six storeys in walkable catchment areas;
- Building heights and density in areas adjacent to suburban centres;
- Whether to modify Medium Density Residential Standards to be more enabling of development; and
- Qualifying matters to address.

*Note: Council will also need to consider its options for building heights and density in the Metropolitan centre zone, provisions for papakāinga housing, provisions for financial contributions and provisions that support or are consequential on the MDRS or Policies 3 and 4 of the NPS-UD. Options on these matters will be presented to the Subcommittee at a future Subcommittee meeting.*

67. Officers have identified a range of reasonably practicable options that are available to Council for these aspects of the Intensification Planning Instrument and have assessed the identified options. The assessment of identified options is included in Appendix 3 attached to the report.

68. The identification and assessment of these options has been informed by:

- Previous work on the District Plan Review, including:
  - The initial identification of resource management issues;
  - Discussions with mana whenua, members of the community and other stakeholders;
  - Technical assessments; and
  - Previous direction from Council and the District Plan Review Subcommittee;
- Requirements of other national policy statements and the Regional Policy Statement for the Wellington Region; and
- Existing Council strategies and policies, including the Wellington Regional Growth Framework.

## Summary of recommended options

69. The recommended options, as identified in Appendix 3 of this report, are summarised in Table 7.

<b>Table 7. Recommended options for the Intensification Planning Instrument.</b>
<b>Recommended options for Commercial zones</b>
<u>Building heights and density in the City centre zone</u> Option CZ1.1 - Provide for no specific building height and density limits in the Core and Riverfront (Core) Precincts and increase height limits in the other precincts to six storeys. Building heights and densities could be indirectly restricted (e.g. protections for heritage buildings, sunlight access to key public spaces like Andrews Ave).
<u>Building heights and density in Suburban centres</u> Option CZ2.2 - Provide for heights varying based on commercial and community services and access to public and active transport, which would be above six storeys in some (e.g., the largest centres around key train stations), and below six storeys in others (e.g. small, isolated blocks of shops in distant suburbs with smaller catchments and less public transport access).
<b>Recommended options for Residential zones</b>
<u>Location and extent of walkable catchment areas</u> Option RZ1.2: 1200m walkable catchment for: <ul style="list-style-type: none"> <li>• The city centre,</li> <li>• The Petone metropolitan centre, and</li> </ul> 800m walkable catchment for: <ul style="list-style-type: none"> <li>• Train stations on the Hutt Valley and Melling Lines.</li> </ul>
<u>Enabling buildings of at least six storeys in walkable catchment areas</u> Option RZ2.2 <ul style="list-style-type: none"> <li>• Permit buildings of up to three storeys, subject to standards of the MDRS.</li> <li>• Resource consent required for buildings of four or more storeys, with provisions supporting the buildings up to six storeys.</li> </ul>
<u>Building heights and density in areas adjacent to suburban centres</u> Option RZ3.2 - Align building heights for residential areas adjacent to Neighbourhood, Local and Town centre zones with the building height and density provisions of other residential areas with similar levels of access to commercial activities and community services.
<u>Modifying Medium Density Residential Standards to be more enabling of development</u> Option RZ4.2 - Modify the Medium Density Residential Standards to align them with the existing District Plan standards for the Medium Density Residential Activity Area, including the omission of standards on Landscaped areas, Outlook space and Window requirements for street facing facades.
<b>Recommended options for Qualifying matters</b>
Modify the Medium Density Residential Standards and building height and density requirements under Policy 3 of the NPS-UD to accommodate the following: <ul style="list-style-type: none"> <li>• The protection of historic heritage from inappropriate subdivision, use, and development.</li> <li>• The management of significant risks from natural hazards</li> <li>• Open space provided for public use, but only in relation to land that is open space.</li> </ul>

### Next Steps

70. Through February and March 2022, officers will prepare a draft Intensification Planning Instrument, based on the direction received from the Subcommittee. This draft Intensification Planning Instrument will be presented to the Subcommittee in March 2022.
71. Subject to the consideration of the draft Intensification Planning Instrument by the Subcommittee, community and stakeholder engagement on the draft Intensification Planning Instrument would be undertaken in April. Feedback from this engagement would be reported to the Subcommittee in May 2022.
72. The Intensification Planning Instrument would then be revised, with the final Intensification Planning Instrument to be reported to the Subcommittee in July for public notification prior to the legislative deadline of 20 August 2022.

### Climate Change Impact and Considerations

73. The matters addressed in this report have been considered in accordance with the process set out in Council's Climate Change Considerations Guide.
74. Intensification enabled through an IPI can be restricted to address qualifying matters specified in the RMA and NPS-UD. Management of significant risks from natural hazards is one of the qualifying matters.
75. Climate change will increase the magnitude and likelihood of flooding and coastal inundation, and the magnitude of tsunamis. As a result, the impacts of climate change should be taken into account when considering how the IPI should address natural hazard risk.
76. Other aspects of how the District Plan can address climate change would need to be addressed through the later plan change. While this would result in a delay to the District Plan addressing some aspects of climate change, it would enable Council to take into account some legislative and strategic direction that are currently being developed, including central governments Emissions Reduction Plan (expected to be published by 31 May 2022) and the Climate Adaptation Act (being developed by central government as part of their Resource Management Reform program).

### Engagement

77. Officers intend to engage with the community and other stakeholders on the IPI in the coming months (in addition to ongoing discussions with mana whenua on the overall District Plan Review). This engagement will involve:
  - Communicating the IPI requirements to the community and stakeholders,
  - Highlighting which requirements are mandatory (or bottom-lines) and where Council has options, and
  - Receiving input from the community and stakeholders on these options.

78. This engagement will ensure that Council's decisions on what is included in the IPI are not only informed by the legislative requirements and technical assessments, but also on the views of the community and stakeholders.
79. Officer's will present further information on this engagement, including the engagement material, at an upcoming Subcommittee meeting (currently planned for mid-March).

### Legal Considerations

80. The key legal consideration for the District Plan review is the necessity for Council to meet the requirements of the RMA to prepare an Intensification Planning Instrument, including the requirement to notify an Intensification Planning Instrument by 20 August 2022, and to ensure that the District Plan gives effect to national policy statements, the New Zealand coastal policy statement, National Planning Standards and Regional Policy Statement for the Wellington Region.

### Financial Considerations

81. The current District Plan review budget for the 2021/22 financial year is likely to be sufficient to prepare the IPI and continue with the District Plan Review. However, depending on the number and nature of submissions, including matters raised in submissions on the IPI, additional budget may be required for the 2022/23 financial year.

### Appendices

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**Author:** Nathan Geard  
Senior Environmental Policy Analyst

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**Reviewed By:** Hamish Wesney  
Policy Planner

**Approved By:** Helen Oram  
Director Environment and Sustainability



































































