



# KOMITI AROTAKE MAHERE Ā-ROHE DISTRICT PLAN REVIEW COMMITTEE

1 August 2024

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

**Thursday 8 August 2024 commencing at 2:00 pm**

The meeting will be livestreamed on Council's YouTube page

## Membership

Cr B Dyer (Chair)

Cr S Edwards (Deputy Chair)

Mayor C Barry

Cr J Briggs

Deputy Mayor T Lewis

Cr A Mitchell

Cr K Morgan

Cr N Shaw

Richard Te One, Mana Whenua Representative (Te Āti Awa, Taranaki)

For the dates and times of Council Meetings please visit [www.huttcity.govt.nz](http://www.huttcity.govt.nz)

### 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

## KOMITI AROTAKE MAHERE Ā-ROHE | DISTRICT PLAN REVIEW COMMITTEE

<b>Chair:</b>	Cr Brady Dyer
<b>Deputy Chair:</b>	Cr Simon Edwards
<b>Membership:</b>	<p>Mayor Campbell Barry  Cr Josh Briggs  Deputy Mayor Tui Lewis  Cr Andy Mitchell  Cr Karen Morgan  Cr Naomi Shaw  Richard Te One, Mana Whenua Representative (Te Āti Awa, Taranaki)  <i>Up to two representatives nominated by Iwi and appointed by Council</i></p> <p>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</p> <p>Standing Order 31 outlining the provisions of Mana Whenua do not apply to this committee and Iwi appointees will have full voting rights as members of the Committee under Standing Orders</p>
<b>Quorum:</b>	Half of the members
<b>Meeting Cycle</b>	Meets on an eight-weekly basis or at the requisition of the Chair
<b>Reports to:</b>	Council

### AREAS OF FOCUS:

- Undertake a full review of the District Plan and development of a Proposed District Plan
- Urban design and spatial planning
- Resource Management Act reform
- Mana Whenua partnership

### MANA WHENUA MEMBERSHIP:

Mana Whenua membership will facilitate a collaborative approach to the District Plan review, and other District Plan matters that arise to ensure that appropriate relationships and processes are facilitated to:

- enable genuine partnership between Iwi and Hutt City Council at a governance level;
- promote shared decision-making in city planning; and
- ensure the perspectives and aspirations of iwi are effectively integrated into the District Plan Review.

Members are committed to ensuring Te Awa Kairangi ki Tai is able to develop in a prosperous manner, while also actively protecting significant natural, cultural, spiritual and built assets.

Members recognise the autonomy and right of Mana Whenua to exercise their respective authority in order to meet their responsibilities to their people.

#### **SHARED VALUES:**

- Whanaungatanga – building a strong partnership with an inter-generational view of the sustainable prosperity and wellbeing of Te Awa Kairangi ki Tai.
- Manaakitanga – placing the care of our whānau and community at the centre.
- Kaitiakitanga – caring for and protecting our environment.
- Whakapono – working together in good faith with honesty and transparency.
- Kotahitanga – working together with Mana Whenua and the wider community to achieve agreed outcomes.

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#### **DISTRICT PLAN DELEGATIONS:**

Undertake a full review of the City of Lower Hutt District Plan, including establishing a District Plan work programme and monitoring its implementation.

- Consideration of matters related to the preparation and ongoing monitoring of the City of Lower Hutt District Plan.
- Preparation of required Changes and Variations to the City of Lower Hutt District Plan for Council approval to call for submissions.
- Approval of the draft District Plan for consultation.
- Make recommendations to Council on the statutory notified proposed District Plan.
- Make recommendations to Council on private District Plan Change requests for Council to accept, adopt or reject.
- Approve Council submissions on Resource Management-related matters, as well as the ability to delegate this approval to the Chief Executive.
- The Chair of the committee, in conjunction with the Chief Executive, is authorised to appoint a District Plan Hearings Subcommittee of suitably qualified persons to conduct hearings on behalf of the committee.

#### **GENERAL:**

Any other matters delegated to the committee by Council in accordance with

approved policies and bylaws.

**NOTE:**

Manatū mō te Taiao | Ministry for the Environment advocates that Councils offer specialist RMA training in areas of law that are difficult to grasp or where mistakes are commonly made. This is to complement the Good Decision Making RMA training that they run (which is an overview and basic summary of decision making, rather than an in-depth training in specific areas of the RMA). Therefore to facilitate this, the RMA training run for councillors that wish to become hearings commissioners is mandatory.

Reasons for the importance of the training:

1. Hearings commissioners are kept abreast of developments in the legislation.
2. Legal and technical errors that have been made previously are avoided (many of which have resulted in Environment Court action which is costly, time-consuming and often creates unrealistic expectations for the community).
3. The reputation of Council as good and fair decision-makers or judges (rather than legislators) is upheld.

**HUTT CITY COUNCIL**

**KOMITI AROTAKE MAHERE Ā-ROHE**  
**DISTRICT PLAN REVIEW COMMITTEE**

Meeting to be held in the Council Chambers, 2nd Floor, 30 Laings Road, Lower Hutt

on

Thursday 8 August 2024 commencing at 2:00 pm.

**ORDER PAPER**

**PUBLIC BUSINESS**

**1. OPENING FORMALITIES - KARAKIA TŪTURU: TĒNEI AU**

Tēnei au	This
Tēnei au te hōkai nei o taku	This is the journey of sacred footsteps
tapuwae Ko te hōkai nuku ko	Journeyed about the earth journeyed
te hōkai rangi Ko te hōkai a tō	about the heavens
tupuna a Tāne-nui-a- rangi	The journey of the ancestral god
Ka pikitia ai ki ngā rangi	Tānenuiarangi Who ascended into the
tūhāhā ki te Tihi-o-Manono	heavens to Te Tihi-o- Manono
Ka rokohina atu rā ko Io-	Where he found Io, the parentless source
Matua-Kore anake	From there he retrieved the baskets of
Ka tikina mai ngā kete o te	knowledge Te kete-tuauri
wānanga Ko te kete-tuauri	Te kete-tuatea Te kete-aronui
Ko te kete-tuatea Ko te kete-	These were distributed and implanted
aronui	about the earth
Ka tiritiria ka poupoua	From which came human life Growing
Ka puta mai iho ko te ira	from dim light to full light
tāngata Ki te wheiao ki te ao	There was life.
mārama	
Tihei-mauri ora!	

**2. APOLOGIES**

No apologies have been received.

**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. **SUBMISSION ON MAKING IT EASIER TO BUILD GRANNY FLATS DISCUSSION DOCUMENT**
- Report No. DPRC2024/4/189 by the Head of Planning 8
- CHAIR'S RECOMMENDATION:**
- "That the recommendation contained in the report be endorsed"
6. **UPDATE ON LARGE LOT RESIDENTIAL ZONE FOR THE PROPOSED DISTRICT PLAN**
- Report No. DPRC2024/4/186 by the Principal Policy Planner 16
- CHAIR'S RECOMMENDATION:**
- "That the recommendation contained in the report be endorsed"
7. **UPDATE ON THE HISTORIC HERITAGE CHAPTER FOR THE DISTRICT PLAN REVIEW**
- Report No. DPRC2024/4/197 by the Policy Planning Manager 21
- CHAIR'S RECOMMENDATION:**
- "That the recommendations contained in the report be endorsed"
8. **UPDATE ON OVERLAYS IN TRANSPORT CHAPTER OF DISTRICT PLAN**
- Report No. DPRC2024/4/188 by the Intermediate Resource Consents Planner 36
- CHAIR'S RECOMMENDATION:**
- "That the recommendation contained in the report be endorsed"
9. **INFORMATION ITEM**
- District Plan Review Committee Forward Programme 2024**
- Memorandum dated 24 July 2024 by the Democracy Advisor 42
- CHAIR'S RECOMMENDATION:**
- "That the recommendation contained in the memorandum be endorsed"
10. **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.

**11. CLOSING FORMALITIES - KARAKIA WHAKAMUTUNGA**

Unuhia!	<i>Release us from the supreme sacredness</i>
Unuhia!	<i>of our tasks</i>
Unuhia i te uru tapu-nui	<i>To be clear and free</i>
Kia wātea, kia māmā	<i>in heart, body and soul in our</i>
Te ngākau, te tinana,	<i>continuing journey</i>
te wairua i te ara takatū	<i>Oh Rongo, raise these words up high</i>
Koia rā e Rongo	<i>so that we be cleansed and be free,</i>
whakairihia ake ki runga	<i>Yes indeed, we are free!</i>
Kia wātea, kia wātea!	<i>Good and peaceful</i>
Ae rā, kua wātea!	
Hau, pai mārire.	

Judy Randall  
DEMOCRACY ADVISOR

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**Report no: DPRC2024/4/189**

## **Submission on making it easier to build granny flats discussion document**

### **Purpose of Report**

1. To seek approval to make a submission on behalf of Hutt City Council on the *Making it easier to build granny flats* discussion document that is being consulted on by the Ministry of Business, Innovation and Employment and the Ministry for the Environment. Feedback must be provided by 12 August 2024.

### **Recommendations**

That the Committee approves the submission as set out in this report on behalf of Hutt City Council. Key submission points are summarised as follows:

The intentions of the policy to provide for smaller homes and increase affordable housing choice are supported in principle. However:

- (a) The health and safety of building occupants and their neighbours cannot be comprised.
- (b) Councils such as Hutt City Council that have given effect to the requirements of the National Policy Statement on Urban Development (NPS-UD) and already permit minor residential units should be excluded from any national direction that is specific to this issue.
- (c) The policy should only apply to residential and rural zones. Applying the policy to other zones could conflict with other land use priorities and result in an under-utilization of land contrary to the NPS-UD.
- (d) All district-wide matters should apply to minor residential units, such as hazards, historical and cultural values, earthworks etc.
- (e) A National Policy Statement is preferred to a National Environment Standard (NES) as it provides for a more comprehensive and coherent approach to enabling and managing minor residential units.
- (f) If an NPS is used it must enable changes to be made to district plans without



needing a RMA Schedule 1 process.

- (g) There needs to be an additional standard, or an equivalent mechanism in place, that requires a check on the infrastructure capacity to serve the new development.
- (h) The final approach that government determines must include clear compliance responsibilities and powers.
- (i) Granny flats must contribute to the cost of infrastructure and there must be a clear mechanism for councils to collect development contributions for granny flats / minor residential units.

## Background

2. The Ministry of Business, Innovation and Employment (MBIE) and the Ministry for the Environment (MfE) are consulting on the *Making it easier to build granny flats* discussion document. The consultation document states that,

*"The proposals in this consultation intend to achieve the Government's commitment to make it easier to build small, self-contained and detached houses, commonly known as 'granny flats' on property with an existing home on it".*

*"Granny flats aren't just for older people or retirees – they can provide an affordable housing choice for many New Zealanders. There is increased demand for smaller homes, in part due to Aotearoa/New Zealand's ageing population, and the growth in numbers of smaller families."*

*"The proposals in this consultation intend to enable 'granny flats' up to 60 square metres in size to be built without the need for a building or resource consent, so long as they meet certain criteria."*

*"The proposed criteria...will form the checks and balances required to ensure granny flats meet building performance and quality, and appropriately manage environmental effects. We want these to be safe, healthy and durable homes."*

3. The consultation looks at two key pieces of legislation that set out the rules for residential building: the Resource Management Act (RMA) and the Building Act. All of the consultation documents can be found here:

[Making it easier to build granny flats \(2024\) | Ministry of Business, Innovation & Employment \(mbie.govt.nz\)](#)  
[Summary of proposals relating to the RMA](#)

4. Under the RMA, the term 'minor residential unit' (MRU) is defined as *"a self-contained residential unit that is ancillary to the principal residential unit and is held in common ownership with the principal residential unit on the same site"*.
5. The proposed RMA related changes to enable MRUs as permitted activities are summarized as follows:

- A National Environmental Standard (NES) would be created to permit an MRU on sites in rural and residential zones without resource consent. This would provide a consistent approach across the country.
- The NES would include a set of permitted activity standards to cover aspects such as limiting the size of the MRU to 60m<sup>2</sup>, how much of a property can be covered by buildings, and how close the building can be to a property boundary.

#### Summary of proposals relating to the Building Act 2004

6. There are five options proposed to enable the supply of granny flats. These options are summarized as follows:

Option 1: Add a new exemption to Schedule 1 of the Building Act for simple standalone dwellings up to 60 square metres.

Option 2 (proposed option): Establish a new Schedule in the Building Act to provide an exemption for simple standalone dwellings up to 60 square metres. It would contain additional criteria compared to the existing Schedule 1 to recognise increased risk from these buildings.

Option 3: Introduce a new opt-in self-certification regime for accredited companies and professionals for, but not limited to, small standalone houses.

Option 4: Targeted promotion campaigns of BuiltReady and MultiProof, specifically for standalone dwellings up to 60 square metres.

Option 5: New MBIE/Government MultiProof approval for a 60 square metre standalone dwelling.

7. Among the five options MBIE is considering implementing Option 2 due to the following:
- (a) The option provides safeguards for the health and safety risks associated with granny flats;
  - (b) The option for a variety of granny flats to be constructed; and
  - (c) The option has a reasonable implementation timeframe.

## Proposed submission

8. The consultation submission form sets out a number of questions relating to the proposed changes to the building and resource management regulatory systems. These questions are set out below along with proposed responses from Hutt City Council. Please note that only the questions of most relevance to Hutt City Council have been included below, hence why the numbering of the questions is not in a complete number order.

### Responses to building system questions

**Question 4** - *Do you agree with the proposed option (option 2: establish a new schedule in the Building Act to provide an exemption for simple, standalone dwellings up to 60 square metres) to address the problem?*

Response: agree in part

Comments:

- We agree with establishing a set of criteria that the proposed granny flat must satisfy in order for this building work to be exempt from the requirement of obtaining a building consent.
- However, these criteria can sit within the current Schedule 1 of the Building Act 2004 rather than creating a new schedule in the Building Act 2004 for this.

**Question 5** - *What other options should the government consider to achieve the same outcomes (see Appendix 1)?*

Response:

- Option 1 - consider re-enacting low-risk building consent, which was introduced under section 52G to 52I of the Building Amendment Act 2012.
- Option 2: Establish a single approval process which combines building consent approval and network utility operator approval if applicable and any other applicable approvals for the construction of granny flats. This will streamline the approval process as the applicant does not have to navigate through the network of government departments. This consequently will save the applicant both time and money.

**Question 6** - *Do you agree with MBIE's assessment of the benefits, costs and risks associated with the proposed option in the short and long term?*

Response: agree in part

Comments:

- There is a risk that the granny flat will be used to providing transient accommodation or other commercial activity. As a result there is a risk of non-compliance with accessibility and fire safety building code requirements.
- There is a risk of information asymmetry between the building owner and the building sector. This will then affect the assurance level that the owner has for engaging qualified building professionals. This also can create an overcharging risk from the qualified building professional.

- There is a risk of not registering on the certificate of title that the land the granny flat is built on is subject to natural hazards and/or that the granny flat has been built over two allotments.
- There is a risk that the people who claim to own the property may not be the actual owners as registered on the certificate of title.
- There is a risk that the legal instruments on the certificate of title may not be addressed appropriately.

**Question 8** - *Are there additional conditions or criteria you consider should be required for a small standalone house to be exempted from a building consent?*

Response: suggest adding the criterion of the building work does not breach any other enactment.

**Question 9** - *Do you agree that current occupational licensing regimes for Licensed Building Practitioners and Authorised Plumbers will be sufficient to ensure work meets the building code, and regulators can respond to any breaches?*

Response: no don't agree

Comments:

- The current criteria for obtaining a license need to be more stringent

### **Responses to resource management system questions**

**Question 13** - *Do you agree that enabling minor residential units (as defined in the National Planning Standards) should be the focus of this policy under the RMA?*

Response: agree in part

Comments:

- The intentions of the policy to provide for smaller homes and increase affordable housing choice are supported in principle.
- However, the proposal fails to recognise that some councils, such as Hutt City Council, have already enabled minor residential units as a permitted activity in the operative District Plan.
- Through Plan Change 56 Hutt City Council completed its Intensification Streamlined Planning Process as required by the National Policy Statement on Urban Development (NPS-UD).
- Plan Change 56 became operative on 21 September 2023 and minor residential units are now a permitted activity in the Medium and High Density Residential Zones in the City of Lower Hutt District Plan.
- The key point is that councils such as Hutt City Council that have given effect to the requirements of the NPS-UD and already permit minor residential units should be excluded from any national direction that is specific to this issue.

**Question 15** - *Do you agree that the focus of this policy should be on enabling minor residential units in residential and rural zones?*

Response: yes agree

**Question 16** - *Should this policy apply to other zones? If yes which other zones should be captured and how should minor residential units be managed in these areas?*

Response: no

Comments:

- Other zones have a variety of land use priorities that need to be managed in addition to providing for residential development, such as ensuring there is sufficient commercial and community uses to meet the needs of the city or to serve surrounding neighbourhoods.
- To make minor residential units permitted in other zones could conflict with other land use priorities and result in an under-utilization of land contrary to the NPS-UD.

**Question 17** - *Do you agree that subdivision, matters of national importance (RMA section 6), the use of minor residential units and regional plan rules are not managed through this policy?*

Response: no don't agree

Comments:

- All relevant matters should apply to minor residential units. This includes all district-wide matters such as hazards, historical and cultural values, earthworks etc.
- These should be managed in a comprehensive and coherent way (refer to question 19 response below).

**Question 19** - *Do you agree that a national environmental standard for minor residential units with consistent permitted activity standards (option 4) is the best way to enable minor residential units in the resource management system?*

Response: no don't agree

Comments:

- A National Policy Statement (NPS) is preferred to an NES.
- An NES would create a confusing mismatch of NES rules with district plan rules.
- An NPS would enable rules to be incorporated into district plans, and in do so would provide for a more comprehensive and coherent approach to enabling and managing minor residential units, which is a better outcome for all parties.
- If an NPS is used it must enable the necessary changes to be made to district plans without needing to follow a Schedule 1 process, along with any consequential amendments required to the plan provisions.

**Question 21** - *Do you agree or disagree with the recommended permitted activity standards? Please specify if there are any standards you have specific feedback on.*

Response: agree in part

Comments: the proposed standards align with the MDRS standards and are therefore supported on the basis of consistency. In relation to the options that are proposed in some of the standards:

- For building coverage: option a (50%) is the preferred option.
- For permeable surface: option b (30%) is the preferred option.
- For setbacks in residential zones: option a (1.5m front, 1m side and rear) is the preferred option.
- For setbacks in rural zones: option a (8m front, 3m side and rear) is the preferred option.

**Question 22** - *Are there any additional matters that should be managed by a permitted activity standard?*

Response:

- There needs to be an additional standard, or an equivalent mechanism in place, that requires a check on the infrastructure capacity to serve the new development.
- This could be in the form of a network utility operator approval.
- If there are any critical infrastructure constraints then this could trigger the need for a resource consent to enable on site measures to be incorporated, such as on site wastewater detention.
- There is no proposed restriction on where a minor dwelling unit may be located on a site i.e. it could be located in front of an existing house adjacent to the street boundary.
- It is therefore considered that that the MDRS windows to street standard would be appropriate to apply in order to achieve attractive and safe streets (the windows to street standard requires units facing the street to having a minimum of 20% glazing in the street facing elevation).

**Question 23** - *For developments that do not meet one or more of the permitted activity standards, should a restricted discretionary resource consent be required, or should the existing district plan provisions apply? Are there other ways to manage developments that do not meet the permitted standards?*

Response:

- The existing district plan provisions should apply.
- For example, it would be a perverse outcome for a minor residential unit that exceeds the minimum 60m<sup>2</sup> floor area standard to still be assessed as a restricted discretionary activity as a minor residential unit. In such cases it would be more appropriate for the unit to be considered against relevant standards that relate to typical dwellings.

**Question 24** - *Do you have any other comments on the resource management system aspects of this proposal?*

Response – clarity on compliance responsibilities and powers:

- The final approach that government determines must include clear compliance responsibilities and powers.

- Under the proposals councils will not receive any building or resource consent fees for granny flat developments. On that basis the final approach should clearly state that councils will not be responsible or liable for any compliance and enforcement issues associated with granny flats.
- If compliance responsibilities will fall on councils, then there must be clear powers enabled to councils so that they can take swift and non-costly action to address any compliance issues, including any non-payment of development contributions.

**Question 27** - *Should new granny flats contribute to the cost of council infrastructure like other new houses do?*

Response: Yes

Comments:

- Granny flats will have an impact on services and must contribute to the cost of the infrastructure that is required to address growth.
- It is therefore vital that there is a clear mechanism for councils to collect development contributions for granny flats / minor residential units.

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

9. There are no specific climate change considerations in Council making this submission on the discussion document.

### **Consultation**

10. No consultation has been carried out by officers in preparing this submission. However, it is noted that this is a public consultation process being led by the MBIE and MfE. It is open to anyone to make a submission on the discussion document.

### **Legal and Financial Considerations**

11. There are no legal or financial considerations in Hutt City Council making a submission on the discussion document.

### **Appendices**

There are no appendices for this report.

**Author:** Tim Johnstone  
Head of Planning

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**Reviewed By:** Richard Barton  
Head of Building Control

**Approved By:** Alison Geddes  
Director Environment and Sustainability

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**Report no: DPRC2024/4/186**

## **Update on Large Lot Residential Zone for the proposed District Plan**

### **Purpose of Report**

1. The purpose of the report is to:
  - a. brief the Committee on the feedback received on the draft District Plan relating to the Large Lot Residential Zone, and
  - b. update the Committee on the approach of the proposed District Plan for this zone.

### **Recommendation**

That the Committee receives and notes the report.

### **Background**

2. The District Plan Review includes a review of the District Plan's approach to residential zones.
3. The draft District Plan, engaged on in late 2024, included three residential zones:
  - High Density Residential Zone,
  - Medium Density Residential Zone, and
  - Large Lot Residential Zone.
4. The High Density Residential Zone and Medium Density Residential Zones were effectively the zones that were introduced to the District Plan through *Plan Change 56: Enabling Intensification in Residential and Commercial Areas*, which implemented the intensification requirements set by central government through the Medium Density Residential Standards and National Policy Statement on Urban Development.



5. However, the Large Lot Residential Zone is a new zone that would apply to areas with constraints on development (such as a remote location, steep slopes, lack of infrastructure, and high vegetation coverage), often on the fringe the urban area of Lower Hutt and hilly areas (predominantly in the Western Hills but also parts of the Eastern Bays, Stokes Valley and Wainuiomata, and areas on the lower slopes of the Eastern Hills). In the operative District Plan these areas are typically in the Hill Residential Activity Area and Landscape Protection Residential Activity Area, zones that provide for residential development, but at a low density. These zones can no longer be used as they are not included in the National Planning Standards, which sets out the list of zones which councils can select from. The Large Lot Residential Zone is a zone which is part of the National Planning Standards.
6. The Large Lot Residential Zone would continue to provide for a lower level of development than the other residential zones, in order to respond to the development constraints within the zone and to contribute to a more compact urban form.
7. This report:
  - summarises the feedback received during the engagement of the draft District Plan for the Large Lot Residential Zone, and
  - gives an update on the work that has been done with the zone since that engagement.

### **Summary of feedback on the draft District Plan**

8. Most submissions received during engagement on the draft District Plan that provided feedback on the Large Lot Residential Zone were from owners of properties within the zone.
9. The most common feedback was from property owners requesting to be rezoned to the Medium Density Residential Zone, including property owners with aspirations to develop their property or with concern about the perceived impact of the Large Lot Residential Zone on property values.
10. In some cases, these were owners of properties that are in the Medium Density Residential Activity Area under the operative District Plan (for these properties, the Large Lot Residential Zone would effectively be a 'down-zoning', in that it would enable a lower density of development than what could currently occur on the site).
11. Other feedback included:
  - a. support for the rationale for the location of the zone (areas with relatively steep slopes, relatively high vegetation cover and lack of infrastructure services),
  - b. support for retaining the existing amenity and character of an area,
  - c. support for the zone due to concern about the impact of greater density on on-street parking and infrastructure,

- d. opposition to the zone for some properties that are already smaller than the 1000m<sup>2</sup> lot size standard,
- e. disagreement that the infrastructure and slope constraints limit the level of development that can take place on some sites/areas, or that the constraint is only present for part of the site,
- f. opposition to the zone due to the impression that the zone is being used to protect ecological values on private land.

### **Update on the Large Lot Residential Zone chapter content**

12. Since engagement on the draft District Plan, officers have continued to work on the Large Lot Residential Zone chapter and zone maps.
13. This includes:
  - reviewing the appropriate areas to include in the proposed Large Lot Residential Zone,
  - reviewing the draft Large Lot Residential Zone chapter, and
  - preparing an evaluation report that assesses the appropriateness of the objectives, policies and rules of the residential zone chapters (an evaluation required under section 32 of the Resource Management Act).
14. This further work has been partly in response to the feedback received on the draft District Plan.
15. This work has resulted in changes to the proposed chapter and zone maps from what was included in the draft District Plan. In summary, the changes are:
  - a. changing the proposed zone for some properties from the Large Lot Residential Zone to the Medium Density Residential Zone,
  - b. ensuring the focus of the proposed zone is on the amenity values, character, and infrastructure constraints for the areas in the zone,
  - c. ensuring that the proposed zone is not being used to protect areas for their ecological areas and natural character (any protection for ecological areas and natural character would need to be covered through the Natural Environment chapters),
  - d. moving proposed provisions to protect slope stability from the Large Lot Residential Zone chapter to the Natural Hazards chapter, and
  - e. adding proposed policy and rules that clarify how Council will consider large developments in the zone if they are proposed.

16. In reviewing whether the Large Lot Residential Zone or Medium Density Residential Zone is most appropriate for a property, officers have considered the following:
- a. information shared in feedback on the draft District Plan,
  - b. connections to the three waters networks (both current and planned),
  - c. transport constraints, including a lack of walking connections and pedestrian paths,
  - d. relevant strategic documents (such as the Urban Growth Strategy), and
  - e. the zone under the operative District Plan.
17. Regarding moving provisions for slope stability to the Natural Hazards chapter, the Draft District Plan as consulted on did not include a slope stability overlay in the Natural Hazards chapter. The Large Lot Residential Zone under the Draft District Plan was therefore the key mechanism used to limit development in these areas where slope hazards may be a risk.
18. However, through the District Plan Review, the areas susceptible to slope hazards have been mapped and an overlay of the at-risk areas is now proposed. Provisions in the Natural Hazards chapter would manage the risk associated with development within the overlay. This has resulted in fewer properties needing to be in the Large Lot Residential Zone, as this zone is no longer being used as the key mechanism to address this risk.

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

19. The matters addressed in this report have been considered in accordance with the process set out in Council's Climate Change Considerations Guide.
20. Climate change is a fundamental consideration that is being addressed as part of the overall District Plan Review process.
21. The lower density of development provided for by the Large Lot Residential Zone plays a role in ensuring Lower Hutt has a compact urban form by encouraging growth within the more centrally located High Density and Medium Density Residential Zones. A more compact urban form can have lower impacts on the climate when compared to the impacts from a more dispersed, spread-out urban form, given the lower reliance on private vehicles.

### **Consultation**

22. As discussed above, the development of the proposed District Plan, including the Large Lot Residential Zone, has been informed by the input received during engagement, particularly through engagement on the draft District Plan.
23. The notification of the Proposed District Plan requires a formal and comprehensive consultation process. Any interested person can lodge a

submission on the proposed plan and speak to that submission at the relevant hearing.

### **Legal and Financial Considerations**

24. There are no specific legal considerations for the Large Lot Residential Zone chapter other than those for the District Plan Review as a whole.
25. There are also no specific financial considerations, noting that this work falls within the overall District Plan Review budget set in Council's Long-Term Plan.

### **Appendices**

There are no appendices for this report.

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Principal Policy Planner

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Policy Planning Manager

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**Reviewed By:** Tim Johnstone  
Head of Planning

**Approved By:** Alison Geddes  
Director Environment and Sustainability

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Report no: DPRC2024/4/197

## **Update on the Historic Heritage chapter for the District Plan Review**

### **Purpose of Report**

1. The purpose of this report is to update the Committee on the process for developing the Historic Heritage chapter for the proposed District Plan, including the identification of heritage buildings, structures, and areas.

### **Recommendations**

That the Committee:

- (1) receives and notes the report; and
- (2) directs officers to complete the Historic Heritage chapters for the proposed District Plan.

### **Background**

2. The District Plan Review includes a review of the Plan's approach to managing impacts of subdivision, land use, and development on historic heritage.
3. The key statutory requirements for this part of the District Plan Review are:
  - *under the Resource Management Act (the RMA)*, Council is required to recognise and provide for the protection of historic heritage from inappropriate subdivision, use, and development when exercising its functions under the Act (section 6(f) of the RMA), and
  - *under Regional Policy Statement for the Wellington Region (the RPS)*, the District Plan is required to:
    - Identify places, sites, and areas with significant historic heritage values that contribute to an understanding and appreciation of history and culture under one or more of the specified criteria (policy 21), and

- Include policies, rules, and/or other methods that protect the significant historic heritage values associated with the identified places, sites, and areas from inappropriate subdivision, use, and development (policy 22 of the RPS).
4. Appendix 1 of this report lists the criteria set by policy 21 of the RPS.
  5. In the proposed District Plan currently being developed, these requirements would primarily be addressed through a Historic Heritage chapter (equivalent to Chapter 14F of the operative District Plan) and a Sites and Areas of Significance to Māori chapter, although there would also be provisions in the Subdivision, Earthworks and Infrastructure chapters.

#### **Update on the process for developing the Historic Heritage chapter**

6. The process for developing the Historic Heritage chapter can be split into three sections:
  - development of the draft District Plan,
  - engagement on the Draft District Plan and
  - the process since engagement on the draft District Plan.

#### Development of the draft District Plan

7. Development of the draft District Plan included the Heritage Inventory Review, a technical review and assessment of built heritage in Lower Hutt. This review commenced in 2021 and was completed in 2023. A team of historic heritage experts undertook the review to identify heritage buildings, structures and areas in Lower Hutt that meet the criteria set out in Policy 21 of the Regional Policy Statement.
8. The Heritage Inventory Review included engagement with owners of potential heritage buildings, structures and areas through an invitation to provide information that would inform the heritage assessments. The heritage experts also engaged with local heritage societies, inviting them to suggest potential heritage places, sites and areas to be investigated through their review.
9. To determine whether historic heritage values are 'significant' enough to need protection under policy 22 of the RPS:
  - the degree of significance was assessed as being exceptional, high, moderate, or none against each of the criteria set by the RPS.
  - if an item or area did not achieve moderate significance under at least one of the criteria, it was not considered further.
  - overall significance was then established by taking the median value of ratings across all of the criteria, and if the overall significance was not achieved, it was not considered further.

10. In the development of the draft District Plan, officers also developed a new Historic Heritage chapter to set out the objectives, policies, and rules for heritage buildings, structures, and areas. This included looking into:
- the Historic Heritage chapter of the operative District Plan,
  - what other councils in the Wellington region do in their district plans for historic heritage, and
  - the legislative requirements for addressing historic heritage in the District Plan and any other relevant policies, plans and strategies.
11. This draft chapter was included in the draft District Plan.

#### Engagement on the draft District Plan

12. Council released its draft District Plan for public feedback in late 2023. This included direct notice to owners of buildings, structures and areas identified in the draft District Plan as heritage buildings, structures and areas.
13. A full summary of the feedback received on the draft District Plan was presented to the Committee at its February 2024 meeting. In relation to historic heritage, the feedback included:
- a) both support and opposition for protecting historic heritage through the District Plan. Opposition included requests that:
    - aa. there should not be any restrictions on property owners being able to modify, alter, or demolish their houses, and
    - bb. buildings/structures/areas should only be listed in the District Plan with the approval of the owner.
  - b) requests for both the removal and addition of buildings, structures and areas from the heritage list.
  - c) concerns that the justification and assessment on which the heritage listings are based is not robust.
  - d) concerns on the economic impacts of heritage restrictions, including impacts on property values, insurance costs, and added costs for maintenance and repair.
  - e) the impacts of heritage restrictions on providing for growth.
  - f) requests for compensation for owners of heritage listings (including that Council purchases identified properties).
  - g) requests that identification be informed by whether a building/structure is visible to the public and the physical condition of the building.
  - h) concerns about the potential impacts on the ongoing operation and development of infrastructure that is identified as heritage buildings/structures.

- i) requests for provisions that enable:
  - aa. new buildings on sites with heritage buildings (such as garages and other accessory buildings).
  - bb. modification or demolition of buildings that are dangerous, unsanitary, or do not meet Healthy Homes Standards.
  - ccc. interior alterations (although feedback was received that the interior of buildings should be protected, at least in some circumstances).

Process since engagement on the draft District Plan

14. During engagement on the draft District Plan, feedback was received that questioned the methodology and level of information used to evaluate the significance of places identified in the schedules. Several property owners also challenged the individual inventory reports for their properties.
15. In response, heritage experts Michael Kelly and Russell Murray were commissioned to review the Heritage Inventory Review Report including the process that was followed in identifying buildings, structures and areas for the draft District Plan.
16. That review found that overall, the methodology used to identify and evaluate the significance of places with historic heritage values was sound, the process for evaluation could be simplified, and the level of information used to support adding new items to the District Plan would benefit from being increased, to ensure that the assessments for those additions are sufficiently robust.
17. Regarding the 'levels of significance' used in the identification of heritage buildings, structures, and areas, Mr Kelly and Mr Murray believed the levels of significance could be simplified to considering whether each place had a low, moderate, or high level of significance in relation to the criteria set out in Policy 21 of the RPS. Rather than attempting to identify an overall level of significance for each place (which is not what Policy 21 requires), a place would be sufficiently significant to justify being included in the District Plan if it had a high level of significance in relation to at least one of the criteria set out in Policy 21.
18. Following on from this review, Mr Kelly and Mr Murray have been updating the assessments in the Heritage Inventory Review Report. This includes:
  - increasing the level of information provided in the inventory reports for buildings or structures proposed to be added to the Schedule of Heritage Buildings and structures,
  - undertaking site visits (from publicly accessible places), and, where requested by property owners, undertaking further site visits to view the building or structure from places that are not accessible to the public, and



- reviewing and updating the evaluations of significance alongside each criterion, based on the additional information gathered, and to adopt simplified significance thresholds.
19. This update will result in fewer buildings/structures/areas being identified than was proposed in the draft District Plan, principally because places with only moderate heritage values have not been added. However, the number of places and areas that are likely to be listed in the proposed District Plan (which is likely to include over 160 places and areas) is greater than the number provided for by the operative District Plan (which includes 109 buildings and structures, and 4 areas).
  20. This work is still ongoing. Once completed, its findings will be made public and will be incorporated into the proposed District Plan, due to be presented to the Committee in December.

Overall update on the approach of the Historic Heritage chapter

21. Officers are continuing to work on the Historic Heritage chapter that will include objectives, policies and rules that will apply to the identified heritage buildings, structures and areas. This includes updating the chapter in response to matters raised in submissions on the draft District Plan. This chapter is not taking the voluntary approach requested by some people who provided feedback on the draft District Plan, as a voluntary approach would be inconsistent with the Council's obligations to protect historic heritage under section 6(f) of the RMA and policy 22 of the RPS.
22. The general approach of the chapter will be to seek to protect historic heritage, while seeking that it is retained in sustainable long-term use. This will be achieved by:
  - a) identifying heritage buildings, structures and areas based on the criteria set by the RPS, assessments from the Heritage Inventory Review Report and further assessments of Mr Kelly and Mr Murray;
  - b) enabling the maintenance and repair of heritage buildings and structures;
  - c) recognising the need to undertake upgrades that improve the health, safety, and resilience of heritage buildings and structures, including seismic strengthening, retrofitting insulated glazing, providing for domestic ventilation systems, and providing for roof-top solar panels;
  - d) supporting the on-going use or adaptive re-use of heritage buildings and structures, by enabling alterations to the interior of heritage buildings, and providing for exterior additions or alterations where significant heritage values are protected;
  - e) controlling subdivision and earthworks around heritage buildings and structures, and within heritage areas;
  - f) providing for new development within heritage areas, where this is consistent with the values of the area; and

- g) discouraging the total demolition of heritage buildings and structures, or their relocation off site, while recognising that in certain circumstances demolition may be necessary. These circumstances include where there is an immediate threat to life, where it is necessary to provide for the functional or operational needs of infrastructure, or where it is necessary to provide for the purpose of the zone where the building or structure is located (for example, to provide for healthcare facilities in the Hospital Zone).

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

23. The matters addressed in this report have been considered in accordance with the process set out in Council's Climate Change Considerations Guide.
24. While climate change is a fundamental consideration that is being addressed as part of the District Plan Review, it has little relevance for the Historic Heritage chapter.
25. However, in the development of the chapter, officers are considering how the Plan should provide for land use that allows historic heritage areas and sites with heritage buildings and structures to adapt to the effects of climate change. In addition to this, the chapter supports alterations to heritage buildings to improve their energy efficiency and internal environmental quality, which will contribute to mitigating the effects of these buildings on climate change.

### **Consultation**

26. As discussed above, Council chose to undertake non-statutory engagement in the development of the proposed District Plan, particularly through engagement on the draft District Plan (in 2023) as well as targeted engagement with owners of properties with potential heritage buildings and structures or in potential heritage areas.
27. Once approved by Council, the Proposed District Plan will go through a statutory consultation process (set by Schedule 1 of the RMA) that provides for input from the community, other stakeholders, and Mana Whenua. This includes:
- a public submission period,
  - a second round of further submissions (allowing people to support or oppose other people's submission lodged in the first round of submissions), and
  - the opportunity for submitters to present in support of their submission in front of an independent hearing panel.

### **Legal Considerations**

28. The legal considerations for this matter are the requirement for Council to fulfil its statutory functions under the RMA, including the requirement to give effect to the RPS.

29. There are no specific financial considerations at this stage, noting that this work falls within the overall District Plan Review budget set in Council's Long Term Plan.

### Appendices

No.	Title	Page
1↓	Criteria for identifying places, sites, and areas with significant historic heritage values	28

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**Reviewed By:** Tim Johnstone  
Head of Planning

**Approved By:** Alison Geddes  
Director Environment and Sustainability

# Update on Historic Heritage chapter for the proposed District Plan

## Purpose of Report

1. The purpose of this report is to update the Committee on the process for developing the Historic Heritage chapter for the proposed District Plan, including the identification of heritage buildings, structures, and areas.

## Recommendations

That the Committee:

- (1) Notes the content of this report.; and
- (2) Directs officers to complete the Historic Heritage chapter for the proposed District Plan.

## Background

2. The District Plan Review includes a review of the Plan's approach to managing impacts of subdivision, land use, and development on historic heritage.
3. The key statutory requirements for this part of the District Plan Review are:
  - **Under the Resource Management Act (the RMA)**, Council is required to recognise and provide for the protection of historic heritage from inappropriate subdivision, use, and development when exercising its functions under the Act (section 6(f) of the RMA), and
  - **Under Regional Policy Statement for the Wellington Region (the RPS)**, the District Plan is required to:
    - Identify places, sites, and areas with significant historic heritage values that contribute to an understanding and appreciation of history and culture under one or more of the specified criteria (policy 21), and
    - Include policies, rules, and/or other methods that protect the significant historic heritage values associated with the identified places, sites, and areas from inappropriate subdivision, use, and development (policy 22 of the RPS).
4. Appendix 1 of this report lists the criteria set by policy 21 of the RPS.
5. In the proposed District Plan currently being developed, these requirements would primarily be addressed through a *Historic Heritage* chapter (equivalent to Chapter 14F of the operative District Plan) and a *Sites and Areas of Significance to Māori* chapter, although there would also be provisions in the *Subdivision, Earthworks* and *Infrastructure* chapters.

## Update on the process for developing the Historic Heritage chapter

6. The process for developing the Historic Heritage chapter can be split into three sections:

- Development of the draft District Plan,
- Engagement on the Draft District Plan and
- The process since engagement on the draft District Plan.

*Development of the draft District Plan*

7. Development of the draft District Plan included the Heritage Inventory Review, a technical review and assessment of built heritage in Lower Hutt. This review commenced in 2021 and was completed in 2023. The review was undertaken by a team of historic heritage experts in order to identify heritage buildings, structures and areas in Lower Hutt that meet the criteria set out in Policy 21 of the Regional Policy Statement.

8. The Heritage Inventory Review included engagement with owners of potential heritage buildings, structures and areas through an invitation to provide information that would inform the heritage assessments. The heritage experts also engaged with local heritage societies, inviting them to suggest potential heritage places, sites and areas to be investigated through their review.

9. To determine whether historic heritage values are 'significant' enough to need protection under policy 22 of the RPS:

- The degree of significance was assessed as being *exceptional, high, moderate, or none* against each of the criteria set by the RPS.
- If an item or area did not achieve moderate significance under at least one of the criteria, it was not considered further.
- Overall significance was then established by taking the median value of ratings across all of the criteria, and if the overall significance was not achieved, it was not considered further.

10. In the development of the draft District Plan, officers also developed a new Historic Heritage chapter to set out the objectives, policies, and rules for heritage buildings, structures, and areas. This included looking into:

- The Historic Heritage chapter of the operative District Plan,
- What other councils in the Wellington region do in their district plans for historic heritage, and
- The legislative requirements for addressing historic heritage in the District Plan and any other relevant policies, plans and strategies.

11. This draft chapter was included in the draft District Plan.

*Engagement on the draft District Plan*

12. Council released its draft District Plan for public feedback in late 2023. This included direct notice to owners of buildings, structures and areas identified in the draft District Plan as heritage buildings, structures and areas.
13. Without getting into the detail, feedback received during engagement on the draft District Plan included:
- a) Both support and opposition to protecting historic heritage through the District Plan. Opposition included requests that:
    - i. There shouldn't be any restrictions on property owners being able to modify, alter, or demolish their houses, and
    - ii. Buildings/structures/areas should only be listed in the District Plan within the approval of the owner.
  - b) Requests for both the removal and addition of buildings, structures and areas from the heritage list.
  - c) Concerns that the justification and assessment on which the heritage listings are based is not robust.
  - d) Concerns on the economic impacts of heritage restrictions, including impacts on property values, insurance costs, and added costs for maintenance and repair.
  - e) The impacts of heritage restrictions on providing for growth.
  - f) Requests for compensation for owners of heritage listings (including that Council purchases identified properties).
  - g) Requests that identification be informed by whether a building/structure is visible to the public and the physical condition of the building.
  - h) Concerns about the potential impacts on the ongoing operation and development of infrastructure that is identified as heritage buildings/structures.
  - i) Requests for provisions that enable:
    - a. New buildings on sites with heritage buildings (such as garages and other accessory buildings).
    - b. Modification or demolition of buildings that are dangerous, unsanitary, or do not meet Healthy Homes Standards.
    - c. Interior alterations (although feedback was received that the interior of buildings should be protected, at least in some circumstances).

*Process since engagement on the draft District Plan*

14. During engagement on the draft District Plan, feedback was received that questioned the methodology and level of information used to evaluate the significance of places of

identified in the schedules. Several property owners also challenged the individual inventory reports for their properties.

15. In response, heritage experts Michael Kelly and Russell Murray were commissioned to review the Heritage Inventory Review Report including the process that was followed in identifying buildings, structures and areas for the draft District Plan.
16. That review found that overall, the methodology used to identify and evaluate the significance of places with historic heritage values was sound, the process for evaluation could be simplified, and the level of information used to support adding new items to the District Plan would benefit from being increased, to ensure that the assessments for those additions are sufficiently robust.
17. With regard to the 'levels of significance' used in the identification of heritage buildings, structures, and areas, Messrs Kelly and Murray were of the opinion that the levels of significance could be simplified to considering whether each place had a low, moderate, or high level of significance in relation to the criteria set out in Policy 21 of the RPS. Rather than attempting to identify an overall level of significance for each place (which is not what Policy 21 requires), a place would be sufficiently significant to justify being included in the District Plan if it had a high level of significance in relation to at least one of the criteria set out in Policy 21.
18. Following on from this review, Messrs Kelly and Murray have been updating the assessments in the Heritage Inventory Review Report. This includes:
  - Increasing the level of information provided in the inventory reports for buildings or structures proposed to be added to the Schedule of Heritage Buildings and structures,
  - Undertaking site visits (from publicly accessible places), and, where requested by property owners, undertaking further site visits to view the building or structure from places that are not accessible to the public, and
  - Reviewing and updating the evaluations of significance alongside each criterion, based on the additional information gathered, and to adopt simplified significance thresholds.
19. This update will result in fewer buildings/structures/areas being identified than was proposed in the draft District Plan, principally because places with only moderate heritage values have not been added. However, the number of places and areas that are likely to be listed in the proposed District Plan (which is likely to include over 160 places and areas) is greater than the number provided for by the operative District Plan (which includes 109 buildings and structures, and 4 areas).
20. This work is still ongoing. Once completed, its findings will be made public and will be incorporated into the proposed District Plan, due to be presented to the Committee in December.

*Overall update on the approach of the Historic Heritage chapter*

21. Officers are continuing to work on the Historic Heritage chapter that will include objectives, policies and rules that will apply to the identified heritage buildings,

structures and areas. This includes updating the chapter in response to matters raised in submissions on the draft District Plan. This chapter is not taking the *voluntary* approach requested by some people who provided feedback on the draft District Plan, as a voluntary approach would be inconsistent with the Council's obligations to protect historic heritage under section 6(f) of the RMA and policy 22 of the RPS.

22. The general approach of the chapter will be to seek to protect historic heritage, while seeking that it is retained in sustainable long-term use. This will be achieved by:
- a) Identifying heritage buildings, structures and areas based on the criteria set by the RPS, assessments from the Heritage Inventory Review Report and further assessments of Messers Kelly and Murray;
  - b) Enabling the maintenance and repair of heritage buildings and structures;
  - c) Recognising the need to undertake upgrades that improve the health, safety, and resilience of heritage buildings and structures, including seismic strengthening, retrofitting insulated glazing, providing for domestic ventilation systems, and providing for roof-top solar panels;
  - d) Supporting the on-going use or adaptive re-use of heritage buildings and structures, by enabling alterations to the interior of heritage buildings, and providing for exterior additions or alterations where significant heritage values are protected;
  - e) Controlling subdivision and earthworks around heritage buildings and structures, and within heritage areas;
  - f) Providing for new development within heritage areas, where this is consistent with the values of the area; and
  - g) Discouraging the total demolition of heritage buildings and structures, or their relocation off site, while recognising that in certain circumstances demolition may be necessary. These circumstances include where there is an immediate threat to life, where it is necessary to provide for the functional or operational needs of infrastructure, or where it is necessary to provide for the purpose of the zone where the building or structure is located (for example, to provide for healthcare facilities in the Hospital Zone).

### Climate Change Impact and Considerations

23. The matters addressed in this report have been considered in accordance with the process set out in Council's Climate Change Considerations Guide.
24. While climate change is a fundamental consideration that is being addressed as part of the District Plan Review, it has little relevance for the Historic Heritage chapter.
25. However, in the development of the chapter, officers are considering how the Plan should provide for land use that allows historic heritage areas and sites with heritage buildings and structures to adapt to the effects of climate change. In addition to this, the chapter supports alterations to heritage buildings to improve their energy efficiency and internal environmental quality, which will contribute to mitigating the effects of these buildings on climate change.



## Consultation

26. As discussed above, Council chose to undertake non-statutory engagement in the development of the proposed District Plan, particularly through engagement on the draft District Plan (in 2023) as well as targeted engagement with owners of properties with potential heritage buildings and structures or in potential heritage areas.
27. Once approved by Council, the Proposed District Plan will go through a statutory consultation process (set by Schedule 1 of the RMA) that provides for input from the community, other stakeholders, and Mana Whenua. This includes:
  - A public submission period,
  - A second round of further submissions (allowing people to support or oppose other people's submission lodged in the first round of submissions), and
  - The opportunity for submitters to present in support of their submission in front of an independent hearing panel.

## Legal and Financial Considerations

28. The legal considerations for this matter are the requirement for Council to fulfil its statutory functions under the RMA, including the requirement to give effect to the RPS.
29. There are no specific financial considerations at this stage, noting that this work falls within the overall District Plan Review budget set in Council's Long-Term Plan.

## Appendices

1. Criteria for identifying places, sites, and areas with significant historic heritage values

## Criteria for identifying places, sites, and areas with significant historic heritage values

The following criteria are set by policy 21 of the Regional Policy Statement for the Wellington region for the identification of places, sites and areas with significant historic heritage values.

The policy states:

*District and regional plans shall identify places and areas with significant historic heritage values that contribute to an understanding and appreciation of history and culture under one or more of the following criteria:*

- a) historic values:** these relate to the history of a place and how it demonstrates important historical themes, events, people or experiences.
  - (i) themes: the place is associated with important themes in history or patterns of development.
  - (ii) events: the place has an association with an important event or events in local, regional or national history.
  - (iii) people: the place is associated with the life or works of an individual, group or organisation that has made a significant contribution to the district, region or nation.
  - (iv) social: the place is associated with everyday experiences from the past and contributes to our understanding of the culture and life of the district, region or nation.
- b) physical values:** these values relate to the physical evidence present.
  - (i) archaeological: there is potential for archaeological investigation to contribute new or important information about the human history of the district, region or nation.
  - (ii) architectural: the place is notable for its style, design, form, scale, materials, ornamentation, period, craftsmanship or other architectural values.
  - (iii) technological: the place provides evidence of the history of technological development or demonstrates innovation or important methods of construction or design.
  - (iv) integrity: the significant physical values of the place have been largely unmodified.
  - (v) age: the place is particularly old in the context of human occupation of the Wellington region.
  - (vi) group or townscape values: the place is strongly associated with other natural or cultural features in the landscape or townscape, and/or contributes to the heritage values of a wider townscape or landscape setting, and/or it is a landmark.
- c) social values:** these values relate to the meanings that a place has for a particular community or communities.
  - (i) sentiment: the place has strong or special associations with a particular cultural group or community for spiritual, political, social, religious, ethnic, national, symbolic or commemorative reasons.

- (ii) recognition: the place is held in high public esteem for its historic heritage values, or its contribution to the sense of identity of a community, to the extent that if it was damaged or destroyed it would cause a sense of loss.
- d) tangata whenua values:** the place is sacred or important to Māori for spiritual, cultural or historical reasons.
- e) surroundings:** the setting or context of the place contributes to an appreciation and understanding of its character, history and/or development.
- f) rarity:** the place is unique or rare within the district or region.
- g) representativeness:** the place is a good example of its type or era.

#### ***Explanation***

Policy 21 provides criteria to ensure significant historic heritage resources are identified in district and regional plans in a consistent way. The criteria are based on the Resource Management Act definition of historic heritage and commonly used assessment methodologies. They provide the basis for describing and evaluating historic heritage, including the physical, historic, social and other values that people attach to historic heritage. Wellington Regional Council, district and city councils are required to assess a place, site or area against all the criteria, but may use additional criteria. A place, site or area identified must, however, fit one or more of the listed criteria in terms of contributing to an understanding and appreciation on history and culture in a district in order to have significant historic heritage values.

Regional plans will identify significant historic heritage in the coastal marine area and the beds of lakes and rivers; district plans will identify significant historic heritage for all other land.

Method 20 is to provide guidance with using the criteria in policy 21 to identify places, sites and areas with significant historic heritage values.

Report no: DPRC2024/4/188

## Update on overlays in Transport chapter of District Plan

### Purpose of Report

1. The purpose of this report is to update the Committee on the process for developing the following overlays and supporting provisions for inclusion in the Transport chapter of the proposed District Plan:
  - Highly Constrained Roads Overlay
  - Specified High Trip Generator Exemption Overlay

### Recommendation

That the Committee receives and notes the report.

### Background

2. The proposed District Plan, currently being developed, will include a new Transport chapter. The purpose of the Transport chapter is to provide for accessibility to on-site activities, while managing the effects of transport facilities and activities on the transport network.
3. This chapter will include provisions pertaining to the *Highly Constrained Roads Overlay* and the *Specified High Trip Generator Exemption Overlay*.
4. This report provides an update on the process for developing the Highly Constrained Roads Overlay and the Specified High Trip Generator Exemption Overlay.
5. *Highly constrained roads* are roads where:
  - the existing safe operation of the road is highly constrained;
  - there is potential for this to be worsened by any additional traffic loading onto the road; and
  - the potential for improving the road is constrained.

6. The Highly Constrained Roads Overlay identifies properties which are accessed by highly constrained roads. Provisions in the proposed District Plan would restrict new activities from locating in the Highly Constrained Roads Overlay to manage additional traffic loading on these roads.
7. The operative District Plan does not include a Highly Constrained Roads Overlay or related provisions. However, other approaches taken to manage effects on constrained roads includes a restriction on subdivision off Liverton Road, Kelson and controls on land use activity on identified sites on Stratton Street, Normandale.
8. The *Specified High Trip Generator Exemption Overlay* identifies properties which are within a very short walking distance of a passenger rail station on the Hutt Valley Line, and which are not in the City Centre Zone, Metropolitan Centre Zone or Local Centre Zone. Within these areas, residential units and retail activities would be exempt from consent requirements for High Trip Generating Activities.
9. A High Trip Generating Activity is an activity that is of a scale that it is likely to generate a relatively high number of trips to and from a site, and in turn may have greater impacts on the transport network. Ordinarily, resource consent is required for these activities to ensure those effects are assessed.
10. The exemptions within the Specified High Trip Generator Exemption Overlay recognise that there may be reduced effects of motor vehicle trip generation for these activities where public transport is readily available.
11. This overlay would be a new addition to the District Plan. It is not in the operative District Plan, and it was not included in the draft District Plan that was consulted on in late 2023.

### **Process for developing the Highly Constrained Roads Overlay**

12. The process for developing the Highly Constrained Roads provisions can be split into three sections:
  - development for the draft District Plan,
  - engagement on the draft District Plan and
  - the process since engagement on the draft District Plan.

#### *Development of the draft District Plan*

13. Three roads were identified as potentially highly constrained roads during the development of the draft District Plan:
  - Liverton Road, Kelson,
  - Natusch Road, Belmont, and
  - Waitohu Road, York Bay.

14. The identification of these roads was based on officers' existing knowledge of the operating constraints for these roads.
15. Provisions in the draft District Plan for the Highly Constrained Roads Overlay included:
  - a policy directing that land use and development within the overlay be restricted unless improvements are made to the road to ensure the additional trips can be safely accommodated (TR-P10).
  - a rule requiring resource consent as a restricted discretionary activity for any new activity (except where ancillary to an existing activity) on sites located in the Highly Constrained Roads Overlay (TR-R4).
  - a similar policy and rule in the Subdivision chapter, with subdivision in the Highly Constrained Roads Overlay requiring consent as a discretionary activity (SUB-P24 and SUB-R22).

*Engagement on the draft District Plan*

16. Council released its draft District Plan for public feedback in late 2023. This included direct notice to owners of sites located in the Highly Constrained Roads Overlay.
17. Feedback received during engagement on highly constrained roads included the following:
  - there was general support at least of the intent of the provisions to manage effects of additional vehicle traffic on roads which are highly constrained.
  - it was suggested that more guidance be provided, either within the District Plan or as an external guidance note, on what improvements would enable new development under these provisions.
  - one response suggested that other roads such as Stratton Street would equally qualify for inclusion in the overlay.
  - the response from the Eastbourne Community Board suggested that many roads in the Eastern Bays have restricted access and could be considered for inclusion in the overlay.

*Process since engagement on the draft District Plan*

18. Following engagement, further work on these provisions has focussed on undertaking a more robust and thorough process for consideration of roads which may be highly constrained. This evaluation is being undertaken by Council officers, assisted by a consultant traffic engineer.
19. The process for evaluating whether roads are highly constrained has involved the following:
  - shortlisting of roads based on a desktop assessment. This focussed on whether the formation width of roads enabled two-way movement or

otherwise safe passing opportunities. However, the desktop review also considered other factors such as the connectivity of the road and crash history. This task has been completed, and produced a short-list of nine roads to take forward for further evaluation:

1. Stratton Street, Normandale – north of Cottle Park Drive
  2. Normandale Road, Normandale – between Poto Road and Cottle Park Drive
  3. Normandale Road, Normandale – north-west of Sweetacres Drive
  4. Natusch Road, Belmont – full length
  5. Liverton Road, Kelson – full length
  6. Seddon Street, Naenae – south of Crawford Grove
  7. Westhill Road, Point Howard – full length
  8. Waitohu Road, York Bay – where formed over the drainage reserve
  9. Mackenzie Road, Eastbourne – full length
- A site visit has been undertaken to each of the shortlisted roads. The purpose of this was to verify the characteristics of the road and observe operating conditions and constraints to potential upgrades that would improve the operating conditions.
  - An analysis of the land development potential of land accessed from the shortlisted roads.
20. Further analysis, to select which of these roads will be included in the overlay, is ongoing.

### **Process for developing the Specified High Trip Generator Exemption Overlay**

21. The draft District Plan did not include a Specified High Trip Generator Exemption Overlay. As a result, under that plan resource consent would be required for activities which exceed specified high trip generator thresholds, with no exemptions or reductions to these thresholds for activities located near rail stations, unless they are also located in a City Centre Zone, Metropolitan Zone or Local Centre Zone.
22. No concerns were raised during engagement on the draft District Plan with the high trip generator thresholds as they relate to proximity to rail stations. However, officers have identified the overlay as an appropriate mechanism to better achieve the objective of the Transport chapter (TR-O1), particularly clause 3: that *“reliance on private motor vehicles is reduced.”*
23. The proposed Specified High Trip Generator Exemption Overlay and supporting provisions will support a reduced reliance on private motor vehicles as:

- it encourages more high trip generators (residential units) and trip destinations (retail activity) in proximity to rail stations, thereby facilitating accessibility by public transport.
  - locating retail activity near rail stations may also encourage trip linking (for example commuters accessing retail activity on the way home) which will assist in reducing transport demand.
  - it aligns with the general approach of the District Plan review of providing for more dense development and a diversity of activities around rail stations such as in the Mixed Use Zone.
24. The process for identifying the appropriate location and provisions for the overlay has included the following:
- reviewing the rule and thresholds table for High Trip Generating Activities.
  - identifying activities which if located within the Specified High Trip Generator Exemption Overlay may have a reduced effect on motor vehicle trip generation or would support the minimisation of transport demand (includes residential units, food and beverage activities and grocery stores).
  - Council's GIS team have supplied a walkability analysis based on 200m and 300m walking distance from rail station platforms.
25. It is important to note that while this would result in some developments being exempted from the High Trip Generating Activity rules, there would still be requirements for those developments that choose to provide on-site carparking (more than 10 spaces). This will ensure the exemption is targeted at public transport-oriented development, and will manage the effects of vehicle activity on active and public transport networks within the overlay.
26. This process has resulted in the new overlay that officers intend to include in the proposed District Plan when it is presented to the Committee and full Council for its decisions later this year.

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

27. The matters addressed in this report have been considered in accordance with the process set out in Council's Climate Change Considerations Guide.
28. Reducing carbon emissions is one of the issues which the objectives and provisions of the transport chapter seeks to respond to. The intent of the Specified High Trip Generator Exemption Overlay is to support the minimisation of transport demand and the locating of activities where alternatives to private motor vehicle transport are available, which supports the reduction of carbon emission.
29. The Highly Constrained Roads Overlay responds to the issue of safety and efficiency of the transport network and is not relevant to climate change considerations.



## Consultation

30. As discussed above, Council chose to undertake non-statutory engagement in the development of the proposed District Plan, particularly through engagement on the draft District Plan (in 2023) as well as targeted engagement with owners of properties within the draft Highly Constrained Roads Overlay. This engagement pre-dates the development of the Specified High Trip Generator Exemption Overlay.
31. In addition, during assessment of resource consents for Waitohu Road, community concerns about traffic impacts have been made known.
32. Once approved by Council, the Proposed District Plan will go through a statutory consultation process (set by Schedule 1 of the RMA) that provides for input from the community, other stakeholders, and Mana Whenua. This includes:
  - a public submission period,
  - a second round of further submissions (allowing people to support or oppose other people's submission lodged in the first round of submissions), and
  - the opportunity for submitters to present in support of their submission in front of an independent hearing panel.

## Legal Considerations

33. The legal considerations for this matter are the requirement for Council to fulfil its statutory functions under the RMA, including the requirement to give effect to the RPS.

## Financial Considerations

34. There are no specific financial considerations at this stage, noting that this work falls within the overall District Plan Review budget set in Council's Long-Term Plan.

## Appendices

There are no appendices for this report.

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Director Environment and Sustainability

*Our Reference*

**TO:** Chair and Members  
District Plan Review Committee

**FROM:** Judy Randall

**DATE:** 24 July 2024

**SUBJECT:** DISTRICT PLAN REVIEW COMMITTEE FORWARD PROGRAMME 2024

### **Purpose of Memorandum**

1. To provide the Committee with a Forward Programme of work planned for 2024.

### **Recommendation**

That the Committee receives and notes the Forward Programme for the District Plan Review Committee for the remainder of 2024.

### **Background**

2. The Terms of Reference for the Committee requires the Committee to undertake a full review of the District Plan and development of a Proposed District Plan.
3. The Committee's programme of work for 2024 is attached as Appendix 1 to the report.
4. The Forward Programme for 2024 provides a planning tool for members and officers to coordinate work programmes for the year.

### **Forward Programme**

5. The Forward Programme is subject to change on a regular basis. It is noted that the timeframes in the Forward Programme attached as Appendix 1 to the memorandum have been revised since the last District Plan Review Committee meeting. Further details of the revised timeframe and rationale for the changes are provided in Appendix 1.

### **Appendices**

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