

TOPIC 3, KEY ISSUE 1 – AFFECTED PERSONS' CONSENT

1. SUBMISSION POINTS

Sub Point	Submitter / Further Submitter	Provision / Section of the Hastings District Plan	Position	Summary of Decision Requested	Recommendation
003.2	D Allen	Removal of Affected Persons' Consent	Oppose	Neighbours' approval must be obtained before any building is allowed. Don't change policy.	Reject
006.2	R Barber	Affected Persons' Consent	Oppose	Not stated	Reject
007.7	Bay Planning	MRZ-R16.1 & MRZ-R16.2	Support	Support	Accept
009.1	R Black	Affected Persons' Consent	Oppose	Ensure that new rules keep neighbour consent required if new build plans breach certain thresholds for loss of sunshine/light and privacy.	Reject
012.7	G Campbell	Affected Persons' Consent	Oppose	<p>All residents should be consulted when there are to be major changes (not just landowners but also tenants where applicable) and able to put in a submission.</p> <p>That the needs and rights of existing neighbours are considered as much as the neighbour who will live en masse in the new build sections.</p> <p>That a change is made to the plan so that all parties affected by land use change are notified and given the chance to object and/or call for modification to building plans and/or consent.</p>	Reject
012.11	G Campbell	Property values and affected persons' consent	Oppose	That a change is made to the plan so that all parties affected by land use change are notified and given the chance to object and/or call for modification to buildings plans and/or consent.	Reject
013.2	S Campbell	Affected Persons' Consent	Oppose	Most important issue is affected persons' rights within medium density zone but also in all residential zones relating to new development proposals (all residential zones should retain these rights).	Reject
014.1	E Carr	Affected Persons' Consent	Oppose	Consultation with neighbours impacted by more homes being built alongside them, especially where greater than a single storey, is a requirement and a right. Maintain affected party consent.	Reject

019.2	D Cowman	Affected Persons' Consent	Oppose	I seek removal of the proposed changes on the grounds that the change removes our rights by being non-notifiable and thereby being unable to have our views taken into account or negotiated.	Reject
020.3	J Cowman	Affected Persons' Consent	Oppose	Council does not go ahead with the proposed rule changes.	Reject
021.1	K Craft	Affected Persons' Consent	Oppose	Change rules so the neighbours are consulted prior to any change in property type.	Reject
023.1	R Culver	Affected Persons' Consent	Oppose	Not stated.	Reject
026.2	A Elgie	MRZ-R16.2 Notification Statement	Oppose	Suggest getting rid of the non-notification preclusion for rule MRZ-R16 and even consider making it a discretionary activity to encroach the standards. I believe this will send a stronger message to developers that we really want them to meet the standards.	Reject
030.2	A Foy	Affected Persons' Consent	Oppose	Please respect home owner's wish to feel secure and part of the neighbourhood they initially bought into, without surprises of what may happen next door.	Reject
035.2	B Gardner	Affected Persons' Consent	Oppose	Affected parties and neighbours should still provide approval.	Reject
036.1	C Hames	Affected Persons' Consent	Oppose	Make it cheaper and easier to build/extend, add a self-contained unit or cabin on a property, but consent should still be required from neighbours if you are building a 2 nd storey	Reject
037.1	B E Harrison	Affected Persons' Consent	Oppose	That apartment blocks and all new housing not exceed a 2-story limit so maintaining the current integrity and identity of Mayfair. People have purchased existing homes and the proposed changes of plan change 5 will change Mayfair in a drastic and detrimental way.	Reject
FS09.1	B E Harrison	Submission point 037.1	Support	Allow submission	Reject
039.6	Hastings District Council	Affected Persons' Consent	Support with amendment	Make provision for third party involvement over a certain scale of development	Accept
FS11.6	Development Nous	Submission point 039.6	Oppose	Does not give effect to the substantive concerns regarding the adequacy of the plan change as a whole.	Reject
FS13.4	Kāinga Ora	Submission point 039.6	Oppose	A requirement for third party approval is ultra vires within the consent process	Reject
FS19.9	Residents of Kaiapo Road etc	Submission point 039.6	Support	There is currently a lack of third party involvement	Reject
043.1	G Herselman	Affected Persons' Consent	Oppose	Keep consultation with neighbours and notifying neighbours as part of the process.	Reject

045.3	L Hocquard	Affected Persons' Consent	Oppose	<ol style="list-style-type: none"> 1. Low rise apartments (over two storey) ONLY INSIDE the city centre. Not in the existing suburbs. 2. If make a new suburb that is all low rise apartments that is different as does not affect existing residents so those buying in know what they're getting into. 3. Resource consent remains notifiable if the buildings are over 2 storey; or if more than 4 dwellings are to be built on one section. 4. Add housing to land that is between the Hastings city centre and suburbs e.g. between Hastings and Havelock, Flaxmere, Waipatu. 	Reject
047.1	S Holm	Policy UPD14	Oppose	Amend so that the removal of affected part consents does not apply to existing residential properties impacted by multi-storey high density housing and so only applies to new subdivisions where this requirements is known to all impacted property owners.	Reject
057.5	R I Lyndon	Affected Persons' Consent	Oppose	This change should not go ahead.	Reject
066.2	N Morgan	MR2-S5 Setbacks a)ii	Oppose in Part	That the side boundary setback be increased to a minimum of 2m, ideally for single storey homes or alternatively if the boundary is with a pre-1950 home.	Reject
068.1	B Nicoll	Affected Persons' Consent	Oppose	Do not remove the right of affected parties' approval for MDH developments.	Reject
074.1	R Owens	MRZ-O1	Oppose	Allow for affected property owners to have rights to oppose this rule change and be able to object to neighbouring condensed buildings.	Reject
076.1	L Pallesen	MRZ-O1 MRZ-O2 MRZ-O3 MRZ-P4 MRZ-P6 MRZ-S5	Oppose	<p>To stop the changes that are proposed in the Hastings District Plan Change 5 within the Medium Density Residential Zone.</p> <p>To ensure that any homes built will be no higher than 2 storeys, unless written consent is given by all neighbouring properties.</p>	Reject
077.2	R & J Piper	Affected Persons' Consent	Not stated	Not stated.	Reject
080.1	M Reid	MRZ-16 Notification	Support in Part	Retain affected persons consent for directly affected neighbours.	Reject
084.2	M Rutherford	Affected Persons' Consent	Oppose	Not stated.	Reject

090.2	G Senior	Affected Persons' Consent	Oppose	Not stated.	Reject
092.1	C G Shaw	MRZ-O1 & MRZ-R16	Oppose	Retain the right of neighbours to be consulted if and when a new build is proposed.	Reject
093.2	S Sherburn	Affected Persons' Consent	Oppose	Require developments to obtain the consent of all neighbours within 100m of a proposed development.	Reject
094.1	A Sivewright	Affected Persons' Consent	Oppose	Retain the need of affected parties' consent or neighbours' approval.	Reject
095.5	M Sivewright	Affected Persons' Consent	Oppose	Not stated.	Reject
099.2	A Tattersall	Affected Persons' Consent	Oppose	I think that affected parties should still be notified of plans in the future. To abolish completely all aspects of the proposal	Reject
101.3	Te Tuāpapa Kura Kāinga	All	Support with Amendment	Preventing notification (public or limited) of resource consent applications for more intensive development that complies with the performance standards Including such further or other relief, or other consequential or other amendments, as are considered appropriate and necessary to address the concerns set out herein.	Accept
FS11.6	Development Nous	Submission point 101.3	Support	Development Nous seeks the submission be allowed in its entirety as it aligns with the alternate relief sought in its submission.	Accept
102.1	Tedot Limited	Affected persons consent	Oppose	Concern that we have no rights to object	Reject
104.2	V Tough	Affected Persons' Consent	Oppose	Seeks to stop the proposed plan.	Reject
105.1	T Tully	Affected Persons' Consent	Oppose	I respectfully request that Hastings District Council does not progress this component of Plan Change 5. I recommend that HDC continues to look for meaningful and functional solutions, within the incumbent approach.	Reject
110.2	D Walsh	Affected Persons' Consent	Oppose	Neighbours' approval for 2 storey dwellings.	Reject
111.2	C Walters	Affected Persons' Consent	Oppose	Not stated.	Reject
114.2	AM & A Wilson	Affected Persons' Consent	Oppose	Not stated.	Reject
117.1	A Whitaker	Affected Persons' Consent	Oppose	To still be able to raise an objection to planned changes in neighbourhood.	Reject
122.6	C Blackberry	Affected Persons' /	Oppose	Medium density housing proposals located outside	Reject

		public notification		mapped areas should be publicly notified.	
122.7	C Blackberry	Affected Persons' Consent	Oppose	Affected parties (all) and neighbours (all) must have the right to consent and approve.	Reject
FS30.1	P Rawle	Submission Point 122.7	Support	Seek that the whole of 122.6 be allowed to the extent that it is consistent with the relief sought in original submission.	Reject
132.2	G Hussey	Affected Persons' Consent	Oppose	Any change either big or small should be notifiable.	Reject
133.5	J Jackson	Affected Persons' Consent	Oppose	Disagree with the removal of consent / approval being required.	Reject
137.3	K M Naylor	Affected Persons' Consent	Oppose	Ensure affected persons have say in proposed medium density developments.	Reject
138.6	P Rawle	Affected Persons' Consent	Oppose	Retain the need for 3 rd party rights and affected parties' consent.	Reject
139.1	D Sankey	Activity status, Affected Parties' Consent	Oppose	PC5 should be redrafted with the consent from Hastings' citizens following consultation.	Reject
142.2	K Senior	Affected Party Consent	Oppose	Devote efforts to protecting ratepayer rights instead of pushing for changes set on by people that do not live in our area.	Reject
144.5	B Taylor	Removal of Affected Party Consent	Oppose	Retain need for affected party approval.	Reject
147.2	V van Kampen	Notification of Applications	Oppose	Require notification of 3 storey development.	Reject
148.10	L Watson	Notification	Oppose	Medium Density development should be notified.	Reject
150.3	B Wilkinson	Affected Persons' Consent	Oppose	Plan Change 5 be amended so that neighbours are notified of any developments that will be more than one storey.	Reject

2. ANALYSIS

- 2.1 A large number of submitters are concerned about the ability to have input into comprehensive residential development (medium density development) applications in their neighbourhood. This issue relates to proposed Rules MRZ-16.1 and MRZ 16.2 in the Medium Density Residential Zone and Rule GR18 in the General Residential zone which propose to provide for comprehensive residential developments as non-notified applications.
- 2.2 The submissions received on PC5 in relation to non-notification broadly fall into three camps:
- Those submitters who feel that property owners with a medium density development proposed adjacent to them should be notified of the fact and be considered an affected party.
 - Those submitters who are not opposed to comprehensive residential development but who believe that where two storey development and above is proposed that notification should occur, and adjoining properties should be considered as an affected party.

- Those who support the non-notification of medium density development where the performance standards are met.
- 2.3 One of the matters in relation to this issue that submitters may not be aware is that there is a process to be followed for the consideration of whether a resource consent should be notified or not and whether affected party approval is required. Generally, the first step is whether the proposal will have, or is likely to have adverse effects on the environment that are more than minor. If this is the case the proposal is publicly notified. If not publicly notified the Council must decide if there are people adversely affected to at least a minor degree. These are affected persons and Council must notify them under “limited notification” conditions unless there is a rule in the district plan that prevents this (as is the case under proposed PC5).
- 2.4 The partially operative District Plan treats comprehensive residential development (medium density development) as either a restricted discretionary activity, or where it cannot meet the performance standards as a full discretionary activity. Both activities require the tests considering affected persons set under Section 95 of the Act to be met. One of the objectives of PC5 is to encourage greater levels of medium density development and in engaging with the development community one of the issues raised was around providing greater levels of certainty around the consenting process. The development community felt that a non-notification process for medium density development would help to provide that level of certainty.
- 2.5 It would therefore seem reasonable that if national policy is directing that we should be providing for greater levels of intensification within our existing city boundaries and that community expectations show that we should not be expanding onto our highly productive land, that we should be reducing the obstacles that prevent us from achieving medium density development as long as the effects are appropriately managed. PC5 therefore proposes that comprehensive residential development that meets the performance standards should be able to be applied for with the certainty that it will not be a notified application. The issue then becomes what standards are required to be in place to both safeguard the community from any adverse effects of medium density development while being able to supply the certainty of a non-notified application?
- 2.6 Medium density development is not a new concept and in the 1960's and 1970's some of the larger residential sites in Hastings were developed with a number of small units which were commonly referred to as 'sausage flats'. This type of development is in fact comprehensive residential development. The difference between this past development and that currently proposed is that due to the cost of land it needs to be used more efficiently and there is a need to go up rather than spread out. As a result, the medium density residential standards for Tier 1 authorities sets the maximum height at 11 metres plus 1 metre for pitched or gable roof intrusions. This standard has been adopted in PC5 for medium density development across both the Medium Density Residential Zone and General Residential Zone and would allow for 3 storey development. It has been submitted by **E Carr (014.1)**, **C Hames (036.1)**, **B.E. Harrison (037.1)**, **L Hocquard (045.3)**, **L Pallesen (076.1)**, **D Walsh (110.2)** and **V. van Kampen (147.2)** that it is especially important that medium density developments of 2 storey and above should be notified and subject to affected party approval. **B Wilkinson (150.3)** has submitted that the threshold should be above one storey. In order to understand the effects of

medium density development it is useful to consider the permitted baseline prior to the Plan Change being notified.

- 2.7 The permitted baseline needs to be considered in the context of both the existing City Living zone and the General Residential zone. Two storey residential development with a maximum height of 8 metres is currently a permitted activity within both zones, provided that the height in relation to boundary control planes, (which protect from shading) can be met. It is understandable that there is concern that the additional 3 metres in height might have an adverse effect on the neighbours, however if the height to boundary control planes, are met there should not be any adverse shading effects from the additional height. Height and height in relation to boundary provisions are considered in Topic 4 Key Issue 3. This report recommends that the height limit in the medium density residential zone and for CRDs in the Howard St or Brookvale structure plan areas be reduced to 10m plus 1m for a gable or pitched roof intrusion. The as notified provisions for height in relation to boundary are retained (these are also the current operative provisions for CRD).
- 2.8 It therefore falls back to the scale of the development and what adverse effects may arise from 3 or more dwellings on the site, and the potential visual effects of the additional 3 metres in height. The intensification of our existing housing environments will lead to visual effects that appear out of scale with existing development. This is a transitional effect and as long as any physical effects on adjoining properties such as shading and privacy are protected by standards neighbours should not be adversely affected and consent should not be required. This means that it is important to ensure that the bulk and location standards set for medium density development are appropriate in order to achieve the development outcomes sought for the zone.
- 2.9 Policy 6 of the NPS-UD recognises that the intensification of existing urban areas will likely result in significant changes to a residential environment however those changes should not be considered as adverse effects if they are consistent with the planned built form environment for the zone. The policy is outlined below and reads:

Policy 6: When making planning decisions that affect urban environments, decision-makers have particular regard to the following matters:

- (a) the planned urban built form environment anticipated by those RMA planning documents that have given effect to this National Policy Statement;*
- (b) that the planned urban built form in those RMA planning documents may involve significant changes to an area, and those changes:*
 - i. may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities and future generations, including by providing increased and varied housing densities and types; and*
 - ii. are not, of themselves, an adverse effect.*

- 2.9 Linked to the need to ensure bulk and location standards are appropriate for the zone is the **submission point 039.6 (Hastings District Council)**, which raises this issue of scale and questions at what point does the number of units in a development create a level of effects that is out of character with a medium density or general residential environment. The issue of the appropriate scale of the development has been looked at under Topic 3, Key Issue 2 'Medium Density Zone – Rules' of the

consideration of submissions. The assessment of this submission point shows that there is a level of development at which the effects of the development are minor or more than minor and therefore it is appropriate that at this scale applications should not be non-notified, and it should undergo the appropriate assessment under Section 95 of the Resource Management Act.

- 2.10 This should be linked back to a number of factors, including the main objectives of the zone, what the neighbouring zoning is and what type of road environment the development is located on. PC5 identifies areas of Hastings where medium density is appropriate and therefore encouraged. One of the proposed objectives of the zone is:

“The planned urban built environment is characterised by; a diversity of housing typologies including townhouses, duplexes, terrace houses and low rise apartments and a built form of predominantly two and three storey buildings which are integrated with public and private open space.”

- 2.11 This means that more intensive housing is encouraged provided that the assessment criteria which include the key design elements of the Medium Density Design Framework can be met, and by that very fact the scale of development in itself should not necessarily signal the need for notification. However, there are policies that seek high amenity streets and neighbourhoods and high-quality living environments, and the scale of development can impact this. Increased traffic generation can have a significant effect on the road network and the quality of the living environment. Traffic engineers state that a typical suburban dwelling generates on average, 10 vehicle trips per dwelling per day. Using this figure, it is suggested that an appropriate scale of development within the medium density zone for non-notification should be up to 15 dwellings. As a result of submissions, it is proposed to remove comprehensive residential development within the General Residential Zone, except in the Howard St and Brookvale new urban development areas. Even so, development proposals that don't meet the density standard of the general residential zone could still be applied for as a full discretionary activity and this will require each application to be considered for the level of effects and notification under Section 95 of the Act.
- 2.12 An increased number of houses on a site can increase the amount of stormwater run-off from the site. The Medium Density Residential Zone has a clear policy (MRZ-P6) that requires sustainable infrastructure to “ensure potential public and environmental health and ponding or flooding effects of development are minimised, including by managing the amount of stormwater generated by a development.” This policy is supported by a peak stormwater runoff rule (MRZ-S12) in the Medium Density Residential zone and rule 7.2.6E(13) in the General Residential zone. The effects of any proposed development on the road network will depend very much on the scale of the development and the location of it. The assessment of the effects on the road network will therefore need to be considered on a case-by-case basis as part of the application.
- 2.13 The one aspect of the potential effects of medium density development that is raised by a number of submitters is the effect on the amenity of the neighbourhood. The Resource Management Act requires that in managing the use, development, and protection of natural and physical resources, particular regard is to be had to the maintenance and enhancement of amenity values, Section 7(c) of the Act.

- 2.14 Maintaining and enhancing amenity values must however be balanced against the sustainable management of the natural and physical resources which is the purpose of the Act. The district plan signals that in providing for the future housing needs of our district we need to start to transition towards greater levels of intensification. One of the outcomes from the Urban Strategy Section (2.4) of the District Plan is UDAO2 *Increased intensification of the existing urban environments, while maintaining acceptable levels of residential amenity*. This is backed up by Objective UDO1 *“To reduce the impact of urban development on the resources of the Heretaunga Plains in accordance with the recommendations of the adopted Heretaunga Plains Urban Development Strategy”*, and Policy UDP2 *“To manage the supply of greenfield sites to encourage medium density housing within the existing urban boundaries”*.
- PC5 provides for a greater level of transition towards intensification and while amenity is an important component of the plan change the reality is that the amenity levels are not going to match those of the existing environment. The following rules all assist in maintaining what comprises the “amenity” of a neighbourhood. These rules are very much a part of the PC5 provisions, requiring consistency with the Hastings Medium Density Design Framework principles and key design elements,
 - Requiring visibility for passive surveillance over the street and/or any adjoining public open spaces in accordance with CPTED principles and;
 - Requiring front yard setbacks, landscaping and permeable front fencing and;
 - Minimising the visual dominance of large, bulky buildings, garages, service and storage areas.
- 2.15 What is proposed to change is the density of development and the maximum height allowed by the development. This is ultimately the trade-off for the protection of our highly productive land.
- 2.16 The requirement to obtain affected persons approval is based upon the premise that the party is adversely affected by the proposal that is being applied for. Section 95E(1) of the Resource Management Act clearly states that a person is an affected person if the consent authority decides that the activity’s adverse effects on the person are minor or more than minor (but are not less than minor).
- 2.17 If achieving more intensive medium density development is the model that both national policy and our community have signalled that we need to move towards then the activity itself should not trigger the need for notification and it is correct that an activity should be non-notified with affected party approval only being considered where it is unable to meet the performance standards put forward.
- 2.18 PC5 is about moving towards an outcome of achieving greater levels of intensification. If affected party approval is required for every CRD that meets the performance standards, that outcome is unlikely to be optimally achieved. The emphasis should be on identifying the standards that each development should meet to ensure that the impacts of CRD on the existing environment are appropriately considered. The Hastings Medium Density Framework sets outcomes that will ensure that developments meet good design principles that will minimise the impacts on adjoining properties. A number of submitters have commented on the performance standards that apply to comprehensive residential development. The consideration of these submissions by the hearings committee will ensure that standards that are applied to more intensive development are the most appropriate. As previously stated, if these standards are met there should not be the need for notification.

3. RECOMMENDATIONS

3.1 That submission points 003.2 (D Allen), 006.2 (R Barber), 012.7, 012.11 (G Campbell), 013.2 (S Campbell), 019.2 (D Cowman), 020.3 (J Cowman), 021.1 (K Craft), 023.1 (R Culver), 026.2 (A Elgie), 030.2 (A Foy), 035.2 (B Gardner), 037.1 & FS09.1 (B E Harrison), 043.1 (G Herselman), 047.1 (S Holm), 057.5 (R I Lyndon), 066.2 (N Morgan), 068.1 (B Nicoll), 074.1 (R Owens), 077.2 (R & J Piper), 080.1 (M Reid), 084.2 (M Rutherford), 090.2 (G Senior), 092.1 (C G Shaw), 093.2 (S Sherburn), 094.1 (A Sivewright), 095.5 (M Sivewright), 099.2 (A Tattersall), 102.1 (Tedot Limited), 104.2 (V Tough), 105.1 (T Tully), 111.2 (C Walters), 114.2 (A-M & A Wilson), 117.1 (A Whitaker), 122.7 (C Blackberry) & FS30.1 (P Rawle), 132.2 (G Hussey), 133.5 (J Jackson), 137.3 (KM Naylor), 138.6 (P Rawle), 139.1 (D Sankey), 142.2 (K Senior), 144.5 (B Taylor) and 148.10 (L Watson) seeking that they be notified of any comprehensive residential development on a neighbouring site and requiring affected party approval, **be rejected**.

3.1.1 Reasons:

- a. Intensification within the existing urban environment is an objective of the Heretaunga Plains Urban Development Strategy and the Council's Medium Density Strategy and is also consistent with the National Policy Statement – Urban Development 2020.
- b. It is the effects of medium density development that must be managed and the performance standards and assessment criteria are applied to achieve this. The activity itself is an outcome that has been signalled as appropriate to meet future growth targets and notification and affected party approval should only be triggered where these standards cannot be met.

3.2 That submission points 014.1 (E Carr), 036.1 (C Hames), 045.3 (L Hocquard) 076.1 (L Pallesen) 110.2 (D Walsh), 147.2 (V van Kampen) and 150.3 (B Wilkinson) who seek that notification should occur for two storey development and above and adjoining properties should be considered as an affected party **be rejected**.

3.2.1 Reasons:

- a. That two storey development is currently permitted by the district plan as a permitted activity in all residential zones, provided that the maximum height and height to boundary performance standards are met. Revised height control planes and assessment criteria to ensure that the privacy of adjoining property owners is retained form part of the plan change. Where these standards cannot be met it is appropriate that affected party approval is obtained.
- b. The activity itself is an outcome that has been signalled as appropriate to meet future growth targets and notification and affected party approval should only be triggered where the bulk and location standards for the zone cannot be met.

3.3 That submission points 007.7 (Bay Planning), 101.3 (Te Tuāpapa Kura Kāinga), and FS11.186 (Development Nous) supporting the Restricted Discretionary Rule Non-notified for comprehensive residential development **be accepted**.

3.3.1 Reason:

- a. That more intensive residential development is an activity that is necessary to achieve the Medium Density Strategy and the Heretaunga Plains Urban Development Strategy (HPUDS) objectives for urban intensification.

3.4 **That the submission points 039.6 (Hastings District Council Environmental Policy) seeking that provision for third party involvement is made over a certain scale of development is accepted and that further submission points FS11.6 (Development Nours), FS13.4 (Kāinga Ora) and FS19.9 (Residents of Kaiapo Road etc) be rejected.**

3.4.1 Reasons:

- a. That while residential development that meets the performance standards should be able to be constructed without the need for third party approval there is a scale of development in the medium density residential zone where the effects can have a wider influence on the environment and full discretion is warranted.
- b. This would promote the sustainable development of housing resource to provide for the social and economic needs of the community while ensuring that the adverse effects on the existing residential and built environment can be mitigated.

3.5 **That submission point 009.1 (R Black) seeking that if new builds breach certain thresholds for loss of privacy or light that neighbour's consent is required be rejected.**

3.5.1 Reason:

- a. The district plan sets standards for activities and if those standards cannot be met Section 95 of the Resource Management Act outlines the circumstances for deciding if the adverse effects are likely to be more than minor and if a person is an affected person and this cannot be written into the district plan.

TOPIC 3, KEY ISSUE 2 - MEDIUM DENSITY RESIDENTIAL ZONE - RULES

1. MRZ-R1 – RESIDENTIAL ACTIVITY INCLUDING ADDITIONS AND ALTERATIONS TO AN EXISTING BUILDING

Sub Point	Submitter / Further Submitter	Provision / Section of the Hastings District Plan	Position	Summary of Decision Requested	Recommendation
050.123	Kāinga Ora	Rules – MRZ- R1	Support	Retain as notified	Accept
FS11.129	Development Nous	Submission point 050.123	Support in part	Development Nous seeks the submission be allowed to the extent that those parts of the submission align with the points raised and relief sought in Development Nous' submission.	Accept
FS19.149	Residents of Kaiapo Road etc	Submission point 050.123	Oppose all	We seek the whole of the KO submission be disallowed, as the requests are far too broad and far reaching. Resulting in severely adversely affecting existing communities and residents.	Reject

ANALYSIS

- 1.1 The submission received in respect of MRZ-R1 is in support without change. The submission supports the permitted status of this activity and agrees with the subsequent restricted discretionary activity status where compliance is not achieved with the standards.
- 1.2 One further submission was received in support and one in opposition to this submission. The submission in opposition is generic in nature and does not specifically state the concerns with retaining this provision as notified. Therefore, unless evidence from the further submitter in opposition is provided to clarify the part(s) of this rule that are of concern, it is recommended that this rule be retained in its current form.

RECOMMENDATIONS

- 1.3 **That the submission of Kāinga Ora (050.123) in support of MRZ-R1 be accepted.**
- 1.3.1 **That as a consequence of the above recommendation that the further submissions of Development Nous (FS11.129) be accepted and the Residents of Kaiapo Road etc (FS19.149) be rejected.**
- 1.3.2 **Reasons:**
 - a. The original submission is supportive of the rule as notified without change and this is supported by a further submission.

- b. The further submission in opposition is generic in nature and does not outline any specific concerns with this rule.

2. MRZ-R2 – RESIDENTIAL UNIT

Sub Point	Submitter / Further Submitter	Provision / Section of the Hastings District Plan	Position	Summary of Decision Requested	Recommendation
050.124	Kāinga Ora	Rules – MRZ-R2	Oppose	<p>Amendments sought: Permitted Activity up to 3 residential units on a site</p> <div> <p>1. Activity Status: Permitted</p> <p>Where:</p> <p>a. Not more than one principal residential unit shall occupy the site Up to 3 residential units per site;</p> <p>b. Compliance is achieved with all the relevant zone standards: MRZ-S1 - MRZ-S14</p> <p>Notes relevant to the activity in MRZ-R2: Where compliance is not achieved with MRZ-R2.a, see MRZ-R23 Infill Development (one additional principal residential unit on a site), or MRZ-R16, Comprehensive Residential Development (two or more new or additional principal residential units on a site) as appropriate.</p> </div>	Accept in part
FS11.130	Development Nous	Submission point 050.124	Support in part	Development Nous seeks the submission be allowed to the extent that those parts of the submission align with the points raised and relief sought in Development Nous' submission.	Accept in part
FS19.150	Residents of Kaiapo Road etc	Submission point 050.124	Oppose all	We seek the whole of the KO submission be disallowed, as the requests are far too broad and far reaching. Resulting in severely adversely affecting existing communities and residents.	Accept in part
026.1	A Elgie	MRZ-R# Minor Residential Units	Support with amendment	Amend to allow a minor residential unit as a permitted activity subject to standards including a minimum site size.	Accept

ANALYSIS

- 2.1 Two submissions were received that relate to this provision – one in opposition from Kāinga Ora (050.124) requesting amendments to allow up to 3 residential units on a site as a permitted activity if compliance with zone standards is achieved. The other submission from A Elgie (026.1) is in support with amendment. This submitter requests that minor residential units be provided for as a permitted activity subject to standards including a minimum site size.
- 2.2 As drafted, the rationale for not providing specifically for minor residential units arose from existing policy within the City Living Zone which sought that the land resource of the zone be used as efficiently as possible given the small size of the zone and therefore scarcity of this land resource. As a result, minor residential units were not specifically provided for, although the new planning standards definition was included.
- 2.3 Following analysis of submissions, it is anticipated that a range of house types and sizes will be provided within the Medium Density Residential Zone. It is anticipated

that housing will be more compact in size given the greater concentration of houses to land area that is enabled through the rule framework of this zone. On this basis it is considered that minor residential units need not be provided for separately (as is the case within the General Residential and other lower density residential zones within the Hastings District Plan) and that these would be provided for as standard residential units in the Medium Density Residential Zone. This also corresponds with the approach that Napier City Council have taken in their Medium and High Density Residential Zones in their recently notified Proposed District Plan.

- 2.4 The number of residential units allowed for as of right on a site was initially limited to one residential unit because the performance standards for the zone allowed greater height and density of dwellings and the remaining bulk and location controls are also more generous and enabling of higher density development. Therefore, to ensure a quality living environment was achieved it was necessary to consider any additional residential units in respect of the assessment criteria which include the key design elements of the medium density design framework. There was also uncertainty around infrastructure capacity and provision within the notified Medium Density Residential Zone areas.
- 2.5 Council completed an Infrastructure Constraints report in May 2023 which identified significant wastewater capacity limitations across the Hastings urban area. Council is currently progressing major capacity upgrade projects to address deficiencies and unlock capacity in areas where further intensification is anticipated. Council's Growth Infrastructure Manager has advised that capacity for two units on a site within the Medium Density Residential Zone areas will be available and is comfortable with a permitted activity status. However, developments of 3 or more units on a site need to be managed through the resource consent process to ensure capacity is assured and/or appropriate conditions are in place to provide additional capacity prior to the construction / occupation of the units.
- 2.6 One of the main drivers of PC5 that arose out of the review of the Medium Density Strategy was to remove barriers to development. With that in mind and balanced against the need to also ensure a quality living environment through compliance with the set of zone performance standards, it is considered appropriate in a medium density residential zone to allow two units on a site as a permitted activity provided that the site size is a minimum of 500m². This figure ties in with the recommended minimum vacant lot subdivision site size of 250m² per lot and the request from McFlynn Surveying and Planning (134.18) to include a minimum net site area of 250m² per dwelling for infill residential development. A site size of 250m² also corresponds to the operative minimum site size for CRD activities in new urban development areas of Howard St (Appendix 80) and Brookvale (Appendix 13B).
- 2.7 While, feedback has been received from the development community that including site size and density requirements restricts the range of housing typologies that could be built, in this instance, applying a minimum site size to enable a permitted activity status is not considered to be unduly restrictive particularly where it will ensure sites have sufficient space to meet the zone performance standards and create a quality living environment without the necessary assessment of design matters that would occur through the resource consent process. Furthermore, this site size restriction is removed where 3 or more residential units are proposed and is considered alongside the overall development design through the assessment criteria as part of the resource consent process.

2.8 Allowing for two units on a site as a permitted activity will at least partially address the concerns raised by these submitters, enabling landowners in this area to provide for their economic and social wellbeing while ensuring development can be serviced for infrastructure and that residents and neighbours continue to enjoy a quality living environment by development meeting the zone performance standards.

2.9 Rule MRZ-R2 Residential Units is recommended to be amended as follows:

Rule Number	Activity and Activity Status	Matters of Control or Discretion
MRZ - R2	Residential Unit	
	<p>1. Activity Status: Permitted Where:</p> <p><u>A: For sites less than 500m² in area</u></p> <ul style="list-style-type: none"> a. Not more than one principal residential unit shall occupy the site; b. Compliance is achieved with all the relevant zone standards: MRZ-S1 – MRZ – S14 <p><u>B: For sites 500m² in area or more</u></p> <ul style="list-style-type: none"> i. <u>Not more than two residential units shall occupy the site;</u> ii. <u>Compliance is achieved with all the relevant zone standards: MRZ-S1 – MRZ – S14</u> 	
	<p><u>Notes relevant to the activity in MRZ – R2</u></p> <p>Where compliance is not achieved with MRZ-R2.1.a, or MRZ-R2.1.c see MRZ-R16 Construction of 3-15 residential units MRZ-R22 Infill Development (one additional principal residential unit on a site), or MRZ – R16, Comprehensive Residential Development (two or more new or additional principal units on a site) as appropriate.</p>	
	<p>2. Activity Status: Restricted Discretionary Where: Compliance is not achieved with one or more of the standards in MRZ-R2.1.b <u>MRZ-S1- MRZ-S14 inclusive</u></p>	<p>Matters of Discretion:</p> <ul style="list-style-type: none"> 1. Where relevant, the stated outcome of the infringed standard(s).
	<p>3. Activity Status: Restricted Discretionary Where: Compliance is not achieve with MRZ- R2.1.A.i or MRZ-R2.1.B.i</p>	<ul style="list-style-type: none"> 1. <u>MRZ-MAT1 – Residential Development within the Medium Density Residential Zone</u>
	<p><u>Notification:</u> An application under Rule MRZ-R16.3 is precluded from being publicly notified or limited notified in accordance with sections 95A or 95B of the RMA.</p>	

RECOMMENDATIONS

2.10 That the submission of Kāinga Ora (050.124) in opposition to MRZ – R2 **be accepted in part** in so far as the rule is recommended to be amended to allow two residential units on a site as a permitted activity provided that the site is 500m² in area or more.

2.10.1 That as a consequence of the above recommendation, the further submissions of **Development Nous (FS11.130)** and the **Residents of Kaiapo Road etc (FS19.150)** also **be accepted in part.**

2.11 **That the submission of A Elgie (026.1)** in support with amendment to MRZ – R2 **be accepted** insofar as the rule is recommended to be amended to allow for two units on a site as a permitted activity provided that the site is 500m² in area or more.

2.12 **Reasons:**

- a. The rule as notified is unnecessarily restrictive.
- b. The recommended amendments will ensure a permitted level of development that can meet the set of performance standards for the zone ensuring a quality living environment.
- c. The recommended amendments will allow for an appropriate level of development as of right that can be serviced for infrastructure.

3. MRZ-R5 – HOME BUSINESS (EXCLUDING CATTERIES, KENNELS, AND INDUSTRIAL ACTIVITIES)

Sub Point	Submitter / Further Submitter	Provision / Section of the Hastings District Plan	Position	Summary of Decision Requested	Recommendation
007.2	Bay Planning	Definition of home business	Support with amendment	Amend / clarify definition of home business Does the definition include: i. Food and beverage production and sales? ie – a coffee cart? ii. A manufacturing operation, such as the manufacturing of trailers, using materials that are delivered to the site, but the trailer is “produced” on the site.	Reject
007.3	Bay Planning	MRZ-R5 Home Business	Support with amendment	Suggest a change to the wording under matters of discretion: <i>1. The extent to which the scale of the home business is compatible with the planned built form environment and character for the zone;</i> Amend wording as outlined in the submission	Accept in part
007.4	Bay Planning	MRZ-R5 Home Business matters of discretion	Support with amendment	Reference to ‘traffic movements’ in the matters of discretion – does this include pedestrians as well as vehicles. We suggest providing a definition to clarify this term. Amend definition or create a definition for traffic movements.	Accept in part

ANALYSIS

3.1 Three submissions in support with amendment have been received in relation to the rule providing for Home Businesses in the Medium Density Residential Zone. These submissions request the following amendments:

- Clarification of the types of activities provided for as home businesses – (submission 007.2 from Bay Planning)
- A minor change to wording of the matters of discretion to correct a typo (submission 007.3 from Bay Planning); and
- A clarification of the types of traffic movements to be considered (submission 007.4 from Bay Planning);

3.2 The new planning standards definition of Home Business has been introduced for the Medium Density Residential Zone. This definition is set out below:

Home business means a commercial activity that is:

- a. Undertaken or operated by at least one resident of the site;*
- b. Is incidental to the use of the site for a residential activity;*

3.3 The definition of commercial activity within the Medium Density Residential zone is:

Commercial activity means any activity trading in goods, equipment or services. It includes any ancillary activity to the commercial activity (for example administrative or head offices).

3.4 Therefore, to clarify a food and beverage operation would be a home business as it is a commercial activity but would need to comply with the stated conditions in MRZ-R5.1. A manufacturing operation would not be a home business as manufacturing is considered an industrial activity as per the definition in the District Plan.

3.5 As such the definition of Home Business is clear and there is no justification for amending this definition.

3.6 A check of eplan shows that the typo in the matters of discretion statement has been corrected. This statement should be amended to be consistent with the NPS-UD terminology used. As such it is recommended that this statement be amended as follows:

1. The extent to which the scale of the home business is compatible with the planned urban built form environment and character for the zone;"

3.7 In terms of submission 007.3 the request to clarify whether traffic movements is meaning vehicle or pedestrian movements is accepted. However, the solution to add a definition of traffic movements is not supported. A simple amendment is recommended to be made to point 3. of the matters of discretion to clarify that it is vehicle traffic movements that is of concern. The recommended amendment is outlined as follows:

3. The method of retailing and the extent to which this will compromise the amenity of the area, including vehicular traffic movements, and noise.

RECOMMENDATIONS

- 3.8 **That the submission of Bay Planning (007.2) be rejected** in so far as no amendment is made to the definition of Home Business.
- 3.9 **That the submissions of Bay Planning (007.3) and (007.4) be accepted in part** in so far as amendments are recommended made to the matters of discretion to clarify and / or reflect the concerns raised by the submission.
- 3.10 **Reasons:**
- The definition of Home Business is clear and there is no need for amendments. The definition should be read in conjunction with the definitions of commercial and industrial activities;
 - An amendment to the matters of discretion point (1) is needed to ensure consistency with the terminology of the NPS-UD;
 - The recommended amendment to the matters of discretion will address the concern raised by the submitter without the need to create a new definition for traffic movements.

4. MRZ – R6 – SCHEDULE ACTIVITIES (ANY ACTIVITIES LISTED IN APPENDIX 26 IN RESPECT TO THE STATED SITE)

Sub Point	Submitter / Further Submitter	Provision / Section of the Hastings District Plan	Position	Summary of Decision Requested	Recommendation
007.5	Bay Planning	MRZ-R6 Schedule Activities	Support with amendment	Amend title of section to Scheduled Activities.	Accept

ANALYSIS

- 4.1 The suggested amendments to the title of this rule are accepted.

RECOMMENDATIONS

- 4.2 **That the submission from Bay Planning (007.5) be accepted.**

- 4.2.1 **Reason:**

- The submission to change the title of the rule is appropriate and corrects a typo.

5. MRZ-R13 – RELOCATED BUILDINGS

Sub Point	Submitter / Further Submitter	Provision / Section of the Hastings District Plan	Position	Summary of Decision Requested	Recommendation
050.125	Kāinga Ora	Rules – MRZ-R13	Oppose	Delete rule MRZ-R13	Reject

FS11.131	Development Nous	Submission point 050.125	Support in part	Development Nous seeks the submission be allowed to the extent that those parts of the submission align with the points raised and relief sought in Development Nous' submission.	Reject
FS19.151	Residents of Kaiapo Road etc	Submission point 050.125	Oppose all	We seek the whole of the KO submission be disallowed, as the requests are far too broad and far reaching. Resulting in severely adversely affecting existing communities and residents.	Accept
135.4	J McIntosh	Relocated Dwellings	Support in part	No infill housing using old, transported houses.	Reject

ANALYSIS

- 5.1 The submission from Kāinga Ora (050.125) requests that the rules around relocated buildings be deleted from the District Plan. This is not acceptable on the basis that the rules were put in place during the last review of the District Plan to address community expectations around managing the effects of relocated buildings on the amenity and character of the surrounding neighbourhood. These rules are balanced against the concerns of an appellant (Heavy Haulage NZ Ltd) in terms of enabling the relocation of dwellings. These rules have been in place since the Heavy Haulage Appeal was resolved by consent order in 2016 and have been effective in addressing the issues. Prior to these rules being in place, relocated buildings created significant adverse impacts in many neighbourhoods across the Hastings urban area and at the worst extent resulted in an applicant being prosecuted by the Council.
- 5.2 In the Hastings context, it is our experience that relocated buildings need to be managed separately to the construction of new residential units. Relocated buildings are considered to have different effects that warrant additional measures to ensure these are sufficiently mitigated. When buildings are relocated on to a site they are already a completed built structure but are in a state of disrepair that generally require a significant number of repairs to be made. Until these repairs are carried out, the appearance of the buildings can be (based on experience from relocated buildings within the District) one of rotten or unpainted weatherboards, or exterior cladding that is broken, roofing iron that is rusted and/or glazing and joinery that is broken or boarded up and needs replacing. It is this state of disrepair that has an impact on the amenity values of neighbouring properties and the residential area in general. The extent of adverse effects depends on the length of time it takes for repairs to be completed.
- 5.3 On this basis, the submission from Kāinga Ora to delete Rule MRZ-R13 relocated buildings is not recommended to be accepted. The implications for how relocated buildings are managed across the District would be significant.
- 5.4 The submission from J McIntosh (135.4) requests that relocated buildings are not used for infill housing. Including such a rule would create a barrier to development and as such is not recommended. It is considered that the rule framework currently

in place under the Operative District Plan is sufficient to manage any concerns in respect of the effects detailed above for relocated buildings and as such can be managed appropriately without impacting on surrounding properties and the neighbourhood in general.

RECOMMENDATIONS

5.5 **That the submission of Kāinga Ora (050.125) requesting to delete Rule MRZ-R13 relocated buildings be rejected.**

5.5.1 That as a consequence of the above recommendation, the further submission of **Development Nous (FS11.131) be rejected** and the further submission of the **Residents of Kaiapo Road etc (FS19.151) be accepted.**

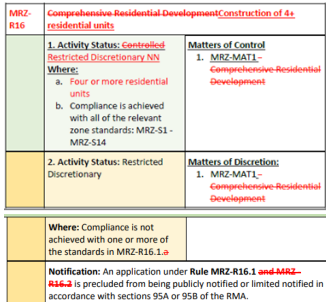
5.6 That the submission of **J. McIntosh (134.4) be rejected.**

5.7 Reasons:

- a. Relocated buildings require additional assessments compared to new builds which was agreed through consent order as part of the resolution of appeals on the Proposed Hastings District Plan 2015.
- b. The current rule framework manages the immediate and significant nature of the effects of relocated buildings and appears to be effective given compliance issues and complaints are low.
- c. The inclusion of a rule to restrict the use of relocated buildings is not warranted and would create a barrier to development which is contradictory to the intent of Plan Change 5.

6 MRZ-R16 – COMPREHENSIVE RESIDENTIAL DEVELOPMENT

Sub Point	Submitter / Further Submitter	Provision / Section of the Hastings District Plan	Position	Summary of Decision Requested	Recommendation
007.6	Bay Planning	MRZ-R16 Comprehensive Residential Development	Support	Support	Accept in part
007.7	Bay Planning	MRZ-R16.1 and MRZ-R16.2	Support	Support	Accept in part
016.2	Clifton Bay, M Mahoney	MRZ-R16 Comprehensive Residential Development (CRD)	Support with amendment	Amend the activity status of CRD on 380 Clifton Road, Te Awanga to a controlled or permitted activity.	Reject – See Topic 1, Key Issue 3 – spatial extent of MDRZ
026.2	A Elgie	MRZ-R16.2 Notification statement	Oppose	I suggest getting rid of the non-notification preclusion for rule MRZ-R16 and even consider making it a discretionary activity to encroach the standards. I believe this will send a stronger message to developers that we really want them to meet the standards.	Accept in part
050.2	Kāinga Ora	Comprehensive Residential	Oppose	Kāinga Ora seek the deletion of the mechanism of CRD in	Accept in part

		Development (CRD)		its entirety throughout the Hastings District Plan	
FS03.8	Oceania Healthcare Ltd	Submission point 050.2	Oppose	Disallow the submission.	Accept in part
FS11.8	Development Nours	Submission point 050.2	Support in part	Development Nours seeks the submission be allowed to the extent that those parts of the submission align with the points raised and relief sought in Development Nours' submission.	Accept in part
FS19.28	Residents of Kaiapo Road etc	Submission point 050.2	Oppose all	We seek the whole of the KO submission be disallowed, as the requests are far too broad and far reaching. Resulting in severely adversely affecting existing communities and residents.	Accept in part
050.126	Kāinga Ora	Rules – MRZ-R16	Support in part	Amendments sought: 	Accept in part
FS11.132	Development Nours	Submission point 050.126	Support in part	Development Nours seeks the submission be allowed to the extent that those parts of the submission align with the points raised and relief sought in Development Nours' submission.	Accept in part
FS19.152	Residents of Kaiapo Road etc	Submission point 050.126	Oppose all	We seek the whole of the KO submission be disallowed, as the requests are far too broad and far reaching. Resulting in severely adversely affecting existing communities and residents.	Accept in part
101.3	Te Tuāpapa Kura Kāinga, Ministry of Housing and Urban Development	All	Support with amendment	Preventing notification (public or limited) of resource consent applications for more intensive development that complies with the performance standards Including such further or other relief, or other consequential or other amendments, as are considered appropriate and necessary to address the concerns set out herein.	Accept
FS11.186	Development Nours		Support	Development Nours seeks the submission be allowed in its entirety as it aligns with the alternate relief sought in its submission.	Accept
133.1	J Jackson	House types	Oppose	Oppose multiple (more than 3 units), duplex units,	Reject

				apartment blocks and terraced housing. This multiple housing does not promote happy healthy living. It is eroding the character of our city and impacting the social fabric of our existing community. Good design is not what we are seeing in the repetitive designs of the many KO developments	See Topic 4, Key Issue 3 - MRZ performance standards for recommendation
134.16	McFlynn Surveying and Planning	Rule MRZ-R16 Comprehensive Residential Development	Oppose	Amend to Restricted Discretionary for proposals that meet the relevant standards, and non-complying for proposals that do not meet the relevant standards.	Accept in part
FS27.10	J Jackson	Submission point 134.16	Support	Seek that the whole submission be allowed. Also including that onsite parking must be provided for each dwelling.	Accept in part
FS30.11	P Rawle	Submission point 134.16	Support	Seek these parts of the submission be allowed.	Accept in part
134.17	McFlynn Surveying and Planning	Rule MRZ-R16 Comprehensive Residential Development	Oppose	Remove the statement precluding notification of applications pursuant to these rules.	Accept in part
FS27.17	J Jackson	Submission point 134.17	Support	Seek that the whole submission be allowed. Also including that onsite parking must be provided for each dwelling.	Accept in part
FS28.3	Kāinga Ora	Submission point 134.17	Oppose	Disallow submission.	Accept in part
FS30.12	P Rawle	Submission point 134.17	Support	Seek these parts of the submission to be allowed.	Accept in part

ANALYSIS

- 6.1 A range of submissions have been received in relation to this rule for Comprehensive Residential Development. The submission from Clifton Bay (016.2) is considered to be out of scope as the property at 380 Clifton Road, Te Awanga is not located within the urban areas of Hastings, Havelock North and Flaxmere to which the plan change relates. This site is zoned Te Awanga Lifestyle Zone and is not considered a suitable location for medium density housing. As such this submission is rejected on these grounds.
- 6.2 The submission from Kāinga Ora (050.2) requests the deletion of the term comprehensive residential development throughout the entire Hastings District Plan. This submission states that:

“Kāinga Ora oppose the use of a separate activity pathway through Comprehensive Residential Development. Kāinga Ora consider that all residential activities should be considered under the same pathway; i.e. residential activities and buildings, and that a simplified rule framework is constructed to enable housing in the respective zone, with appropriate

performance standards and rules to regulate the extent of development within the urban environment”.

- 6.3 The removal of the Comprehensive Residential Development activity from the proposed Medium Density Residential and General Residential zones is accepted. It is also accepted that within these zones a simplified rule framework should be created.
- 6.4 The only exception to this would be that the existing operative comprehensive residential development provisions remain in place in the General Residential Zone for the new urban development areas governed by structure plans such as Howard Street in Hastings and Brookvale in Havelock North. These areas have specific rules that were developed at the time the structure plans for each area were prepared and it is therefore important in terms of community and developer expectations that these provisions remain in place. The other significant aspect is that the infrastructure provision for these areas is based on densities and work undertaken at the time the structure plans were developed. This may mean that additional capacity for a greater density of development is either not able to be provided or needs further investment by developers in order to be enabled. Again, retaining the existing provisions in these specific cases will be important for ensuring that infrastructure capacity is able to meet development provision.
- 6.5 Accepting the request to remove the ‘Comprehensive Residential Development’ term from the entire plan has innumerable impacts on a wide range of zones that are not the subject of this plan change and as such it is considered that this request can only be accepted in respect of the Medium Density Residential and General Residential Zones in Hastings, Havelock North and Flaxmere.
- 6.6 Kāinga Ora in their submission point (050.126) also seek that this rule enables the construction of 4 or more residential units but as a restricted discretionary activity, whereas currently the rule allows 2 or more residential units as a controlled activity. Given that it is recommended above in Rule MRZ-R2 that 2 residential units can be enabled as a permitted activity, it makes sense to partially accept the submission of Kāinga Ora by allowing the construction of 3 or more units as a restricted discretionary activity.
- 6.7 The rule framework requested by Kāinga Ora is one that has been applied to Tier 1 Councils (ie the metropolitan cities of Auckland, Wellington, Christchurch, Tauranga etc) through the NPSUD. This rule framework is not considered suitable for a provincial or significantly smaller centre or Tier 2 local authority such as Hastings District. It is recommended that this be reduced to 2 residential units as a permitted activity and the construction of 3 or more residential units as a restricted discretionary activity. Such a rule framework provides a more balanced approach to enabling housing development at a level that is appropriate for the size and scale of the District and its population.
- 6.8 The submission from J Jackson (133.1) opposes more than 3 units being provided for. Stating *“Oppose multiple (more than 3 units), duplex units, apartment blocks and terraced housing. This multiple housing does not promote happy healthy living. It is eroding the character of our city and impacting the social fabric of our existing community. Good design is not what we are seeing in the repetitive designs of the many KO developments”.*

- 6.9 One of the criticisms of the current District Plan rule framework is that it constrains the types of houses that can be built. Enabling house types and styles that provide for a greater number of units on a site ensures there is a choice of housing types in the market that will suit a wide range of people. Household types, sizes and preferences have changed significantly over time and there is a need to provide for a range of options, locations and price points to ensure everyone has greater opportunity to access housing. Duplex units, terraced houses and apartments are much more efficient at providing housing and, if designed well, can provide quality living environments. Given that Hastings is surrounded by highly productive soils there is a need to enable the development of urban land that is located in areas of high accessibility in a more efficient manner.
- 6.10 The submitter also raises concerns around building repetitiveness and loss of character. As notified the performance standards include consideration of variety in building design to ensure that no more than two adjoining residential units have the same floor plan design unless the building design includes additional features to distinguish it. -The operative District Plan includes a performance standard for CRD activities that allows the construction of only 3 dwellings (4 dwellings in new urban development areas) in a row or terrace configuration as part of any medium density housing development. The purpose of this standard is to reduce the effects of scale and bulk of buildings and also to reduce the repetitiveness of building structures. This rule was not carried forward into the PC5 performance standards to enable greater flexibility in house typology and building design. It was, however, effectively replaced with the variety in building design standard discussed above which would enable more units in a terraced configuration while ensuring that any repetition of the floor plan design was offset through variety in roof forms, fenestration, building materials and architectural detailing. These matters including the recommendation on the submission of J. Jackson (133.1) are considered further in Topic 4 Key Issue 3 - Performance Standards of the Medium Density Residential Zone.
- 6.11 In terms of the provisions relating to the notification clauses within the rule the following specific submissions have been received in respect of rule MRZ – R16.1 and MRZ-R16.2 - one in support from Bay Planning (007. 7) and two in opposition from A. Elgie (026.2) and McFlynn Surveying and Planning Ltd (134.17). The issue of affected party consents and notification of medium density housing developments has been considered in depth under Topic 3, Key Issue 1 Report – Affected Persons' Consent.
- 6.12 The analysis of that report concluded that medium density development of itself does not warrant notification particularly when located within the Medium Density Residential Zone and complying with the performance standards. This activity itself is an outcome that has been signalled as appropriate to meet the future growth targets of the District and to achieve the outcomes of the Heretaunga Plains Urban Development Strategy, Regional Policy Statement and National Policy Statement on Urban Development 2020. As such notification and affected party approval should only be triggered when development proposals do not meet the relevant performance standards. The Topic 3, Key Issue 1 report also concluded that there is a scale of development where the effects have a wider influence on the environment and full discretion is warranted. The analysis under this topic recommended that at an average of 10 vehicles trips per dwelling per day it is suggested that an appropriate scale of development within the medium density residential zone for non-notification should be up to 15 dwellings provided that all performance standards are met.

- 6.13 In terms of the submissions lodged under this topic, A. Elgie (026.2) submits that the non-notification clause should be removed, and that the activity status be raised to a Discretionary Activity where the standards are not met. This submitter states that this activity status would send a stronger message to developers of the importance of meeting the performance standards. McFlynn Surveying & Planning Ltd also submits that the non-notification clause be removed (134.17) and where a proposal breaches the standards the activity status should be non-complying (FS134.16). Both submissions are supported by J Jackson (FS27.17) and P. Rawle (FS30.12) and opposed by Kāinga Ora (FS28.3).
- 6.14 The performance standards have been developed to enable flexibility and innovation in building design while ensuring a quality living environment is created for residents and neighbours. The living environment in the Medium Density Residential Zone will transition from its current suburban form to a more compact urban living environment.
- 6.15 It is accepted that when one or more of the standards is breached, a specific notification and/or affected parties' assessment should be undertaken pertaining to the development proposal and the context in which it is located. However, it is not accepted that the activity status should be elevated above restricted discretionary to full discretionary where there are breaches of the standards. It is considered that the removal of non-notification status is a sufficient incentive to encourage compliance with the standards.
- 6.16 A non-complying status where standards are not met is considered to be too onerous and gives the impression that this activity is not suitable for a medium density residential zone which is not the case. A non-complying activity status would also not be appropriate where standards are breached, particularly given that some breaches may be small or minor in nature.
- 6.17 Therefore, it is recommended that the activity status for activities that do not meet one or more of the performance standards be restricted discretionary (removing the non-notification requirement). This ensures that any potential effects on neighbours will be considered and matters of discretion limited to those relevant to the standard not met.
- 6.18 A full discretionary activity status is considered appropriate for larger scale medium density developments where impacts on the environment have the potential to affect the wider neighbourhood. In addition, larger scale developments can intensify impacts on immediate neighbours surrounding the site. It is considered that matters of discretion in these cases should not be restricted to the assessment criteria, enabling consideration of a range of matters depending on the particular scale and location of the development within the zone. Larger scale developments are considered to be more appropriately located on arterial or collector roads within the zone rather than local access roads as these would have greater ability to absorb the increased traffic movements from the site. It will also be important to determine and consider the cumulative effects of the scale of medium density developments in the immediate area.
- 6.19 It is recommended that based on the analysis above and within the report on affected persons consent that rule MRZ-R16 be amended as follows:

Rule Number	Activity Status	Matters of Control or Discretion
MRZ-R16	Comprehensive Residential Development consisting of 3 – 15 residential units inclusive	
	1. Activity Status: Controlled Restricted Discretionary Activity Where: Compliance is achieved with all of the relevant zone standards MRZ-S1 – MRZ-S14	Matters of Control Discretion 1. MRZ-MAT1 – Comprehensive Residential Development <u>in the Medium Density Residential Zone</u>
	2. Activity Status: Restricted Discretionary Where: <ol style="list-style-type: none"> Compliance is not achieved with one or more of the standards in MRZ-R16.1.a; 	Matters of Discretion: <ol style="list-style-type: none"> <u>The matters of discretion listed for the standard(s) not met in the standards table</u> MRZ-MAT1 – Comprehensive Residential Development <u>in the Medium Density Residential Zone</u>
	3. Activity Status: Discretionary Activity Where: <ol style="list-style-type: none"> <u>the proposed development consists of more than 15 residential units.</u> 	
	Notification: An application under Rule MRZ-R16.1 and MRZ-R16.2 is precluded from being publicly notified or limited notified in accordance with sections 95A or 95B of the RMA.	

RECOMMENDATIONS

- 6.20 That the submissions of Clifton Bay (M. Mahoney) (016.2) in support with amendment be rejected for the reason that the request of Clifton Bay is out of scope of this plan change as the site is zoned Te Awanga Lifestyle zone and is not located within the urban area of Hastings, Flaxmere or Havelock North.
- 6.21 That the submissions of Bay Planning (007.6 and 007.6), A.Elgie (026.2), Kainga Ora (050.2 and 050.126), McFlynn Surveying and Planning Ltd (134.16 and 134.17) all be accepted in part.
- 6.21.1 That as a consequence of the above recommendation, the further submissions of Oceania Healthcare Ltd (FS03.8) in opposition to submission 050.2 (Kāinga Ora), Development Nous (FS11.8 and FS11.132) in support of submissions 050.2 and 050.126 (Kāinga Ora), Residents of Kaiapo Road etc (FS19.29 and 19.152) in opposition of submissions 050.2 and 050.126 (Kāinga Ora), J Jackson (FS27.10 and FS27.11) and P.Rawle (FS30.11 and FS30.12) in support of submissions 134.16 and 134.17 (McFlynn Surveying and Planning) be accepted in part.
- 6.22 That the submission of 101.3 Te Tuāpapa Kura Kāinga, Ministry of Housing and Development in support of MRZ-R16.1 be accepted in so far as medium density housing proposals complying with the standards will be precluded from notification within the Medium Density Residential Zone.
- 6.22.1 That as a consequence of the above recommendation, the further submission of Development Nous (FS11.186) in support of submission 101.3 (Te Tuāpapa Kura Kāinga, Ministry of Housing and Development) be accepted.

6.23 Reasons:

- a. The removal of the activity and term Comprehensive Residential Development in the Medium Density Residential Zone and General Residential Zones (except for the new urban development areas of Howard Street and Brookvale) will simplify the activity tables making it more transparent and easier to understand the scale of development allowed through the rule framework. However, removing this term and definition from the District Plan in its entirety is not acceptable as it will impact other zones that are not subject to this plan change and which have had specific rules designed to ensure particular outcomes are achieved.
- b. The recommended amendment to the rule framework will create a simple rule structure that is transparent and easy to understand.
- c. Recommended changes to notification clauses within the rules address submissions by enabling developments that meet the standards a non-notified consent pathway. While developments of a larger scale or those that do not meet standards will require consideration of notification or affected persons. This is considered a more balanced and just approach within the Medium Density Residential Zone.
- d. The recommendation to acknowledge the effects and impacts of development proposals at a scale of more than 15 residential units with a higher activity status is appropriate, particularly for a provincial city that is in transition to a more compact urban form.

7 MRZ-R17 – REST HOME CARE

Sub Point	Submitter / Further Submitter	Provision / Section of the Hastings District Plan	Position	Summary of Decision Requested	Recommendation
007.8	Bay Planning	MRZ-R17 Rest Home Care	Support with amendment	We suggest further analysis of the number of people involved in the running of a 10 person care home facility and incorporating these standards in the performance standards.	Reject

ANALYSIS

- 7.1 The submission from Bay Planning requests that performance standards should be included in relation to staff numbers associated with a 10 person rest home care facility. It is not clear from the submission what environmental impacts of staff numbers would be of concern and would require management through the inclusion of such standards. It is suggested that the submitter provide further information and evidence at the hearing to justify the inclusion of performance standards in relation to staff numbers.

RECOMMENDATION

- 7.2 **That the submission of Bay Planning (007.8) requesting the incorporation of staff numbers for a rest home accommodating up to 10 people be rejected.**

7.2.1 Reasons:

- a. That the submission does not describe the environmental impacts that are of concern in relation to staff numbers associated with a 10-person rest home facility.
- b. It is considered that the general performance standards of the zone are sufficient to manage the environmental effects of a 10-person rest home facility and that staffing numbers are unlikely to be so great to create adverse effects that require restriction.

8. MRZ-R19 – EMERGENCY SERVICE FACILITY

Sub Point	Submitter / Further Submitter	Provision / Section of the Hastings District Plan	Position	Summary of Decision Requested	Recommendation
028.15	Fire and Emergency NZ	MRZ-R19 Emergency Service Facility	Support in part	Amend as follows: MRZ-R19 Emergency Service Facility Activity status: Discretionary Restricted Discretionary	Accept

ANALYSIS

- 8.1 The request from Fire and Emergency NZ (028.15) to reduce the activity status of emergency services facilities in the Medium Density Residential Zone to restricted discretionary is accepted on the basis that this aligns with the activity status in the General Residential Zone.

RECOMMENDATION

- 8.2 **That the submission from Fire and Emergency NZ (028.15) in support with amendment be accepted.**

8.2.1 Reasons:

- a. That a restricted discretionary activity status for emergency services facilities aligns with that in the General Residential Zone and will enable greater flexibility to establish such facilities if there is a need for them to establish within the Zone.

9. MRZ-R20 – PLACES OF ASSEMBLY

Sub Point	Submitter / Further Submitter	Provision / Section of the Hastings District Plan	Position	Summary of Decision Requested	Recommendation
144.4	B Taylor	MRZ - R20 Places of Assembly Minimum Setback Distance	Oppose	MRZ-R20 Places of Assembly refers to the minimum setback distances of buildings from boundaries being 5 metres. This should be Discretionary and if consent from	Reject – the rules as notified already allow for the relief sought.

				neighbours is obtained, this distance should be able to be reduced. The Plan Change must allow for alterations if consent is granted.	
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ANALYSIS

- 9.1 The provisions of the Medium Density Residential Zone allow for places of assembly to develop through requiring a resource consent for a Discretionary Activity. Places of assembly generally include buildings of a larger scale than typical residential dwellings and therefore larger setback requirements are considered appropriate for this activity. However, as with all standards in the District Plan, if an activity cannot meet any performance standard then this can be assessed and considered as part of the resource consent application to either establish the activity or to infringe a standard.
- 9.2 As part of this resource consent application, a notification or affected persons assessment will be undertaken and the extent of the infringement will be assessed against the outcome of the standard and any other relevant listed matters of discretion. In this case, the matters of discretion of discretion. The outcome of the standard should be included in the matters of discretion. This submission is rejected on the basis that the proposed rule structure of the Medium Density Residential Zone already allows for alterations to existing or new buildings and infringements of standards through the resource consent process. Therefore, no further amendments are necessary, and the rule is retained as notified.

RECOMMENDATION:

- 9.3 **That the submission of B Taylor (144.4) in opposition to MRZ-R20 is rejected** insofar the rules as notified already allow for alternations or additions to new buildings and infringements of standards and consideration of these through the resource consent process.
- 9.3.1 Reason:
- The existing rule structure allows for amendments to existing and new buildings that may not meet the performance standards (such as setbacks) to be considered through the resource consent process.

10. MRZ-R22 – INFILL RESIDENTIAL DEVELOPMENT

Sub Point	Submitter / Further Submitter	Provision / Section of the Hastings District Plan	Position	Summary of Decision Requested	Recommendation
050.127	Kāinga Ora	Rules – MRZ-R22	Oppose	Delete rule MRZ-R22	Accept
FS11.133	Development Nous	Submission point 050.127	Support in part	Development Nous seeks the submission be allowed to the extent that those parts of the submission align with the points raised and	Accept

				relief sought in Development Nours' submission.	
FS19.153	Residents of Kaiapo Road etc	Submission point 050.127	Oppose all	We seek the whole of the KO submission be disallowed, as the requests are far too broad and far reaching. Resulting in severely adversely affecting existing communities and residents.	Reject
070.1	P Nottingham	MRZ-R22	Support in part	MRZ-R22 In fill housing needs to be permitted as if it is not possible to amalgamate sites this is the only option for development.	Accept
134.18	McFlynn Surveying and Planning	Rule MRZ-R22 Infill Residential Development	Oppose	Amend activity status to Restricted Discretionary and set an appropriate density for infill development such as a minimum net site area of 250m ² per dwelling.	Accept
FS27.18	J Jackson	Submission point 134.18	Support	Seek that the whole submission be allowed. Also including that onsite parking must be provided for each dwelling.	Accept
FS30.13	P Rawle	Submission point 134.18	Support	Seek these parts of the submission to be allowed.	Accept
061.13 Submission withdrawn	McFlynn Surveying and Planning – A McFlynn	MRZ-R22 Infill Residential Development	Oppose	Amend activity status to Restricted Discretionary, and set an appropriate density for infill development (such as greater than one dwelling per 350m ²)	

ANALYSIS

- 10.1 **Kāinga Ora submission (050.127)** request that this rule for infill development (which was carried over from the City Living zone provisions) be deleted. Given the revised approach to PC5, the acceptance of the Kāinga Ora submission (050.3) to remove the term comprehensive residential development from the Medium Density Residential Zone rule framework and the changes recommended above to MRZ-R2 to allow two units on a site as a permitted activity provided that the site is 500m² or greater, it is considered appropriate to delete MRZ-R22 as requested by Kāinga Ora submission (050.127).

- 10.2 **McFlynn Surveying and Planning (134.18)** seek that infill development is allowed for as a restricted discretionary activity. This part of the submission has been accepted through the changes to MRZ-R2. This submitter has also requested that a minimum density for infill development be set of 250m² per dwelling. As discussed in the considerations of submissions on MRZ-R2 residential units above, a minimum site size requirements is considered appropriate for dwellings to enable a permitted activity status which along with the performance standards will ensure a quality living environment for residents and neighbours in this Medium Density Residential zone.
- 10.3 As discussed previously in this report, although feedback has been received from the development community that including site size and density requirements restricts the range of housing typologies that could be built, in this instance, applying a minimum site size to enable a permitted activity status is not considered to be unduly restrictive particularly where it will ensure sites have sufficient space to meet the zone performance standards and create a quality living environment without the necessary assessment of design matters that would occur through the resource consent process. Furthermore, this site size restriction is removed where 3 or more residential units are proposed and is considered alongside the overall development design through the assessment criteria as part of the resource consent process.
- 10.4 Where the site size requirements for two dwellings are not met, activity status is elevated to a restricted discretionary activity to enable consideration of the proposal in terms of the assessment criteria including the key design elements of the Medium Density Design Framework. For developments of three or more dwellings on a site in the Medium Density Residential Zone, the approach is to allow development to proceed where it can be demonstrated that the zone performance standards and the key design elements and principles of the Medium Density Design Framework are met and the development is consistent with the planned urban built form environment. These measures are considered the most appropriate way to enable development while managing effects on amenity and ensuring a quality living environment. Therefore, the submission from McFlynn Surveying and Planning (134.18) is recommended to be accepted in that development of two residential units on a site is recommended to be a permitted activity in MRZ-R2 where the site size is 500m² or greater subject to compliance with the performance standards of the zone.
- 10.5 **P Nottingham (070.1)** requests that infill development be a permitted activity as if it is not possible to amalgamate sites this is the only option for development. This submission is supported and the recommended changes to MRZ-R2 above and the recommended deletion of MRZ-R22 will address these concerns.

RECOMMENDATIONS

- 10.6 **That the submission of Kāinga Ora (050.127) in opposition to Rule MRZ-R22 be accepted** in so far as this rule is recommended to be deleted and a site size requirement is imposed in order to achieve permitted activity status for two units on a site.
- 10.6.1 **That as a consequence of the above recommendation, the further submissions of Development Nous (FS11.133) in support of Kāinga Ora (050.127) be accepted and the submission of the Residents of Kaiapo Road (FS19.153) in opposition to Kāinga Ora (050.127) be rejected.**
- 10.7 **That the submission of McFlynn Surveying and Planning (134.18) in opposition to Rule MRZ – R22 be accepted.**

10.7.1 **That as a consequence of the above recommendation**, the further submissions of **J Jackson (FS27.18)** and **P Rawle (FS30.13)** in support of the submission from McFlynn Surveying and Planning (134.18) **be accepted**.

10.8 **That the submission of P. Nottingham (070.1) be accepted** in so far as MRZ – R22 is recommended to be deleted and infill development will be covered by rule MRZ-R2 allowing two residential units to be built on a site as a permitted activity.

10.9 **Reasons:**

- a. That rule MRZ-R22 can be deleted as infill development has been allowed as a permitted activity through MRZ-R2.
- b. That including a site size control to enable permitted status allows development of a scale and concentration that does not need further design assessment and compliance with the performance standards of the zone are sufficient to achieve a quality living environment for residents and neighbours without the need for a resource consent process.
- c. The recommended amendments will simplify the rule structure of the zone and enable development of single sites as well as larger or amalgamated sites.

11. MRZ-R23 – ANY ACTIVITY WHICH IS NOT PROVIDED FOR AS A PERMITTED, CONTROLLED, RESTRICTED DISCRETIONARY, OR DISCRETIONARY ACTIVITY IN THIS TABLE

Sub Point	Submitter / Further Submitter	Provision / Section of the Hastings District Plan	Position	Summary of Decision Requested	Recommendation
050.128	Kāinga Ora	Rules – MRZ-R23	Oppose in part	Replace the activity status to Discretionary from Non-complying.	Reject
FS11.134	Development Nous	Submission point 050.128	Support in part	Development Nous seeks the submission be allowed to the extent that those parts of the submission align with the points raised and relief sought in Development Nous' submission.	Reject
FS19.154	Residents of Kaiapo Road etc	Submission point 050.128	Oppose all	We seek the whole of the KO submission be disallowed, as the requests are far too broad and far reaching. Resulting in severely adversely affecting existing communities and residents.	Accept

ANALYSIS

11.1 The primary purpose of the Medium Density Residential Zone is to provide for housing. A range of non-residential activities are also identified in the activity table including emergency services facilities, places of assembly, and commercial activities

as discretionary activities. These activities may be appropriate in certain circumstances where they are essential to support the health and wellbeing of the immediate community, and a well-functioning urban environment. Amending the activity status of the catch-all activity rule from non-complying to discretionary could have significant implications on the zone and residential environment. For example, industrial activities could then be considered on a discretionary basis. This is not considered acceptable given the potential noise, dust and nuisance effects that are associated with such activities and therefore these are not considered appropriate in a residential zone. The non-complying activity status conveys this incompatibility; however, a discretionary activity status implies that there may be circumstances or situations where such activities are appropriate and where consent could be granted.

11.2 Alternatively, the activity table could specify all activities that are not appropriate, such as industrial activities, rural industry, helicopter depots, hospitals, land based primary production. This list would however need to be exhaustive and there is potential to miss activities that may not be appropriate in the zone.

11.3 The activity table as drafted is considered to provide sufficient flexibility to consider non-residential activities and on balance and to ensure a concise activity table, it is recommended that the submission of Kāinga Ora (050.128) be rejected and rule MRZ-R23 be retained as notified.

RECOMMENDATIONS

11.4 **That the submission of Kāinga Ora (050.128) in part opposition to Rule MRZ – R23 be rejected** in so far as the rule is recommended to be retained as notified.

11.4.1 That as a consequence of the above recommendation, the further submissions of **Development Nous (FS11.134)** in support of Kāinga Ora (050.128) **be rejected** and the further submission of the **Residents of Kaiapo Road etc (FS19.154)** in opposition to Kāinga Ora (050.128) **be accepted**.

11.5 Reasons:

- That the rule framework of the zone provides sufficient flexibility for non-residential activities to locate within the zone.
- That the implication of amending the activities status of the catch-all rule could result in significant effects from in appropriate activities being granted consent to locate in the zone.

12. FIRE AND EMERGENCY NZ – ALL LAND USE ACTIVITIES

Sub Point	Submitter / Further Submitter	Provision / Section of the Hastings District Plan	Position	Summary of Decision Requested	Recommendation
028.14	Fire and Emergency NZ	All land use activities MRZ-R1 – MRZ-R23 inclusive	Support in part	Amend as follows: <i>Require all land use activities to comply with the following standards:</i> Firefighting water supply 1. Where a connection to reticulated water supply system	Reject

				<p>is available, all developments must be provided with a firefighting water supply, and access to that supply, in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNA PAS 4509:2008.</p> <p>2. Where a connection to a reticulated water supply system is unavailable, or where an additional level of service is required that exceeds the level of service provided by the reticulated system, an alternative firefighting water supply, and access to that supply, must be provided in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNA PAS 4509:2008.</p> <p>Firefighting access</p> <p>Any access to a site where;</p> <ol style="list-style-type: none"> 1. no reticulated firefighting water supply is available or, 2. the site access road has a length greater than 50 metres when connected to a road that has a fully reticulated water supply system including hydrants, must be designed to accommodate a fire appliance design vehicle of at least 2.5 metres wide and 13 metres long and with a minimum gross mass of 25 tonne including: <ol style="list-style-type: none"> a. A gradient of no more than 16%; and b. A minimum clear passageway and/or vehicle crossing of at least 3.5 metres width at the site entrance, internal entrances, and between buildings; and c. A minimum formed carriageway width of 4 metres; and d. A height clearance of at least 4 metres; and e. A design that is free of obstacles that could hinder access for emergency services vehicles <p>Include the following matters of discretion / control for all activities with a 'Restricted Discretionary' or 'Controlled' activity status:</p> <ul style="list-style-type: none"> • The ability for fire appliances to access the site • The provision of a firefighting water supply, 	
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				and access to that supply, in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509: 2008.	
FS13.19	Kāinga Ora		Oppose	Disallow submission	Accept

ANALYSIS

- 12.1 This submission has been reviewed and considered by the Council's Drinking Water Manager and Transportation Planning Manager and their comments on the request from Fire and Emergency NZ are outlined below:

"The request from FENZ to include standards in the District Plan to ensure all land use activities demonstrate compliance with the fire-fighting code of practice is considered unnecessary, particularly for these urban zones. Including these requirements as standards in the District Plan for sites where public reticulated services are available would result in unnecessary duplication of rules which are already in the fire-fighting code of practice and compliance with this code is regulated through the Building Act.

Hastings District Council meets their obligations to comply with the fire-fighting code of practice in respect of the current public reticulated water supply network. The need to comply with the fire-fighting code of practice is also well understood by building and development professionals. Therefore, on that basis, it is considered unnecessary to duplicate the regulation of the code of practice provisions by including standards within the District Plan.

In consideration of the need for access requirements for fire-fighting appliances, it is acknowledged that access arrangements are important in the design, and layout of a proposed development. However, there are existing advice notes within the standards of Section 26 Transport and Parking of the District Plan that reference the need for compliance with the fire-fighting code of practice, particularly where a fire appliance is not able to reach either a dwelling or the source of the fire-fighting water supply from a public road. These advice notes within the District Plan along with the provisions of the Building Act are sufficient to ensure access for fire appliances".

- 12.2 Provision for and requirement to connect to a reticulated water supply for land use activities in the Medium Density Residential Zone is required through the Engineering Code of Practice (ECOP). The ECOP details the specifications for water provision, and this includes provisions for firefighting water supply. Furthermore, the Building Act determines the level of supply for individual dwellings. Additionally, the PC5 as notified assessment criteria for the construction of 3 or more residential units include the consideration of infrastructure servicing and capacity through the assessment criteria in MRZ-MAT1 (4). Non-residential activities such as places of assembly and rest home care also have assessment criteria that ensure adequate infrastructure is provided through cross reference to the matters listed in RESZ-MAT1(4).
- 12.3. It is therefore considered that existing provisions of the plan and the ECOP adequately ensure sufficient public reticulated infrastructure will be available to service the land use activities anticipated in this zone.

- 12.4 In terms of access design, currently this is guided by Section 26.1 Transport and Parking of the District Plan and the Engineering Code of Practice, 2020 as a means of compliance. The MDRZ includes a standard MRZ-S13 which requires activities to comply with the rules of Section 26.1 Transport and Parking including standard 26.1.6A Property Access. This standard requires the provision of legal, safe, and effective vehicle access to activities on any site from an existing formed legal road. This applies irrespective of whether carparking is proposed for the development or not.
- 12.5 This section also outlines requirements for minimum legal widths for private access from the edge of the road to the legal boundary of the lot. For two or more sites or for any right of way, formation of the access to the activity undertaken on site is required in compliance with Table 26.1.6.1-1 (reproduced below). Note that for access serving 1-3 household units (required minimum access widths of 3.6m or less), note E applies (see below), which highlights the need to ensure access meets the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509: 2008 and complies with the accessway dimensions required for fire-fighting appliances. Additionally, the minimum width requirements for vehicle access within the Plan are no less than 3 metres for any development and require a passing bay to be provided every 50 metres of access length, there are no proposals to change these existing provisions through PC5.

PLACE CONTEXT		TYPICAL CLASSIFICATION	DESIGN ENVIRONMENT					LINK CONTENT			
Area	Land Use	Hierarchy	Locality Served	Target operating speed (km/h)	Minimum Legal Access Width (m)(see Note D)	Maximum Width of Vehicle Crossing	Max Grade	Pedestrians (See Note: A)	Passing, Parking, Loading & Shoulder	Cyclists (See Note A)	Minimum formed movement lane (excluding shoulder) (See Note B)
Urban Zones	Residential & Home Occupation	Private Access/Lane (See Note C)	1-2 household units Note E	10	3m	4.8m	20%	Shared (in move-ment lane)	Allow for passing every 50m,	Shared (in move-ment lane)	2.75m
			3 household units Note E	10	3.6	4.8					
			4-6 household units	10	4.5m	4.8m					
			7+ household units	10	6m	6m					

Note E: For a development where a fire appliance is not able to reach either a dwelling or the source of the fire fighting water supply from a public road in accordance with the NZ Fire Service Firefighting Water Supplies Code of Practice SNA PAS 4509:2008, this code of practice should be consulted for compliance with the accessway dimensions required for the fire appliances. Applies to the legal width of the legal road, the Right of Way or the Access Lot or access leg where this provides the primary point of access to the lot/site.

- 12.6 Therefore, these existing standards in the District Plan are considered sufficient to ensure access arrangements for fire-fighting appliances are provided for activities in the Medium Density Residential Zone are appropriate and meet the fire-fighting code of practice.

RECOMMENDATIONS

- 12.7 **That the submission of Fire and Emergency New Zealand (028.14) in partial support of Medium Density Residential Zone Rules be rejected.**
- 12.7.1 That as a consequence of the recommendation above, the further submission of **Kainga Ora (FS13.19) in opposition to submission 028.14 from FENZ be accepted.**
- 12.8 Reasons:

- a. That including District Plan provisions for fire-fighting water supply and access would result in unnecessary duplication of rules which are already in the Engineering Code of Practice and compliance with this code is regulated through the Building Act.
- b. That there are existing district plan standards and assessment criteria ensuring public reticulated infrastructure service provision for activities in this zone and advice notes in the District Plan property access standard that currently ensure compliance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNA PAS 4509:2008. is achieved in terms of both water supply and access requirements.

13. SWIMMING POOL PROVISION

Sub Point	Submitter / Further Submitter	Provision / Section of the Hastings District Plan	Position	Summary of Decision Requested	Recommendation
026.4	A Elgie	MRZ-R# Provision for Swimming Pools	Support with amendment	I am seeking changes to be made to provide more clarity around how pools are to be assessed in the MRZ.	Accept in part

ANALYSIS

- 13.1 The submission from A. Elgie (026.4) states as follows:

“The new rules and standards do not seem to accommodate pools. What if someone wants to put a pool on their existing property or even a communal pool for a block of flats etc. There doesn’t seem to be a definition or activity that a pool would fall under and I am unsure if it is therefore Permitted or Non-Complying under MRZ-R23. I also not that a pool does not seem to be classed as a building, yet MRZ-S6 for building coverage includes an exemption for pools. I am seeking changes be made to provide more clarity around how pools are to be assessed in the MDRZ”.

- 13.2 Swimming pools associated with a residential property are provided for as a permitted activity in the Medium Density Residential Zone as they are included or considered inherently as a residential activity. This is how they are currently provided for in all other residential zones in the District.

- 13.3 The national planning standards definition of a building is outlined below:

Building means a temporary or permanent, moveable or immovable physical construction that is:

- c. *Partially or fully roofed; and*
- d. *Is fixed or located on or in land, but*
- e. *Excludes any motorised vehicle or other mode of transport that could be moved under its own power.*

- 13.4 Given that most swimming pools are not likely to be covered or partially covered by a roof structure, they would not be considered a building under this definition. Therefore, in these cases, swimming pools need not be considered under the building coverage rule as they would not contribute to the scale or bulk of building

development. Where swimming pools are partially or fully roofed, they will be defined as a building and therefore would need to be included in any calculations of building coverage on the site. In response to A. Elgie's request for clarity around this rule, consideration of whether there is a need to remove the exemption for pools under MR-S6 Building Coverage will be included as part of the Topic 4, Key Issue 3 report on performance standards of the Medium Density Residential Zone. Any recommended amendments to MRZ-S6 Building Coverage will be specifically outlined in the Topic 4, Key Issue 3 report.

RECOMMENDATION

13.5 **That the submission of A. Elgie (026.4) in support with amendment be accepted in part.**

13.5.1 Reason:

- a. Swimming pools are considered to be included in residential activity and are therefore already provided for in the activity table as a permitted activity. No further amendments are considered necessary in this respect.

TOPIC 3, KEY ISSUE 3 – GENERAL RESIDENTIAL ZONE – RULES

1. SUBMISSION POINTS – ALL GENERAL RESIDENTIAL ZONES RULES

Sub Point	Submitter / Further Submitter	Provision / Section of the Hastings District Plan	Position	Summary of Decision Requested	Recommendation
028.19	Fire and Emergency NZ	Section 7.2, in its entirety	Support in part	<p>Amend as follows</p> <p><i>Require all land use activities to comply with the following standards:</i></p> <p>Firefighting water supply</p> <p><i>1. Where a connection to reticulated water supply system is available, all developments must be provided with a firefighting water supply, and access to that supply, in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNA PAS 4509:2008.</i></p> <p><i>2. Where a connection to a reticulated water supply system is unavailable, or where an additional level of service is required that exceeds the level of service provided by the reticulated system, an alternative firefighting water supply, and access to that supply, must be provided in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNA PAS 4509:2008.</i></p> <p>Firefighting access</p> <p><i>Any access to a site where:</i></p> <ul style="list-style-type: none"> <i>no reticulated firefighting water supply is available</i> <i>or having a length greater than 50 metres when connected to a road that has a fully reticulated water supply system including hydrants must be designed to accommodate a fire appliance design vehicle of at least 2.5 metres wide and 13 metres long and with a minimum gross mass of 25 tonne including:</i> <ol style="list-style-type: none"> <i>A gradient of no more than 16%; and</i> <i>A minimum clear passageway and/or vehicle crossing of at least 3.5 metres width at the site entrance, internal</i> 	Reject

				<p>entrances, and between buildings; and</p> <p>c. A minimum formed carriageway width of 4 metres; and</p> <p>d. A height clearance of at least 4 metres; and</p> <p>e. A design that is free of obstacles that could hinder access for emergency services vehicles</p> <p>Include the following matters of discretion / control for all activities with a 'Restricted Discretionary' or 'Controlled' activity status:</p> <ul style="list-style-type: none"> • The ability for fire appliances to access the site • The provision of a firefighting water supply in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509: 2008. 	
FS19.10	Residents of Kaiapo Road etc	Submission point 028.19	Support	We seek that the whole of 1.3.3 is allowed.	Reject
028.25	Fire and Emergency NZ	Section 8.2 in its entirety	Support in part	See above in submission point 028.19	Reject
F13.22	Kāinga Ora	Submission point 028.31	Oppose	<p>Disallow submission.</p> <p>The inclusion of standards relating to water supply specific to firefighting is opposed as such standards are covered through the building consent process.</p> <p>Kāinga Ora notes that wider vehicle crossings, appliance-friendly passing pays etc may have a cumulative effect on the streetscape and reduce area available for housing which needs to be fully assessed and justified by the submitter.</p>	Accept
FS17.1	Retirement Village Association	Submission point 028.31	Oppose	<p>Disallow submission</p> <p>The RVA opposes the relief sought in this submission as matters relating to fire-fighting servicing are already provided for under the Building Act and it is inappropriate to duplicate controls in Plan Change 5.</p>	Accept
FS18.1	Ryman Healthcare Ltd	Submission point 028.31	Oppose	<p>Disallow submission</p> <p>Ryman opposes the relief sought in this submission as matters relating to fire-fighting servicing are already provided for under the Building Act and it is inappropriate to duplicate controls in Plan Change 5.</p>	Accept
FS19.11	Residents of Kaiapo Road etc	Submission point 028.31	Support	<p>Allow submission</p> <p>Reasons for our support are due to increased cars on the road in</p>	Reject

				<i>skinny residential/rural streets, such as Kaiapo Road, Hastings</i>	
FS031.5	Surveying the Bay (A Taylor)	Submission point 028.31	Support	Allow submission <i>While we believe building act matters have a separate process, there is merit in having private access arrangements consider “relevant boundary” to reinforce that access routes are to remain open and available for fire and emergency access and thus the opposite side of a shared access lot or right of way can be considered the “relevant boundary” for dwelling design on an adjacent site.</i>	Reject
029.31	Fire and Emergency NZ	Section 9.2 in its entirety	Support in part	See above submission point 028.19	Reject
FS13.25	Kāinga Ora	Submission point 028.31	Oppose	Disallow submission	Accept
FS17.2	Retirement Village Association	Submission point 028.31	Oppose	Disallow submission	Accept
FS18.2	Ryman Healthcare Ltd	Submission point 028.3	Oppose	Disallow submission	Accept
FS19.12	Residents of Kaiapo Road etc	Submission point 028.31	Support	Allow submission	Reject
FS031.5	Surveying the Bay (A Taylor)	Submission point 028.31	Support	Allow submission	Reject
050.3	Kāinga Ora	CRD in the General Residential Zone	Oppose in part	1. Kāinga Ora seek deletion of the mechanisms of CRD in its entirety within the General Residential Zone and instead, the provisions be amended to be transparent and include a logical zoning framework that sets clear expectations of what level of development is appropriate 2. The provisions of the Hastings General Residential Zone are requested to be deleted in their entirety 3. If the above relief sought is not granted Kāinga Ora seek the opportunity to review the Hastings General Residential Zone provisions	1. Accept in part 2. Reject
FS11.9	Development Nous	Submission point 050.3	Support	Development Nous seeks the submission be allowed to the extent that those parts of the submission align with the points raised and relief sought in Development Nous' submission	Accept in part
FS19.29	Residents of Kaiapo Road etc	Submission point 050.3	Oppose	We seek the whole of the KO submission be disallowed, as the requests are far too broad and far reaching. Resulting in severely adversely affecting existing communities and residents.	Accept in part

107.7	Waka Kotahi, New Zealand Transport Agency	Entire Section 7.2 Hastings General Residential Zone	Support with amendment	<ul style="list-style-type: none"> Further analysis to assess the efficiency and effectiveness of the proposed provisions in achieving the objectives and policies of the NPS – UD and providing the reasons for the proposed provisions. Amendments to the proposed plan change to better align and implement the objectives, policies and definitions in the NPS-UD. Reconsider the location and framework of the Comprehensive Residential Zone provisions based on a revised evidence base. At a higher level Waka Kotahi, New Zealand Transport Agency suggests that this evidence base considers enabling medium density around the centre, key walking / cycling and public transport routes. 	Accept
107.8	Waka Kotahi, New Zealand Transport Agency	Entire Section 8.2 Havelock North General Residential Zone	Support with amendment	As outlined above	Accept
107.8	Waka Kotahi, New Zealand Transport Agency	Entire Section 9.2 Flaxmere General Residential Zone	Support with amendment	As outlined above	Accept
138.9	P Rawle	CRD in General Residential Zone	Oppose	Remove CRD development from the General Residential Zone as part of PC5 until we can better assess the issue.	Accept
144.3	B Taylor	GRZ – Rules / Activity Table	Oppose	HDC should refused any submission to rezone land from general residential to this non-residential activity (police remand centre).	Accept in part – See Topic 3, Key Issue 5 report for analysis and recommendations.

2.0 ANALYSIS - ALL GENERAL RESIDENTIAL ZONES

- 2.1 **Fire and Emergency NZ (FENZ) (028.19, 028.25, 028.31)** in their submissions have stated that they are not clear how the rules, standards and provisions in the General Residential Zones of Hastings, Havelock North and Flaxmere interact and how they can be practically implemented. They have identified that the land use provisions for these residential environments do not include performance standards pertaining to assurance of access to firefighting water supply. FENZ have drafted provisions for these zones to cover off their concerns in this regard and seek that they be included in the District Plan, including ensuring appropriate access for firefighting vehicles.
- 2.2 The submission point from FENZ is opposed by **Kāinga Ora (FS13.22, 13.25)**, **Retirement Village Association (FS17.1, 17.2)**, and **Ryman Healthcare Ltd (FS18.1, 18.2)** for reasons including that these matters are already provided for under the Building Act and addressed through the building consent process, therefore it is inappropriate to duplicate these controls. **Kāinga Ora (FS13.22, 13.25)** also state that “*wider vehicle crossings, appliance-friendly passing pays etc may*

have a cumulative effect on the streetscape and reduce area available for housing which needs to be fully assessed and justified by the submitter”.

- 2.3 Further submissions in support of FENZ were received from the **Residents of Kaiapo Road etc (FS19.10, FS19.11, FS19.12) and Surveying the Bay (A. Taylor) (FS031.5)**. These submitters stated their support for this submission specifically ensuring access for fire-fighting appliances due to “*increased cars on the road in skinny streets*” and that private access arrangements need to consider and reinforce that access routes are to remain open and available for fire and emergency access.

- 2.4 Council’s Drinking Water Manager and Transportation Planning Manager have provided the following comments on these submissions from FENZ.

“The request from FENZ to include standards in the District Plan to ensure all land use activities demonstrate compliance with the fire-fighting code of practice is considered unnecessary, particularly for these urban zones. Including these requirements as standards in the District Plan for sites where public reticulated services are available would result in unnecessary duplication of rules which are already in the fire-fighting code of practice and compliance with this code is regulated through the Building Act.

Hastings District Council meets their obligations to comply with the fire-fighting code of practice in respect of the current public reticulated water supply network. The need to comply with the fire-fighting code of practice is also well understood by building and development professionals. Therefore, on that basis, it is considered unnecessary to duplicate the regulation of the code of practice provisions by including standards within the District Plan.

In consideration of the need for access requirements for fire-fighting appliances, it is acknowledged that access arrangements are important in the design, and layout of a proposed development. However, there are existing advice notes within the standards of Section 26 Transport and Parking of the District Plan that reference the need for compliance with the fire-fighting code of practice, particularly where a fire appliance is not able to reach either a dwelling or the source of the fire-fighting water supply from a public road. These advice notes within the District Plan along with the provisions of the Building Act are sufficient to ensure access for fire appliances”.

- 2.5 Provision for, and requirement to connect to, a reticulated water supply for land use activities in the General Residential Zones is regulated through the Engineering Code of Practice (ECOP). The ECOP details the specifications for water provision, and this includes provisions for firefighting water supply. Furthermore, the Building Act determines the level of supply for individual dwellings. With respect to non-residential activities such as early childhood centres, homes for the aged, places of assembly etc the existing District Plan assessment criteria for these activities include the consideration of infrastructure servicing and constraints through the following provisions 7.2.8E.3, 8.2.8E.7, 9.2.8E.(c) in the Hastings, Havelock North and Flaxmere General Residential Zones respectively.
- 2.6 It is therefore considered that existing provisions of the plan and the ECOP adequately ensure sufficient public reticulated infrastructure will be available to service the land use activities anticipated in these zones.

- 2.7 In terms of access design, currently this is guided by Section 26.1 Transport and Parking of the District Plan and the Engineering Code of Practice, 2020 as a means of compliance. The GRZ includes standards 7.2.5N, 8.2.5M, 9.2.5M in the Hastings, Havelock North and Flaxmere environments which require activities to comply with the rules of Section 26.1 Transport and Parking including standard 26.1.6A Property Access. This standard requires the provision of legal, safe, and effective vehicle access to activities on any site from an existing formed legal road. This applies irrespective of whether carparking is proposed for the development or not.
- 2.8 This section also outlines requirements for minimum legal widths for private access from the edge of the road to the legal boundary of the lot. For two or more sites or for any right of way, formation of the access to the activity undertaken on site is required in compliance with Table 26.1.6.1-1 (reproduced below). Note that for access serving 1-3 household units (required minimum access widths of 3.6m or less), note E applies (see below), which highlights the need to ensure access meets the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509: 2008 and complies with the accessway dimensions required for fire-fighting appliances. Additionally, the minimum width requirements for vehicle access within the Plan are no less than 3 metres for any development and require a passing bay to be provided every 50 metres of access length, there are no proposals to change these existing provisions through PC5.

TABLE 26.1.6.1-1 MINIMUM LEGAL WIDTHS OF PRIVATE ACCESS – RESIDENTIAL AND HOME OCCUPATION*											
PLACE CONTEXT		TYPICAL CLASSIFICATION	DESIGN ENVIRONMENT					LINK CONTENT			
Area	Land Use	Hierarchy	Locality Served	Target operating speed (km/h)	Minimum Legal Access Width (m)(see Note D)	Maximum Width of Vehicle Crossing	Max Grade	Pedestrians (See Note: A)	Passing, Parking, Loading & Shoulder	Cyclists (See Note A)	Minimum formed movement lane (excluding shoulder) (See Note B)
Urban Zones	Residential & Home Occupation	Private Access/Lane (See Note C)	1-2 household units Note E	10	3m	4.8m	20%	Shared (in move-ment lane)	Allow for passing every 50m,	Shared (in move-ment lane)	2.75m
			3 household units Note E	10	3.6	4.8					
			4-6 household units	10	4.5m	4.8m					
			7+ household units	10	6m	6m					

Note E: For a development where a fire appliance is not able to reach either a dwelling or the source of the fire fighting water supply from a public road in accordance with the NZ Fire Service Firefighting Water Supplies Code of Practice SNA PAS 4509:2008, this code of practice should be consulted for compliance with the accessway dimensions required for the fire appliances. Applies to the legal width of the legal road, the Right of Way or the Access Lot or access leg where this provides the primary point of access to the lot/site.

- 2.9 Therefore, these existing standards in the District Plan are considered sufficient to ensure appropriate access arrangements for fire-fighting appliances are provided for activities in the General Residential Zones of Hastings, Havelock North and Flaxmere.

COMPREHENSIVE RESIDENTIAL DEVELOPMENT ACROSS THE GENERAL RESIDENTIAL ZONES

- 2.10 A submission from **Kāinga Ora (050.3)** seeking that the mechanism of Comprehensive Residential Development (CRD) be deleted in its entirety within the General Residential Zone and to enable a more transparent, logical zoning framework that sets clear expectations for appropriate development in the zone is

supported. This submission supports the revised approach to Plan Change 5 outlined in the S42A introductory report.

- 2.11 **Waka Kotahi, New Zealand Transport Agency** submissions (107.7, 107.8, 107.9) also request amendments and further analysis to adequately implement and align the provisions with the requirements of the NPS-UD. Specifically, Waka Kotahi, New Zealand Transport Agency seek the reconsideration of comprehensive residential development provisions and suggest that enabling medium density around the centre, key walking / cycling and public transport routes. This viewpoint is also supported and sought be addressed through the revised approach to Plan Change 5 outlined in the S42A introductory report.
- 2.12 A submission from **P Rawle (138.9)** also indirectly supports this approach in relation to the rules of all general residential zones in Hastings, Havelock North and Flaxmere. **P Rawle** submits that deferring comprehensive residential development (medium density housing) in the General Residential Zones *“until the effects of any changes that intensification has have been identified and assessed. This may prevent any further negative consequences...”*
- 2.13 Both submissions are recommended to be accepted on the basis of the revised approach to Plan Change 5 following consideration of all submissions in general and as outlined in the section 42A introductory report.
- 2.14 In summary, the recommended approach to PC5 is to expand and consolidate the Medium Density Residential Zone in more centralised locations approximately 400m (a 5 minute walk) from the Hastings CBD (and main transport corridors of Heretaunga Street and Karamū Road) and the Havelock North and Flaxmere Village centres. This centres based approach is one that many local authorities have adopted to provide for urban intensification and is an approach that is meets objective 3 of the NPS-UD. Objective 3 states:
- “Regional policy statements and district plans enable more people to live in, and more businesses and community services to be located in, areas of an urban environment in which one or more of the following apply:*
- a. the area is in or near a centre zone or other area with many employment opportunities*
 - b. the area is well-serviced by existing or planned public transport*
 - c. there is high demand for housing or for business land in the area, relative to other areas within the urban environment”.*
- 2.15 The general approach to submissions would see provision for and reference to comprehensive residential development removed from the General Residential Zone and medium density development directed to an expanded and consolidated Medium Density Residential Zone focussed around the commercial centres of Hastings, Havelock North and Flaxmere. The exception to this is that comprehensive residential development would still be provided for in the greenfield new urban development areas of Howard St and Brookvale where structure plans and the construction of infrastructure have already been planned. Greenfield locations are also considered appropriate for medium density housing where commercial zones,

public parks and transport networks are included in the integrated planning for these areas.

- 2.16 Such an approach will ensure there is a distinction between the provisions and rules of the Medium Density Residential Zone (MDRZ) and the General Residential Zones (GRZ) in order to create the urban residential environment anticipated in the MDRZ and the suburban environment that is sought in the General Residential Zones. As a result of the removal of comprehensive residential development activities, the existing operative provisions relating to residential development will apply. This approach will result in a logical and transparent zoning framework (as requested by Kāinga Ora) that provides certainty to both residents and the development community of the appropriate development outcomes expected in each of these zones.
- 2.17 The request of Kāinga Ora (050.3) to delete the provisions of the Hastings General Residential zone in their entirety is not supported. The approach outlined above is considered to address the concerns raised by Kāinga Ora in their submission.

3. RECOMMENDATIONS

- 3.1. **That the submission points 028.19, 028.25, 028.31 (Fire and Emergency New Zealand), seeking that all land use activities in the General Residential Zone of Hastings, Havelock North and Flaxmere be subject to firefighting water supply and access standards in the above table, be rejected.**
- 3.2. That as a consequence of the above recommendation, the further submissions of **Kāinga Ora (FS13.22, FS13.25), Retirement Villages Association (FS17.1, FS 17.2), Ryman Healthcare Ltd (FS18.1, FS18.2)** in opposition to FENZ (028.19, 028.25, 028.31) **be accepted** and those further submissions from **the Residents of Kaiapo Road etc (FS19.10, FS19.11, FS19.12) and Surveying the Bay (A. Taylor) (FS031.5)** in support of FENZ (028.19, 028.25, 028.31) **be rejected**.
- 3.3 Reasons:
- a. That including District Plan provisions for fire-fighting water supply and access would result in unnecessary duplication of rules which are already in the fire-fighting code of practice and compliance with this code is regulated through the Building Act.
 - b. That there are existing district plan standards and assessment criteria ensuring public reticulated infrastructure service provision for activities in these zones and advice notes that currently ensure compliance with the fire-fighting code of practice is achieved in terms of both water supply and access requirements.
- 3.4 That the submission of **Kāinga Ora (050.3)** requesting that:
- i. the CRD provisions within the General Residential Zone be deleted and amendments to provide for a transparent and logical zoning framework that sets clear expectations **be accepted in part** in so far as comprehensive residential development provisions are deleted except for in the new urban development areas of Howard Street and Brookvale; **and**
 - ii. the provisions of the Hastings General Residential Zone be deleted in their entirety **be rejected**.

- 3.5 That as a consequence of the above recommendations, the further submissions in support from **Development Nous (FS11.9)** **be accepted in part** and in opposition from the **Residents of Kaiapo Road etc (FS19.29)** also **be accepted in part**.
- 3.6 That the submission from **P Rawle (138.9)** in opposition to Comprehensive Residential development in the General Residential Zones **be accepted**.
- 3.7 **Reasons:**
- Removal of Comprehensive Residential Development from the General Residential Zones provides certainty to residents and the development community on what level of development can occur in these locations.
 - The removal of comprehensive residential development activities from the general residential zone will create a more transparent and clear approach to the development outcomes sought in the General Residential Zone, while directing more intensive residential development to the medium density residential zone, where infrastructure capacity can be planned and provided to service more intensive residential development.

SUBMISSION POINTS – HASTINGS GENERAL RESIDENTIAL ZONE RULES

Sub Point	Submitter / Further Submitter	Provision / Section of the Hastings District Plan	Position	Summary of Decision Requested	Recommendation
Hastings General Residential Zone Rules					
007.18	Bay Planning, A Francis	Rule Table 7.2.4.1	Support	Support the changes to table 7.2.4.1 and agree with rule GR18 that comprehensive residential developments (CRD) that meet the relevant performance standards should be non-notified.	Reject
028.24	Fire and Emergency NZ	7.2.8E Early Childhood Centres, Educational Facilities, Homes for the Aged, Healthcare Services and Places of Assembly and Other Non-Residential Activities and Emergency Service Facilities.	Oppose	Add a new rule as follows: <i>Emergency service facilities</i> <i>Activity status: Restricted Discretionary</i> <i>Council's discretion shall be restricted to the following matters:</i> <i>The extent to which it is necessary to locate the activity in the Rural Lifestyle Zone.</i> <i>Reverse sensitivity effects of adjacent activities.</i> <i>The extent to which the activity may adversely impact on the transport network.</i> <i>The extent to which the activity may adversely impact on the streetscape and the amenity of the neighbourhood., with particular regard given to the bulk of the buildings.</i> <i>The extent to which the activity may adversely impact on the noise environment..</i>	Reject – rule GR21 already provides for Emergency services facilities as restricted discretionary activities. See Topic 5, Key Issue 3 on General Residential zone matters of discretion
134.26	McFlynn Surveying and Planning	Rule GR18 and Rule GR24	Oppose	Amend to Restricted Discretionary for proposals that meet the relevant standards, and non-complying for proposals that do not meet the relevant standards.	Reject

FS027.26	J Jackson	Submission point 134.26	Support	Seek that the whole submission be allowed. Also including that onsite parking must be provided for each dwelling.	Reject
FS030.16	P Rawle	Submission point 134.26	Support	Seek these parts of the submission to be allowed.	Reject
143.4	A Smith, G Smith, and S Taylor	Rule GR18	Oppose	Amend Rule GR18 as follows: Replace Restricted Discretionary Non-Notified with Discretionary.	Reject
143.5	A Smith, G Smith, and S Taylor	Rule GR24	Oppose	<p>Add new Rule GR24 as follows: Rule GRXX Comprehensive Residential Developments that do not meet one or more of the specific performance standards and terms in Section 7.2.6E(1) (Site Context)</p> <p>Activity Status: Non-Complying</p> <p>Or if the above new rule is not accepted it is requested that the activity status of Rule GR18 be amended to Discretionary; and/or Rule GR24 be amended to Non-Complying.</p> <p>Seeks that in addition to any other amendments sought by this submission, any other amendments to the District Plan are requested to address concerns raised.</p>	Reject

4. ANALYSIS

Comprehensive Residential Development

- 4.1 A submission in support of the changes proposed to the rule table for comprehensive residential development and in particular GR18 was received by **Bay Planning (007.18)** and stated that comprehensive residential development proposals that comply with the standards should be considered on a non-notified basis.
- 4.2 **McFlynn Surveying and Planning Ltd (134.26)** oppose rule GR18 (Comprehensive Residential Development complying with specific standards in 7.2.6E) and seek amendments that remove the ability for developments complying with the standards to only be processed on a non-notified basis so that the ability to notify such applications is retained. The submission states: *“Precluding notification is not appropriate given the density and design of developments can have significant adverse effects on the occupiers of immediately surrounding residential properties. A restricted discretionary status (with the ability for notification) is more appropriate, with developments that do not meet these standards more appropriately recognised as non-complying”*.
- 4.3 This submission is supported by two further submissions from **J Jackson (027.26)** and **P Rawle (030.16)**.
- 4.4 A submission from **A Smith, G Smith and S Taylor (143.5)** seeks a new rule and activity status to non-complying where comprehensive residential developments do not meet the site context standard which requires developments to be within 400m-600m of a commercial zone, a public park and a public bus stop or alternatively that

where comprehensive residential developments comply with standards (GR18) be raised to a full discretionary activity and where they do not meet the standards (GR24) the activity status is non-complying.

- 4.5 The above submissions are considered in the context of the general approach to submissions (outlined in the s42a introductory report) which would see comprehensive residential development removed from the General Residential Zone and medium density development directed to a more centralised but expanded Medium Density Residential Zone located approximately 400m (a 5 minute walk) from the Hastings CBD and Havelock North and Flaxmere Village centres.
- 4.6 As discussed above, the exception to this is that comprehensive residential development would still be provided for in the greenfield new urban development areas of Howard St and Brookvale. In this instance rule GR18 is recommended to be amended to provide for CRD in the Howard Street new urban development area only. This means that reference to sites located within Appendix 27 Figures 1-3 will be removed from the rule (as these sites are either included in the recommended MDRZ or are located outside the 400m walkable catchment of the MDRZ and therefore retain their operative General Residential zoning). The recommended wording of GR18 is outlined below:

Operative Plan	PC5 as notified	PC5 as recommended
GR18 Comprehensive Residential Developments on land identified in Appendix 27 Figures 1-3 and Appendix 80 Figure 1	GR18 Comprehensive Residential Developments <u>complying with specific performance standards 7.2.6E on land identified in Appendix 27 Figures 1-3 and Appendix 80 Figure 1</u>	GR18 Comprehensive Residential Developments <u>complying with specific performance standards 7.2.6E on land identified in Appendix 27 Figures 1-3 and Appendix 80 Figure 1</u>

- 4.7 GR18 as recommended:

GR18	Comprehensive Residential Developments <u>complying with specific performance standards 7.2.6E on land identified in Appendix 27 Figures 1-3 and Appendix 80 Figure 1</u>	RD-NN
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- 4.8 This response is considered to provide greater certainty to the community in terms of the development outcomes expected in the zone and to ensure a suburban residential environment is retained in these General Residential Zoned areas. While it is acknowledged that those sites identified in Appendix 27 and located outside the 400m walkable catchment will lose their operative CRD development rights, this is considered to be justified in achieving a more coordinated and cohesive MDRZ zone, a more transparent approach to medium density development and providing greater certainty of the anticipated development outcomes within the general residential zone.
- 4.9 In order to achieve the revised approach to PC5, it is also recommended that Rule GR24 is amended to provide for the instance where comprehensive residential

developments within the Howard St structure plan area do not meet one or more of the standards. This rule is recommended to be amended as follows:

Operative Plan	PC5 as notified	PC5 as recommended
GR24 Comprehensive Residential Developments outside land identified in Appendix 27 Figures 1-3 Activity Status: D	GR24 Comprehensive Residential Developments <u>that do not meet one or more of the specific performance standards 7.2.6E outside land identified in Appendix 27 Figures 1-3</u> Activity Status: <u>RD</u>	GR24 Comprehensive Residential Developments <u>complying with specific performance standards 7.2.6E outside on land identified in Appendix 27 Figures 1-3</u> Appendix 80 Figure 1 Activity Status : <u>RD</u>

4.10 GR24 as recommended:

GR24	Comprehensive Residential Developments <u>that do not meet one or more of the specific performance standards and terms outside land on land identified in Appendix 27 Figures 1-3</u> Appendix 80 Figure 1	<u>RD</u>
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- 4.11 The concerns behind the submissions and requests of **McFlynn Surveying and Planning (134.26)** and **A Smith, G. Smith and S. Taylor (143.5)** stem from the significant potential adverse impacts of comprehensive residential developments or medium density housing on surrounding residential properties. Therefore, while their specific amendments are not accepted given the overall revised approach, the recommendation to remove provision for and reference to comprehensive residential development activities from the General Residential Zone will address some of their concerns and issues. It is noted that removal of comprehensive residential development does not prevent applications to be made to exceed the density standard of 1 residential unit per 350m² in the GRZ. These applications would be considered on a discretionary activity basis through rule GR28.

Emergency Services

- 4.12 **Fire and Emergency New Zealand (FENZ) (028.24)** have requested a new rule specifically for emergency services facilities in rule table 7.2.4.1. This part of the submission request is recommended to be rejected as Rule GR21 already provides for emergency services facilities as restricted discretionary activities. FENZ have also requested amendments to the matters of discretion for emergency services activities under 7.2.8E. This part of the submission will be considered in the Topic 5, Key Issue 2 report – General Residential Zone – matters of control and discretion.

5.0 RECOMMENDATIONS

- 5.1. That the submission from **Bay Planning (007.18)** **be rejected** insofar as all references to and provision for comprehensive residential development activities are to be removed from the General Residential Zone.
- 5.2. That the submissions of **McFlynn Surveying and Planning (134.26)** and **A Smith, G Smith and S Taylor (143.5)** **be rejected** insofar as all references to and provision

for comprehensive residential development activities are to be removed from the General Residential Zone.

- 5.3. That the submission from **Fire and Emergency New Zealand (028.24) be rejected** in so far as there is already a rule GR21 that provides for emergency services activities as restricted discretionary activities.

5.4. Reasons:

- a. Removal of provision for and reference to comprehensive residential development from all General Residential Zone provisions (except in the Howard Street and Brookvale structure plan areas) will assist to simplify the rule framework of the General Residential Zone and provide certainty for both the residents and the development community on what level of development can occur in these locations.
- b. The removal of comprehensive residential development activities from the general residential zone will create a more transparent and clear approach to the development outcomes sought in the General Residential Zone.
- c. The amendments proposed to rule GR18 and GR24 will provide for CRD in the new urban development areas of Howard St and Brookvale.
- d. The proposed amendments to the rule framework of the General Residential Zone will not undermine Council's ability to meet its obligations under the NPS-UD and NPS-HPL, given that the Medium Density Residential Zone area is estimated (through modelling by Market Economics) to provide sufficient development capacity over the next 30-year period. In combination with that, the Council's local area plan programme and the structure planning work to be undertaken for identified greenfield growth areas will ensure additional development capacity is able to be provided in the future when required.
- e. Provision for emergency services facilities is already made in the Rule table 7.2.4.1 of the Hastings General Residential Zone through rule GR21 no additional rules are considered necessary.

6. SUBMISSION POINTS – HAVELOCK NORTH GENERAL RESIDENTIAL ZONE RULES

Sub Point	Submitter / Further Submitter	Provision / Section of the Hastings District Plan	Position	Summary of Decision Requested	Recommendation
Havelock North General Residential Zone Rules					
028.30	Fire and Emergency	8.2.8E - Emergency service facilities, early childhood centres, homes for the aged, non-residential care facilities, education facilities, visitor accommodation, places of assembly and health care services	Oppose	Add a new rule as follows: <i>Emergency service facilities</i> <i>Activity status: Restricted Discretionary</i> <i>Council's discretion shall be restricted to the following matters:</i> <i>The extent to which it is necessary to locate the activity in the Rural Lifestyle Zone.</i> <i>Reverse sensitivity effects of adjacent activities.</i> <i>The extent to which the activity may adversely impact on the transport network.</i> <i>The extent to which the activity may adversely impact on the streetscape and the amenity of the neighbourhood., with particular regard given to the bulk of the buildings.</i> <i>The extent to which the activity may adversely impact on the noise environment.</i>	Reject – rule HNGR22 already provides for Emergency services facilities as restricted discretionary activities. See Topic 5 Key Issue 3 on General Residential zone matters of discretion for analysis and recommendations relating to the requested matters of discretion.
050.45	Kāinga Ora	8.2.4 Rules – 8.2.4(b)	Oppose in part	Amendments sought: All Permitted, Controlled, Restricted Discretionary (Non-notified) Activities shall comply with the General Performance Standards and Terms in Section 8.2.5 and any relevant Specific Performance Standards and Terms in Section 8.2.6. Except that Comprehensive Residential Developments need only comply with the specific performance standards in 8.2.6F and assessment criteria in 8.2.9.	Reject CRD activities deleted from GRZ except for Brookvale
FS11.51	Development Nous	Submission point 050.45	Support in part	Development Nous seeks the submission be allowed to the extent that those parts of the submission align with the points raised and relief sought in Development Nous' submission.	Reject
FS19.71	Residents of Kaiapo Road etc	Submission point 050.45	Oppose all	We seek the whole of the KO submission be disallowed, as the requests are far too broad and far reaching. Resulting in severely adversely affecting existing communities and residents.	Accept
050.46	Kāinga Ora	8.2.4 Rules – HNGR13	Oppose	Delete rule.	Reject Relocated buildings Out of scope of PC5
FS11.52	Development Nous	Submission point 050.46	Support in part	Development Nous seeks the submission be allowed to the extent that those parts of the submission align with the points raised and relief sought in Development Nous' submission.	Reject

FS19.72	Residents of Kaiapo Road etc	Submission point 050.46	Oppose all	We seek the whole of the KO submission be disallowed, as the requests are far too broad and far reaching. Resulting in severely adversely affecting existing communities and residents.	Accept
050.47	Kāinga Ora	8.2.4 Rules – HNGR14	Oppose	Delete the rule.	Reject
FS03.17	Oceania Healthcare Limited	Submission point 050.47	Oppose	Disallow the submission.	Accept in part
FS11.53	Development Nous	Submission point 050.47	Support in part	Development Nous seeks the submission be allowed to the extent that those parts of the submission align with the points raised and relief sought in Development Nous' submission.	Reject
FS19.73	Residents of Kaiapo Road etc	Submission point 050.47	Oppose all	We seek the whole of the KO submission be disallowed, as the requests are far too broad and far reaching. Resulting in severely adversely affecting existing communities and residents.	Accept in part
050.48	Kāinga Ora	8.2.4 Rules – HNGR23	Oppose	Delete rule.	Reject Relocated buildings Out of scope of PC5
FS11.54	Development Nous	Submission point 050.48	Support in part	Development Nous seeks the submission be allowed to the extent that those parts of the submission align with the points raised and relief sought in Development Nous' submission.	Reject
FS19.74	Residents of Kaiapo Road etc.	Submission point 050.48	Oppose all	We seek the whole of the KO submission be disallowed, as the requests are far too broad and far reaching. Resulting in severely adversely affecting existing communities and residents.	Accept
050.49	Kāinga Ora	8.2.4 Rules – HNGR24	Oppose in part	Amendment sought: Any Permitted or Controlled Activity not meeting one or more of the General Performance Standards and Terms in Section 8.2.5 EXCEPT Residential Activities not complying with General Performance Standard 8.2.5A (Density).	Reject
FS11.55	Development Nous	Submission point 050.49	Support in part	Development Nous seeks the submission be allowed to the extent that those parts of the submission align with the points raised and relief sought in Development Nous' submission.	Reject
FS19.75	Residents of Kaiapo Road etc	Submission point 050.49	Oppose all	We seek the whole of the KO submission be disallowed, as the requests are far too broad and far reaching. Resulting in severely adversely affecting existing communities and residents.	Accept
050.50	Kāinga Ora	8.2.4 Rules – HNGR26	Oppose	Delete rule.	Reject
FS03.18	Oceania Healthcare Limited	Submission point 050.50	Oppose	Disallow the submission.	Accept in part
FS11.56	Development Nous	Submission point 050.50	Support in part	Development Nous seeks the submission be allowed to the	Reject

				extent that those parts of the submission align with the points raised and relief sought in Development Nous' submission.	
FS19.76	Residents of Kaiapo Road etc	Submission point 050.50	Oppose all	We seek the whole of the KO submission be disallowed, as the requests are far too broad and far reaching. Resulting in severely adversely affecting existing communities and residents.	Accept in part
050.51	Kāinga Ora	8.2.4 Rules – HNGR29	Oppose in part	<div>Amendments sought:</div> <div>Any Permitted or Controlled or Restricted Discretionary Activity not meeting one or more of the Specific Standards and Terms in Section 8.2.6 EXCEPT Supplementary residential buildings not complying with Specific Performance Standard 8.2.6D (b).</div> <div>RD</div>	Reject
FS03.6	Oceania Healthcare Limited	Submission point 050.51	Support	Allow the submission.	Reject
FS11.57	Development Nous	Submission point 050.51	Support in part	Development Nous seeks the submission be allowed to the extent that those parts of the submission align with the points raised and relief sought in Development Nous' submission.	Reject
FS19.77	Residents of Kaiapo Road etc.	Submission point 050.51	Oppose all	We seek the whole of the KO submission be disallowed, as the requests are far too broad and far reaching. Resulting in severely adversely affecting existing communities and residents.	Accept
050.52	Kāinga Ora	8.2.4 Rules – HNGR30	Oppose	Delete rule.	Reject
FS11.58	Development Nous	Submission point 050.52	Support in part	Development Nous seeks the submission be allowed to the extent that those parts of the submission align with the points raised and relief sought in Development Nous' submission.	Reject
FS19.78	Residents of Kaiapo Road etc	Submission point 050.52	Oppose all	We seek the whole of the KO submission be disallowed, as the requests are far too broad and far reaching. Resulting in severely adversely affecting existing communities and residents.	Accept
050.53	Kāinga Ora	8.2.4 Rules – HNGR32	Oppose	Delete rule.	Accept in part
FS11.59	Development Nous	Submission point 050.53	Support in part	Development Nous seeks the submission be allowed to the extent that those parts of the submission align with the points raised and relief sought in Development Nous' submission.	Accept in part
FS19.79	Residents of Kaiapo Road etc	Submission point 050.53	Oppose all	We seek the whole of the KO submission be disallowed, as the requests are far too broad and far reaching. Resulting in severely adversely affecting existing communities and residents.	Reject

050.54	Kāinga Ora	8.2.4 Rules – HNGR33	Oppose in part	Amendment to activity status sought: Reduce from Non-Complying to Discretionary.	Reject
FS11.60	Development Nours	Submission point 050.54	Support in part	Development Nours seeks the submission be allowed to the extent that those parts of the submission align with the points raised and relief sought in Development Nours' submission.	Reject
FS19.80	Residents of Kaiapo Road etc	Submission point 050.54	Oppose all	We seek the whole of the KO submission be disallowed, as the requests are far too broad and far reaching. Resulting in severely adversely affecting existing communities and residents.	Accept
053.4	Landsdale Development	Section 8.2 - Brookvale Structure Plan area	Support with amendment	Amend rule framework so that comprehensive or medium density residential development within the Brookvale Structure Plan area is a controlled activity non-notified where all standards are met.	Reject
053.5	Landsdale Development	Section 8.2 - Brookvale Structure Plan area	Support with amendment	Provide flexible development options for the Brookvale Structure Plan area.	Reject
071.2	Oceania Village Company	HNGR14 & HNGR26	Support	Supports the provision of 'Comprehensive Residential Developments' as 'Restricted Discretionary Non-notified' and 'Restricted Discretionary' activities, pursuant to Rules HNGR14 and HNGR26.	Reject See Topic 3, Key Issue 4 - retirement Villages for specific provisions
071.3	Oceania Village Company	Rules – Havelock North General Residential Zone	Support	Supports the removal of the requirement for 'Comprehensive Residential Developments' to comply with the 'General Performance Standards and Terms for all Activities' for the 'Havelock North General Residential Zone'.	Accept See Topic 3, Key Issue 4 - retirement villages
134.33	McFlynn Surveying and Planning	Rules HNGR14 And HNGR26	Oppose	Amend to Restricted Discretionary for proposals that meet the relevant standards, and non-complying for proposals that do not meet the relevant standards.	Reject
FS027.33	J Jackson	Submission point 134.33	Support	Seek that the whole submission be allowed.	Reject
143.2	A Smith, G Smith, and S Taylor	CRD Provisions and notification	Oppose	Seeks that affected parties be notified of CRD resource consent applications. Seeks that in addition to any other amendments sought by this submission, any other amendments to the District Plan are requested to address concerns raised.	Reject
143.8	A Smith, G Smith, and S Taylor	Rule HNGR14	Oppose	Amend Rule HNGR14 Replace Restricted Discretionary with <u>Discretionary</u> . Seeks that in addition to any other amendments sought by this submission, any other amendments to the District Plan	Reject – rule is recommended to be deleted

				are requested to address concerns raised.	
143.9	A Smith, G Smith, and S Taylor	Rule HNGR26	Oppose	Amend Rule HNGR26 Comprehensive Residential Development not meeting one or more of the specific performance standards and terms in 8.2.6F(2)-(15). And Replace Restricted Discretionary with <u>Discretionary</u> . Seeks that in addition to any other amendments sought by this submission, any other amendments to the District Plan are requested to address concerns raised.	Reject - rule is recommended to be deleted
143.10	A Smith, G Smith, and S Taylor	Rules	Oppose	Add new rule HNGRxx: Comprehensive Residential Developments that do not meet one or more of the specific performance standards and terms in 8.2.6F(1) (Site Context) – Non-Complying. Seeks that in addition to any other amendments sought by this submission, any other amendments to the District Plan are requested to address concerns raised.	Reject – CRD recommended to be deleted

ANALYSIS

- 6.1 Submissions relating to comprehensive residential development in the Havelock North General Residential Zone were received from **Oceania Village Company (071.2, 071.3)** in support, **Landsdale Development (053.4)** in support with amendment and **Kāinga Ora (050.45, 050.47, 050.50)**, **McFLynn Surveying and Planning Ltd (134.33)** and **A Smith, G Smith and S Taylor (143.2, 143.8, 143.9, 143.10)** in opposition.

COMPREHENSIVE RESIDENTIAL DEVELOPMENT (CRD) WORDING

- 6.2 **Kāinga Ora (050.45)** requests amendments to the wording of statement 8.2.4(b) to remove reference to comprehensive residential development in line with their requested overall approach to PC5. Further submissions were received on this point from **Development Nous (FS11.52)** in general support of this submission from Kāinga Ora and **the Residents of Kaiapo Road etc (FS19.71)** in general opposition to the submission from Kāinga Ora.
- 6.3 **Oceania Village Company (071.3)** supports the inclusion of this wording in 8.2.4.(b) which removes the requirement for CRD to comply with the general performance standards of the zone and instead requires these activities to meet the specific standards for comprehensive residential development in 8.2.6F and assessment criteria 8.2.9. Given the overall approach to the provision for comprehensive residential development activities is to retain these specifically within the Brookvale Structure Plan area this statement is still necessary to ensure clarity around which standards and assessment criteria are applicable to this type of development. Specific standards and assessment criteria developed especially for medium density housing development are considered the most appropriate. Therefore, this

submission point from **Oceania Village Company (071.3)** is recommended to be accepted and the submission from **Kāinga Ora (050.45)** is recommended to be rejected.

RULES PROVIDING FOR CRD - HNGR14 AND HNGR26

- 6.4 In their submission points **Kāinga Ora (050.47 and 050.50)**, requests the deletion of Rules HNGR14 and HNGR26 which provide for comprehensive residential developments that meet the standards in 8.2.6F and those that cannot meet one or more of these standards respectively. Again, further submissions were received in support from **Development Nous (FS11.53)** and in opposition from **Oceania Village Company (FS03.17)** who seek to ensure there is provision for retirement villages in the zone (see Topic 3, Key Issue 4 report) and general opposition from **the Residents of Kaiapo Road etc (FS19.73)**.
- 6.5 **McFlynn Surveying and Planning Ltd (134.33)** oppose rule HNGR14 (Comprehensive Residential Development complying with specific standards in 8.2.6F) and seek amendments that remove the ability for developments complying with the standards to only be processed on a non-notified basis so that the ability to notify such applications is retained. The submission states: *“Precluding notification is not appropriate given the density and design of developments can have significant adverse effects on the occupiers of immediately surrounding residential properties. A restricted discretionary status (with the ability for notification) is more appropriate, with developments that do not meet these standards more appropriately recognised as non-complying”*.
- 6.6 This submission is supported by a further submission from **J Jackson (027.33)** who seeks that the submission be allowed including that onsite parking must be provided for each dwelling. This request relating to parking cannot be accommodated as the NPS-UD directs that District Plans must remove all standards requiring minimum parking space provisions.
- 6.7 The submissions from **A Smith, G Smith and S Taylor (143.2, 143.8, 143.9, 143.10)** in general seek a greater degree of control of the locations for CRD housing so that it is only provided in suitable locations in Hastings and Havelock North. The submitters *“oppose provisions which are enabling of CRD in the General Residential Zones of Hastings and Havelock North without public or limited notification and no consideration of the potential adverse effects on neighbouring landowners”*. The submission point **(143.2)** seeks that affected parties are notified of CRD resource consent applications.
- 6.8 Submission points from **A Smith, G Smith and S Taylor (143.8, 143.9 & 143.10)** seek that the activity status of both rules HNGR14 and HNGR26 be raised to Discretionary and a new rule be added with a non-complying activity status where comprehensive residential developments do not meet the site context standard which requires developments to be within 400m-600m of a commercial zone, a public park and a public bus stop.

CRD IN BROOKVALE STRUCTURE PLAN AREA

- 6.9 **Landsdale Development (053.4)** requests an activity status of controlled activity non-notified for comprehensive residential development within the Brookvale structure plan area that meets the standards. **Landsdale Development (053.5)** also seeks more flexible development options for Brookvale so that they can choose how

“to develop the land to ensure they can properly accommodate changing market demand and choice in response to market forces over time”.

- 6.10 Currently in the as notified version of PC5, comprehensive residential development complying with the specific standards in 8.2.6F in Brookvale is a Restricted Discretionary (non-notified) activity and is raised to Restricted Discretionary where one or more of the standards are not met.

- 6.11 **Oceania Village Company (071.2, 071.3)** these submissions are supportive of the CRD rules HNGR14 and HNGR26.

GENERAL APPROACH TO SUBMISSIONS

- 6.12 The above submissions are considered in the context of the revised approach to PC5 (outlined in the Section 5 of the S42A introductory report) which would see comprehensive residential development removed from all of the General Residential Zones and medium density development directed to a more centralised but expanded Medium Density Residential Zone located approximately 400m (a 5 minute walk) from the Hastings CBD and Havelock North and Flaxmere Village centres. The exception to this is that comprehensive residential development would still be provided for in the greenfield new urban development areas of Howard St in Hastings and Brookvale in Havelock North.
- 6.13 Hence in this respect rules HNGR14, and HNGR26 are recommended to revert to their operative wording in so far as these rules enable the provision of CRD in the Brookvale structure plan area. However, the as notified requirements to comply with specific standards to achieve RDNN activity status will be retained. The operative, as notified and as recommended rules enabling CRD in Brookvale are outlined below. Operative Rules HNGR28 and HNGR31 are recommended to be deleted as per the notified version of PC5.
- 6.14 The retention of comprehensive residential development provisions in Brookvale, means the submissions from **Kāinga Ora (050.47, 050.50)** to delete these rules are recommended to be rejected.
- 6.15 CRD rules in the Havelock North General Residential Zone as recommended:

Operative	PC5 as notified	PC5 as recommended
HNGR14 Comprehensive Residential Development on land identified in Appendix 29 or within the Brookvale Structure Plan area identified in Appendix 13B.	HNGR14 Comprehensive Residential Development <u>complying with the specific performance standards and terms in 8.2.6F on land identified in Appendix 29 or within the Brookvale Structure Plan area identified in Appendix 13B</u>	HNGR14 Comprehensive Residential Development <u>complying with the specific performance standards and terms in 8.2.6F on land identified in Appendix 29 or within the Brookvale Structure Plan area identified in Appendix 13B</u>
HNGR26 Comprehensive Residential Development on land identified in Appendix 13B Figure 1 not meeting one or more of the general or specific performance standards in 8.2.5 or 8.2.6 (except 8.2.6L(1) parent	HNGR26 Comprehensive Residential Development <u>not meeting one or more of the specific performance standards and terms in 8.2.6F on land identified in Appendix 13B Figure 1 not meeting one or more of the general or</u>	HNGR26 Comprehensive Residential Development <u>not meeting one or more of the specific performance standards and terms in 8.2.6F on land identified in Appendix 13B Figure 1</u>

site area or 8.2.6L(2) exclusive use area standards refer Rule HNGR31 below).	specific performance standards in 8.2.5 or 8.2.6 (except 8.2.6L(1) parent site area or 8.2.6L(2) exclusive use area standards refer Rule HNGR31 below).	
HNGR28 Comprehensive Residential Development on sites outside of the areas shown in Appendix 29 or Appendix 13B Figure 1.	HNGR28 Comprehensive Residential Development on sites outside of the areas shown in Appendix 29 or Appendix 13B Figure 1.	HNGR28 Comprehensive Residential Development on sites outside of the areas shown in Appendix 29 or Appendix 13B Figure 1.
HNGR31 Comprehensive Residential Development on land identified in Appendix 13B Figure 1 not meeting standard 8.2.6L(1) parent site size or exclusive use area standard 8.2.6L(2).	HNGR31 Comprehensive Residential Development on land identified in Appendix 13B Figure 1 not meeting standard 8.2.6L(1) parent site size or exclusive use area standard 8.2.6L(2).	HNGR31 Comprehensive Residential Development on land identified in Appendix 13B Figure 1 not meeting standard 8.2.6L(1) parent site size or exclusive use area standard 8.2.6L(2).

- 6.16 The concerns behind the submissions and requests of **McFlynn Surveying and Planning Ltd (134.33)** and supported by the further submission of **J.Jackson (027.33)** and **A.Smith, G Smith and S Taylor (143.2, 143.8, 143.9, 143.10)** stem from the significant potential adverse impacts of comprehensive residential developments or medium density housing on surrounding residential properties. These specific concerns echo those of the many submitters in opposition to PC5 in its entirety considered in the Topic 1, Key Issue 1 - PC5 in its entirety report. Therefore, while their specific amendments are not accepted, the recommendation to remove provision for and reference to comprehensive residential development activities from the General Residential Zone will somewhat address their concerns. It is noted though that higher density development could still occur in the General Residential Zone as discretionary activities where the density standard is not met (Rule HNGR30).
- 6.17 McFlynn Surveying and Planning seeks a non-complying status for CRD when the standards are not met. The MRZ standards have been developed to enable flexibility and innovation in building design while ensuring a quality living environment is created for residents and neighbours. The living environment in the Medium Density Residential Zone will transition from its current suburban form to a more compact urban living environment. It is accepted that when one or more of the standards is breached, a specific notification and/or affected parties' assessment should be undertaken pertaining to the development proposal and the context in which it is located. However, it is not accepted that the activity status should be elevated above restricted discretionary to full discretionary where there are breaches of the standards. It is considered that the removal of non-notification status is a sufficient incentive to encourage compliance with the standards.
- 6.18 Therefore, it is recommended that the activity status for CRD activities that do not meet one or more of the performance standards be restricted discretionary (removing the non-notification requirement). This ensures that any potential effects on neighbours will be considered and matters of discretion limited to those relevant to

the standard not met. A restricted discretionary activity status is appropriate to enable some flexibility in compliance with the standards while addressing adverse effects and ensuring consistency with the planned built form environment of the zone.

- 6.19 On this basis the submissions of **McFlynn Surveying and Planning Ltd (134.33)** and supported by the further submission of **J.Jackson (027.33)** and the submission of **A.Smith, G Smith and S Taylor (143.2, 143.8, 143.9, 143.10)** are also recommended to be accepted in part.
- 6.20 The submissions of **Oceania Village Company (071.2)** in support of the CRD rules HNGR14 and HNGR26 are recommended to be rejected on the basis of this general approach. However, it is noted here that provision for retirement village development will be considered separately in the Topic 3, Key Issue 4 report.
- 6.21 This overall general response to submissions in respect of comprehensive residential development activities is considered to provide greater transparency in terms of the development outcomes anticipated in the zone in these General Residential Zone areas.

CRD IN BROOKVALE AND LANDSDALE SUBMISSIONS (053.4, 053.5)

- 6.22 The existing zoned greenfield new urban development areas provide vacant land on which to develop well designed, high amenity medium density housing that is easily accessible to commercial and recreational amenities where these are planned for and integrated into the structure plan. As many submitters have commented, developments in these areas create new neighbourhoods where there are no current development expectations. Therefore where greenfield areas are already zoned it is appropriate to provide a pathway for planned medium density housing development.
- 6.23 However, that pathway should have the same activity status as the provision for residential development in the Medium Density Residential Zone rather than a less onerous status. A controlled activity status would tip the balance potentially encouraging more medium density housing to be developed in greenfield locations. which could undermine the intent and provision of infrastructure to the MDRZ.
- 6.24 Therefore, it is recommended that the activity status for CRD in Brookvale remain as a Restricted Discretionary Activity (non-notified) where the relevant performance standards are met.
- 6.25 Landsdale also request there be flexibility in the provisions for development of the Brookvale Structure Plan area. The submitter states that flexibility is needed to accommodate changing market demand. It is noted that the operative rules and as notified version of PC5 provide for traditional subdivision to be undertaken based on a minimum site size of 400m² with an average of 600m². There is also a specified area of Brookvale (opposite the Plains Zone on Thompson Rd) where the minimum site size is 1000m² therefore providing options for those seeking larger urban site sizes. In addition to providing opportunities for comprehensive residential development it is considered that the current provisions do provide sufficient development flexibility to accommodate changing market demand.

DENSITY RULE – HNGR24 and HNGR30

- 6.26 **Kāinga Ora (050.49, 050.52)** oppose these rules which elevate the activity status of developments that do not meet the density standard for the zone. Further submissions in general support from **Development Nous (FS11.55, FS11.58)** and in general opposition from **the Residents of Kaiapo Road etc (FS19.75, FS19.78)** have been received.
- 6.27 Considering these submissions in the context of the general approach to PC5 and balancing the need to create a transparent and robust rule framework while allowing for flexibility to consider greater densities where it is appropriate, the current discretionary activity status is considered appropriate. Such an activity status would allow assessment of the need for affected parties consents and/or whether a limited or general notification process is required. It will also not restrict the matters of discretion enabling a wide range of matters to be considered depending on the extent of the infringement and the local context in which the development will be located.
- 6.28 Deleting rules HNGR24 and HBGR.30 altogether and allowing density infringements to be considered at a lower status (restricted discretionary activity) as Kāinga Ora have requested will undermine the policy framework that seeks to direct medium density development to the MRZ. Such an activity status would not assist in creating a robust rule framework and would not recognise the importance of this provision in achieving the planned built form environment of the zone.
- 6.29 A restricted discretionary activity status limits the matters that can be considered in evaluating a development proposal to those specifically listed in the assessment criteria. Currently there are no specific matters of discretion in the plan that specifically relate to developments that do not meet the density standard. This is deliberate as every application to exceed density will have different impacts due to the design of the proposal, the extent to which the density standard is exceeded and in consideration of the local context. As such it would be difficult to define all relevant matters comprehensively. There is a need to consider a wide range of matters to ensure that the intent and purpose of the density standard which is the cornerstone for achieving the development outcomes sought for the zone are not undermined.
- 6.30 Furthermore, the density standard in the general residential zones is an important standard to ensure the concentration of dwellings achieves the development outcomes sought and anticipated in the zone. Signalling that infringements of this standard will require a more onerous consenting pathway promotes compliance with these standards and emphasises their importance in achieving the residential environment that is sought for the zone.
- 6.31 A full discretionary activity allows consideration of any and all relevant matters. While it does mean less certainty for developers, it enables assessment of a wider range of effects from development activities that have the potential to adversely impact the surrounding residential environment.
- 6.32 While both a restricted discretionary and full discretionary activity status require the consideration and evaluation of the need for affected persons consents and/or to undertake an assessment of whether to notify the application, the ability to consider a wider range of effects and impacts under a full discretionary activity allows for greater scrutiny of the development proposal and its impacts on the surrounding neighbourhood and property owners.

- 6.33 Therefore, on this basis, the submissions of **Kāinga Ora (050.49, 050.52)** are recommended to be rejected.

SUPPLEMENTARY RESIDENTIAL BUILDINGS – HNGR32

- 6.34 **Kāinga Ora (050.53)** has submitted in opposition to Rule HNGR32 which relates to supplementary buildings that don't meet the maximum gross floor area being considered as a non-complying activity. Kāinga Ora seeks that this infringement be considered as a restricted discretionary activity (which is the activity status for permitted or controlled activities that do not meet the general performance standards for the zone (except density). Kāinga Ora state in their submission that they consider a restricted discretionary activity status with specific assessment criteria associated with the rule to be sufficient. This submission is supported in general by **Development Nours (FS11.59)** and opposed by the **Residential of Kaiapo Road etc (FS19.79)**. The specific amendments sought by Kāinga Ora to rule HNGR32 are outlined below:

HNGR32	Supplementary Residential Buildings not meeting Specific Performance Standard 8.2.6D (b)	NG
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- 6.35 The existing supplementary residential building provisions allow as a permitted activity 1 supplementary residential unit (up to a maximum gross floor area of 80m²) per site (this is in addition to a principal residential unit on the site). The specific standards for supplementary residential buildings in 8.2.6C state that supplementary residential buildings need not comply with standards 8.2.5A Density or 8.2.5I Outdoor Living Space. The District Plan outcome for supplementary residential buildings states:

*“Flexibility to provide supplementary accommodation.
Supplementary dwelling units will have minimal effects and result in the loss of only a small area of land”.*

- 6.36 Therefore, the rules clearly envisage supplementary accommodation to be small in size and scale so that it “results in the loss of only a small area of land”. A maximum gross floor area of 80m² which excludes integral garages is the size of at least a two-bedroom home and is considered an already generous gross floor area within which to provide supplementary accommodation. Exceeding this maximum gross floor area undermines the intentions of this rule to provide small, incidental accommodation on site. It also opens up the rules to circumvent the density standards in that by exceeding the 80m², development proposals can potentially gain consent for two principal residential buildings on a site.
- 6.37 Exceeding the maximum gross floor area size of a supplementary residential building is for all intents and purposes essentially an infringement of the density rule and should be considered as such. Density infringements are considered as full Discretionary activities and as discussed previously in this report, that activity status is considered appropriate.
- 6.38 Therefore, it is accepted that rule HNGR32 needs to be deleted from the activity table and amendments to rule HNGR29 are required to ensure a full discretionary activity status for supplementary residential buildings that do not meet 8.2.6D(b) as outlined below.

HNGR29	Any Permitted, Controlled or Restricted Discretionary Activity not meeting one or more of the Specific Standards and Terms in Section 8.2.6 EXCEPT Supplementary residential buildings not complying with Specific Performance Standard 8.2.6D (b).	D
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RULE HNGR29

- 6.39 **Kāinga Ora (050.51)** requests amendments to Rule HNGR29 (shown below) as they oppose the use of a discretionary activity status in this context, stating that “a *restricted discretionary activity status should be a suitable pathway for Council to assess the proposal and a higher threshold for where standards are not met is not required and further complicates the district plan provisions*”.

HNGR29	Any Permitted or Controlled or Restricted Discretionary Activity not meeting one or more of the Specific Standards and Terms in Section 8.2.6 EXCEPT Supplementary residential buildings not complying with Specific Performance Standard 8.2.6D (b).	<u>RD</u>
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- 6.40 A full discretionary activity status is considered appropriate for activities listed as permitted, controlled or restricted discretionary in the activity table where the specific performance standards that apply to these activities are not met. While some of these activities such as supplementary residential buildings are residential in nature, the majority are not. Activities such as home occupations, temporary events, temporary military training activities may have a diverse and wide range of impacts on the residential environment when the particular standards that apply to these activities are not met. Lowering the activity status and specifically outlining the matters of discretion for each of these activities would likely create a much more complex rule framework in order to ensure that impacts on the character and amenity of the surrounding environment could be appropriately considered.
- 6.41 The current discretionary activity status for these activities where specific standards are not met also signals that it is important to meet the standards to ensure effects are appropriately managed. This higher activity status also actively encourages applicants to meet these standards in order to gain a less onerous consenting pathway.
- 6.42 Furthermore, given the purpose of this plan change is to amend the rule framework to enable more residential housing to be built within existing urban areas, the amendments sought to this rule are considered to be outside the scope of PC5. As such is it recommended to reject the amendments requested by Kāinga Ora in submission point 050.51 to HNGR29.
- 6.43 The only changes recommended to this rule HNGR29 relate to enabling supplementary residential buildings not meeting specific standard 8.2.6D(b) to be considered as a discretionary activity.

CATCH-ALL RULE – HNGR33

- 6.44 **Kāinga Ora (050.54)** submits in part opposition to Rule HNGR33 and the use of a non-complying activity status as a “catch-all” approach. This submission is supported

in general by **Development Nous (FS11.60)** and opposed by in general by the **Residents of Kaiapo Road etc (FS19.80)**.

- 6.45 Kāinga Ora consider it more appropriate to use the discretionary activity status as a means of capturing activities that are not specifically mentioned in the activity table. Kāinga Ora have not provided any further information as to which activities they would like to see included in the activity table. More detailed information on the types of activities that Kāinga Ora would like to see provided for in the Havelock North General Residential Zone would be helpful in analysing this submission.
- 6.46 However, it is considered that the current rule table 8.2.4 of the Havelock North Environment does provide for a range of non-residential activities including home occupations, visitor accommodation, temporary events, non-residential care facilities as permitted activities subject to standards and others educational facilities, places of assembly, early childhood centres, emergency services facilities, and homes for the aged as restricted discretionary activities. Health care services are provided for as a full discretionary activity. All these activities contribute to a well-functioning residential environment. It is difficult to write an exhaustive list of all the potential activities that could be appropriate in a residential environment.
- 6.47 However, some activities have specifically not been included in the rule table for example industrial activities and primary production activities as in general a residential area or zone is not considered an appropriate location for the effects of such activities. A non-complying activity status provides an indication that some activities are unlikely to appropriate for the location and therefore require a greater degree of scrutiny.
- 6.48 This catch-all rule HNGR33 aims to ensure a balance of providing opportunities for activities not listed in the table to demonstrate that the adverse effects of the activity on the environment will be minor or that the activity will not be contrary to the objectives and policies. Meeting this threshold test is appropriate to ensure the activities in a residential zone will not undermine the policy framework of the District Plan or create such adverse nuisance or other effects that could impact the quality of the residential environment.
- 6.49 A discretionary activity status would be primarily considered on the adverse effects of an activity and the policy framework of the Zone would not be given as much weight or require the same level of assessment as under a non-complying activity status.
- 6.50 On this basis, the submission from Kāinga Ora is recommended to be rejected.

RELOCATED BUILDINGS

- 6.51 **Kāinga Ora (050.46, 050.48)** oppose rules HNGR13 and HNGR23 and the use of a separate activity pathway for relocated buildings and seek any reference to and provisions associated with this pathway be deleted. Kāinga Ora state that relocated buildings should be subject to the same performance standards as any other residential building within the General Residential Zone.
- 6.52 This request is supported by a further submission from **Development Nous (FS11.52)** and opposed by the **Residents of Kaiapo Road etc (FS19.72)**.

- 6.53 This request has considerable implications for the way relocated buildings are managed in the district. The provisions relating to relocated buildings were drafted as part of the review of the District Plan in 2012 -2014. Relocated buildings had been a significant issue for the District over the preceding 10 years and continued to be an issue for the community right up until the current provisions were made operative following mediation of an appeal by Heavy Haulage Ltd to the proposed District Plan in 2016. The provisions of the current operative District Plan were included in the two new District Plan chapters (Residential Zones overview and Medium Density Residential Zone) notified as part of Plan Change 5.
- 6.54 The mediated provisions included in the District Plan have been working well over the past 5 or so years with no complaints in respect of relocated building activities having been recorded within Hastings, Havelock North and Flaxmere General Residential zones. Deleting these provisions would be inappropriate and untenable to the community and council given the significant adverse effects and impacts that have occurred from relocated building activities in the past.
- 6.55 Relocated building activities under the current District Plan specifically exclude the relocation of newly constructed buildings that have not been used. Relocated building development in Hastings is considered differently from the construction of new buildings under the provisions of the general residential zones because when older buildings are relocated onto a site they are already a completed built structure but generally require significant repairs to be made. Until these repairs are carried out, the appearance of the building can be (based on experience from relocated buildings within the District – see photos below) one of rotten or unpainted weatherboards or cladding that is missing or broken, roofing iron that is rusted and/or glazing or joinery that is broken or boarded up and needs replacing.
- 6.56 It is this state of disrepair that has an impact on the amenity values of neighbouring properties and the residential area in general and necessitates a different management approach than the construction of a new built dwelling. The extent of adverse effects depends on the extent of disrepair of the building and the length of time it takes for repairs to be completed. The standards included in the District Plan seek to ensure that the adverse effects of relocated building activities are managed appropriately, and repairs are completed in a timely manner.
- 6.57 On this basis, it is recommended that the submission of **Kāinga Ora (050.46, 050.48)** is rejected.



	<p>706 and 712 Wavell Street, Akina, Hastings</p> <p>8 dwellings relocated onto two neighbouring sites.</p>
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7. RECOMMENDATIONS

- 7.1 That the submissions of **Oceania Village Company (071.3)** supporting 8.2.4(b) **be accepted.**
- 7.2 That the submission of **Kāinga Ora (050.45)** seeking removal of wording relating to comprehensive residential development in 8.2.4(b) **be rejected.**
- 7.2.1 That as a consequence of the above recommendation, the further submissions in support of Kāinga Ora (050.45) from **Development Nous (FS11.51)** **be rejected** and the further submission in opposition from the **Residents of Kaiapo Road etc (FS19.71)** **be accepted.**

7.3 Reason:

- a. Where comprehensive residential activities are proposed to be retained (such as in the Brookvale Structure Plan area) it is important to ensure clarity around what performance standards and assessment criteria apply. Therefore, the retention of this statement and the consequential amendments proposed to 8.2.4(b) are considered appropriate.

7.4 Recommended Consequential Amendments

8.2.4(b)

All Permitted, Controlled and Restricted Discretionary (Non-notified) Activities shall comply with the General Performance Standards and Terms in Section 8.2.5, and any relevant Specific Performance Standards and Terms in Section 8.2.6. Except that Comprehensive Residential Developments on land identified in Appendix 13B Figure 1 need only comply with the specific performance standards in 8.2.6F and assessment criteria in 8.2.9.

- 7.5 That the submissions of **Kāinga Ora (050.47, 050.50)** in opposition to HNGR14 and HNGR26 **be rejected** in so far as HNGR14 and HNGR 26 are amended to provide

for CRD only in the new urban development area of Brookvale (Appendix 13B) and to delete CRD rules HNGR28 and HNGR31.

- 7.5.1 That as a consequence of the recommendation above, the further submissions made in respect of **Kāinga Ora (050.47, 050.50)** in support from **Development Nous (FS11.53, FS11.56)** also be rejected, in opposition from **Oceania Village Company (FS03.17, FS03.18)** and **the Residents of Kaiapo Road etc (FS19.73, FS19.76)** be accepted in part.

- 7.6 That the submissions of **Oceania Village Company (071.2)**, **McFlynn Surveying and Planning Ltd (134.33)** and **A Smith, G Smith, and S Taylor (143.2, 143.8, 143.9, 143.10)** in opposition to HNGR14 and HNGR26 be rejected.

- 7.7 That as a consequence of the recommendation above, the further submission in support of **McFlynn Surveying and Planning Ltd (134.33)** from **J.Jackson (FS027.33)** also be rejected.

7.8 Reasons:

- Continuing to allow CRD over the entire general residential zone (except for the existing new urban development area at Brookvale) would undermine the purpose and intent of a dedicated MDRZ and the planned and coordinated approach to the provision of infrastructure.
- Removing provision for comprehensive residential development activities from the GRZ and directing medium density housing to the MDRZ is considered to provide greater transparency in terms of the development outcomes anticipated to occur in the General Residential zoned areas.
- Removing CRD activities from the rules of the General Residential Zones will also simplify the rule framework making it easier to understand.

- 7.9 Recommended Amendments retention of the operative rules to provide for CRD in the Brookvale Structure Plan area (Rule HNGR14 and HNGR26)

HNGR14	Comprehensive Residential Development <u>complying with the specific performance standards and terms in 8.2.6F on land identified in Appendix 29 or within the Brookvale Structure Plan area identified in Appendix 13B</u>	RD-NN
HNGR26	Comprehensive Residential Development <u>not meeting one or more of the specific performance standards and terms in 8.2.6F on land identified in Appendix 13B Figure 1</u>	RD

- 7.10 As notified amendments to delete HNGR28 and HNGR31 recommended to be retained.

HNGR28	Comprehensive Residential Development on sites outside of the areas shown in Appendix 29 or Appendix 13B Figure 1.	⌀
HNGR31	Comprehensive Residential Development on land identified	⌀

	in Appendix 13B Figure 1 not meeting standard 8.2.6L(1) parent site size or exclusive use area standard 8.2.6L(2).	
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7.11 That the submissions of **Kāinga Ora (050.46, 050.48)** in opposition to rules provided for relocated buildings (HNGR13, HNGR23) **be rejected**.

7.11.1 That as a consequence of the above recommendations, the further submission of in support from **Development Nous (FS11.52, FS11.54) be rejected** and the further submission in opposition from the **Residents of Kaiapo Road etc (FS19.72, FS19.74) be accepted**.

7.12 Reasons:

- a. The state of disrepair of relocated buildings has an immediate impact on the amenity values of neighbouring properties and residential area in general and necessitates a different management approach than the construction of new residential buildings.
- b. The provisions for relocated buildings (excluding new build relocates) seek to ensure that the adverse effects of this activity are appropriately managed and repairs are undertaken in a timely manner to mitigate any adverse effects on the surrounding character and amenity of the environment.

7.13 That the submissions of **Kāinga Ora (050.49, 050.52)** in relation to non-compliance with the density standards and associated rules HNGR24 and HNGR30 **be rejected**.

7.13.1 That as a consequence of the above recommendation, the further submission in support of Kāinga Ora from **Development Nous (FS11.55, FS11.58) be rejected** and that in opposition to Kāinga Ora from the **Residents of Kaiapo Road etc (FS19.75, FS19.78) be accepted**.

7.14 Reason:

- a. Retaining a discretionary activity status for residential developments that do not meet the density rule of the General Residential Zone is appropriate as it balances the need to create a transparent and robust rule framework while allowing flexibility to consider greater densities where it is appropriate. A less onerous status would not promote compliance with this standard nor would it provide sufficient scrutiny of applications that seek to increase the concentration of dwellings within the zone.

7.15 That the submission of **Kāinga Ora (50.51)** in opposition to rule HNGR29 **be rejected**.

7.15.1 That as a consequence of the above recommendation, the further submission in support of Kāinga Ora from **Development Nous (FS11.57) be rejected** and that in opposition from the **Residents of Kaiapo Road etc (FS19.77) be accepted**.

7.16 Reasons:

- a. Lowering the activity status and specifically outlining the matters of discretion for each of the activities covered by this rule would likely create a much more complex rule framework in order to ensure that impacts on the character and amenity of the surrounding environment could be appropriately considered.

- b. The current discretionary activity status for these activities where specific standards are not met also signals that it is important to meet the standards to ensure effects are appropriately managed. This higher activity status also actively encourages applicants to meet these standards in order to gain a less onerous consenting pathway.
- c. Furthermore, given the purpose of this plan change is to amend the rule framework to enable more residential housing to be built within existing urban areas, the amendments sought to this rule are considered to be outside the scope of PC5.

7.17 That the submission of **Kāinga Ora (050.53)** in opposition to HNGR32 (supplementary residential buildings not meeting standard 8.2.6D(b)) **be accepted in part** in so far as HNGR32 is recommended to be deleted and HNGR29 is recommended to be amended so that supplementary residential buildings not meeting standard 8.2.6D(b) are considered as discretionary activities.

7.17.1 That as a consequence of the above recommendation, the further submissions made in respect of Kāinga Ora (050.53) from **Development Nous (FS11.59)** **be accepted in part** and the further submissions in opposition from the **Residents of Kaiapo Road etc (FS19.79)** **be rejected**.

7.18 Reasons:

- a. Exceeding the maximum gross floor area of a supplementary residential building is for all intents and purposes an infringement of the density rule and should be considered as such. Density infringements are considered as full Discretionary activities.
- b. A discretionary activity status gives Council full discretion to consider whether the building really serves a supplementary purpose or has the character of a second residential dwelling in which case all standards relating to principal residential dwellings should apply.

7.19 Recommended Amendments

HNGR29	Any Permitted, Controlled or Restricted Discretionary Activity not meeting one or more of the Specific Standards and Terms in Section 8.2.6 EXCEPT Supplementary residential buildings not complying with Specific Performance Standard 8.2.6D (b).	D
HNGR32	Supplementary Residential Buildings not meeting Specific Performance Standard 8.2.6D (b)	NG

7.20 That the submission of **Kāinga Ora (050.54)** in respect of rule HNGR33 **be rejected**.

7.20.1 That as a consequence of the above recommendation, the further submission made in support of **Kāinga Ora** from **Development Nous (FS11.60)** **be rejected** and in opposition from the **Residents of Kaiapo Road etc (FS19.80)** **be accepted**.

7.21 Reason:

- a. Retaining a non-complying activity status for Rule HNGR33 will ensure opportunities are provided for activities not listed in the activity table 8.2.4 of

Section 8.2 Havelock North General Residential Zone to demonstrate that their adverse effects on the environment will be minor or that the activity will not be contrary to the objectives and policies. Meeting this threshold test is appropriate to ensure the activities established in a residential zone will not undermine the policy framework of the District Plan or create such adverse nuisance or other effects that could impact the quality of the residential environment.

- 7.22 That the submissions of **Landsdale Development (053.4, 053.5)** seeking more flexible development options within the Brookvale Structure Plan area and a controlled activity status for CRD within this area **be rejected**.

7.23 Reasons:

- a. The location of the Brookvale Structure Plan area on the edge of the Havelock North urban area means it is outside the 400m walkable catchment for commercial and community services. This makes a medium density zone across the entire area inappropriate.
- b. The activity status pathway for comprehensive residential development in the Brookvale Structure Plan area should align with the status of these activities in the Medium Density Residential Zone. A restricted discretionary activity status retains the operative status of these activities in the Brookvale Structure Plan area.
- c. Applying the MDRZ standards (except for minimum site size and retaining the operative provisions of a minimum site size of 250m²) provides greater flexibility in enabling medium density housing typologies in this area.
- d. Given the reduced accessibility of this area to the Havelock North commercial centre retaining the operative minimum site size for development is considered appropriate. This also ensures that the infrastructure planned for the structure plan area will have sufficient capacity to service development.

- 7.24 That the submission of **Fire and Emergency NZ (028.30)** requesting that emergency services be provided for as a restricted discretionary activity **be rejected**.

7.25 Reason:

- a. That emergency services facilities are already provided for as restricted discretionary activities in the Havelock North Residential Environment through HNGR22.

8.0 SUBMISSION POINTS – FLAXMERE GENERAL RESIDENTIAL ZONE RULES

Sub Point	Submitter / Further Submitter	Provision / Section of the Hastings District Plan	Position	Summary of Decision Requested	Recommendation
Flaxmere General Residential Zone Rules					
050.87	Kāinga Ora		Oppose in part	Amendments sought: Any activity must comply with the District Wide provisions, before applying the following rules of the Residential Environment. With regard to the rules of the activities tables, all activities are subject to General and Specific Performance Standards and Terms in Sections 9.2.5 and 9.2.6 and where relevant assessment criteria in Sections 9.2.7 and 9.2.8. Except that comprehensive residential developments need only comply with the specific performance standards in 9.2.6J and assessment criteria 9.2.8I	Accept
FS11.93	Development Nous	Submission point 050.87	Support in part	Development Nous seeks the submission be allowed to the extent that those parts of the submission align with the points raised and relief sought in Development Nous' submission.	Accept
FS19.113	Residents of Kaiapo Road etc	Submission point 050.87	Oppose all	We seek the whole of the KO submission be disallowed, as the requests are far too broad and far reaching. Resulting in severely adversely affecting existing communities and residents.	Reject
050.88	Kāinga Ora	9.2.4 Rules – FR1	Support in part	Amendment sought: Residential Activities (except Comprehensive Residential Development)	Accept
FS11.94	Development Nous	Submission point 050.88	Support in part	Development Nous seeks the submission be allowed to the extent that those parts of the submission align with the points raised and relief sought in Development Nous' submission.	Accept
FS19.114	Residents of Kaiapo Road etc	Submission point 050.88	Oppose all	We seek the whole of the KO submission be disallowed, as the requests are far too broad and far reaching. Resulting in severely adversely affecting existing communities and residents.	Reject
050.89	Kāinga Ora	9.2.4 Rules – FR13, FR18, and FR21	Oppose	Delete rules.	Reject Out of scope of PC5 Relocated buildings
FS11.95	Development Nous	Submission point 050.89	Support in part	Development Nous seeks the submission be allowed to the extent that those parts of the submission align with the points	Reject

				raised and relief sought in Development Nours' submission.	
FS19.115	Residents of Kaiapo Road etc	Submission point 050.89	Oppose all	We seek the whole of the KO submission be disallowed, as the requests are far too broad and far reaching. Resulting in severely adversely affecting existing communities and residents.	Accept
050.90	Kāinga Ora	9.2.4 Rules – FR22	Oppose in part	Amendment sought: Any Permitted or Controlled activity not meeting one or more of the General Performance Standards and Terms in section 9.2.5 EXCEPT activities not complying with General Performance Standard 9.2.5A Density and activities not complying with Specific Performance Standard 9.2.6B.1 Supplementary Residential Buildings	Reject
FS11.96	Development Nours	Submission point 050.90	Support in part	Development Nours seeks the submission be allowed to the extent that those parts of the submission align with the points raised and relief sought in Development Nours' submission.	Reject
FS19.116	Residents of Kaiapo Road etc	Submission point 050.90	Oppose all	We seek the whole of the KO submission be disallowed, as the requests are far too broad and far reaching. Resulting in severely adversely affecting existing communities and residents.	Accept
050.91	Kāinga Ora	9.2.4 Rules – FR24	Oppose	Delete rule.	Accept
FS11.97	Development Nours	Submission point 050.91	Support in part	Development Nours seeks the submission be allowed to the extent that those parts of the submission align with the points raised and relief sought in Development Nours' submission.	Accept
FS19.117	Residents of Kaiapo Road etc	Submission point 050.91	Oppose all	We seek the whole of the KO submission be disallowed, as the requests are far too broad and far reaching. Resulting in severely adversely affecting existing communities and residents.	Reject
050.92	Kāinga Ora	9.2.4 Rules – FR25	Oppose	Delete rule	Accept
FS11.98	Development Nours	Submission point 050.92	Support in part	Development Nours seeks the submission be allowed to the extent that those parts of the submission align with the points raised and relief sought in Development Nours' submission.	Accept
FS19.118	Residents of Kaiapo Road etc	Submission point 050.92	Oppose all	We seek the whole of the KO submission be disallowed, as the requests are far too broad and far reaching. Resulting in severely adversely affecting existing communities and residents.	Reject

050.93	Kāinga Ora	9.2.4 Rules – FR26	Oppose	Delete rule.	Reject
FS11.99	Development Nous	Submission point 050.93	Support in part	Development Nous seeks the submission be allowed to the extent that those parts of the submission align with the points raised and relief sought in Development Nous' submission.	Reject
FS19.119	Residents of Kaiapo Road etc	Submission point 050.93	Oppose all	We seek the whole of the KO submission be disallowed, as the requests are far too broad and far reaching. Resulting in severely adversely affecting existing communities and residents.	Accept
050.94	Kāinga Ora	9.2.4 Rules – FR27	Oppose	Delete rule.	Reject
FS11.100	Development Nous	Submission point 050.94	Support in part	Development Nous seeks the submission be allowed to the extent that those parts of the submission align with the points raised and relief sought in Development Nous' submission.	Reject
FS19.120	Residents of Kaiapo Road etc	Submission point 050.94	Oppose all	We seek the whole of the KO submission be disallowed, as the requests are far too broad and far reaching. Resulting in severely adversely affecting existing communities and residents.	Accept
050.95	Kāinga Ora	9.2.4 Rules – FR28	Oppose	Delete rule	Accept in part in so far as the activity status is reduced.
FS11.101	Development Nous	Submission point 050.95	Support in part	Development Nous seeks the submission be allowed to the extent that those parts of the submission align with the points raised and relief sought in Development Nous' submission.	Accept in part
FS19.121	Residents of Kaiapo Road etc	Submission point 050.95	Oppose all	We seek the whole of the KO submission be disallowed, as the requests are far too broad and far reaching. Resulting in severely adversely affecting existing communities and residents.	Reject
050.96	Kāinga Ora	9.2.4 Rules – FR29	Oppose	Amendment sought: Reduce activity status from Non-Complying to Discretionary.	Reject
FS11.102	Development Nous	Submission point 050.96	Support in part	Development Nous seeks the submission be allowed to the extent that those parts of the submission align with the points raised and relief sought in Development Nous' submission.	Reject
FS19.122	Residents of Kaiapo Road etc	Submission point 050.96	Oppose all	We seek the whole of the KO submission be disallowed, as the requests are far too broad and far reaching. Resulting in severely adversely affecting existing communities and residents.	Accept

134.42	McFlynn Surveying and Planning	Rule FR24 – Comprehensive Residential Developments complying with the specific standards and terms in 9.2.6j AND FR25 – Comprehensive Residential Developments not meeting one or more of the specific performance standards and terms in 9.2.6J	Oppose	Amend to: Restricted Discretionary for proposals that mee the relevant standards, and non-complying for proposals that do not meet the relevant standards.	Reject
FS27.42	J Jackson	Submission point 134.42	Support	Seek that the whole submission be allowed. Also including that onsite parking must be provided for each dwelling.	Reject

ANALYSIS

- 8.1 All submissions received in relation to the Flaxmere Residential Zone have been from Kāinga Ora and in general most are in opposition to the provisions of rule table 9.2.4.

REFERENCE TO COMPREHENSIVE RESIDENTIAL DEVELOPMENT

- 8,2 **Kāinga Ora (050.87 and 050.88)** seek amendments to remove reference to comprehensive residential developments in the introductory paragraph to the rule table and rule FR1. Further submissions in general support from **Development Nous (FS11.96, FS11.94)** and in general opposition from **the Residents of Kaiapo Rd (FS19.113, FS19.114)** have been received. In the context of the general approach to submissions on PC5 outlined in the Introductory report, it is considered that these amendments are appropriate and these submissions are both recommended to be accepted.

RELOCATED BUILDINGS

- 8.3 **Kāinga Ora (050.89)** opposes all rules relating to relocated buildings and seeks the removal or deletion of rule FR13, FR18 and FR21. Further submissions in general support from **Development Nous (FS11.95)** and in general opposition from the **Residents of Kaiapo Rd (FS19.115)** have been received.
- 8.4 As discussed above in the consideration of submissions for the Havelock North General Residential Zone, relocated buildings require a different management approach and separate activity pathway from the construction of new buildings. This is warranted given the repair work that is generally required to be undertaken to bring such buildings up to standard and the potentially considerable impacts unfinished relocated buildings can have on the character and amenity of the surrounding environment. However, because of the age of the settlement of Flaxmere and the considerable impacts on the settlement that relocated building activities have had in the past, the status of relocated building activities is higher (controlled activity) for

buildings constructed prior to 1 January 1970. This is to ensure that the era of relocated buildings is appropriate and compatible with the surrounding environment.

- 8.5 On this basis and that outlined above under the Havelock North General Residential Zone analysis, these submissions are recommended to be rejected.

DENSITY RULES FR22 & FR28

- 8.6 **Kāinga Ora (050.90)** seek amendments to this rule such that where developments do not meet the density requirement they would be considered as restricted discretionary activities instead of non-complying activities as is currently the case for the Flaxmere Residential Zone. Alongside this request **Kāinga Ora (050.95)** seeks that rule FR28 be deleted. Further submissions in general support from **Development Nous (FS11.96, FS11.101)** and in general opposition from **the Residents of Kaiapo Rd (FS19.116, FS19.121)** have been received.
- 8.7 This submission point has been considered above in the Havelock North General Residential Zone analysis paragraphs 6.24 – 6.30 of this report. The same analysis applies in general to the Flaxmere Residential Zone. However, in the case of Flaxmere it is considered appropriate to reduce the status of density infringements from non-complying to discretionary to align with the activity status for the other general residential zones. This would ensure a consistency in approach and enables greater flexibility to consider developments on sites in Flaxmere where higher densities may be appropriate and justified depending on the specific context and details of the development proposal.
- 8.8 Therefore, on the basis of the analysis outlined above in 6.24 – 6.30, the submission of **Kāinga Ora (050.90 and 050.95)** is recommended to be accepted in part in so far as no amendments are recommended to Rule FR22 and Rule FR28 is recommended to be amended to a discretionary activity status to provide flexibility to consider density infringements and to create consistency across all the general residential zones, where density standards are not met.

PROVISION FOR COMPREHENSIVE RESIDENTIAL DEVELOPMENT

- 8.9 **Kāinga Ora (050.91 and 050.92)** seek deletion of rules FR24 and FR25 to remove provision for and reference to comprehensive residential development from the rule table in the Flaxmere Residential Zone. Further submissions in general support from **Development Nous (FS11.96, FS11.97)** and the **Residents of Kaiapo Road etc (FS19.116, FS19.117)** have been received.
- 8.10 **McFlynn Surveying and Planning Ltd (134.42)** and supported by further submission from **J Jackson (FS027.42)** seeks amendment to FR24 and FR25 to amend the activity status for comprehensive residential development that meets the standards to Restricted Discretionary activity (removing the clause that precludes notification) and where developments do not meet the standards raise the activity status to non-complying activity.
- 8.11 In the context of the general philosophy and approach to the revised Medium Density Residential Zone outlined in the introductory report, and as outlined earlier in this report the removal of comprehensive residential activities from the general residential zones of Hastings, Flaxmere and Havelock North and directing medium density development to the Medium Density Residential Zone is considered appropriate. On this basis, it is recommended that these submissions from Kāinga Ora are accepted

and while the specific requests of McFlynn (134.42) is rejected, the intent of submissions of McFlynn Surveying and Planning Ltd may be achieved given that provision for comprehensive residential development at densities higher than the operative density of the Flaxmere Residential Zone are recommended to be removed. However, it is noted that the removal of CRD activities from this rule table does not preclude applicants from applying for resource consent to exceed the density limit of the Flaxmere General Residential Zone.

- 8.12 It is noted here for completeness that provision for retirement village development will be considered under the Topic 3, Key Issue 4 report and the recommendations of this report may necessitate further amendments to the activity table and provisions of the Flaxmere Residential Zone to provide for this activity specifically.

RULE FR26

- 8.13 **Kāinga Ora (050.93)** seeks the deletion of this rule that requires restricted discretionary activities that do not meet one or more of the general or specific performance standards to be considered as a full discretionary activity. Further submissions have been received in general support from **Development Nours (FS11.99)** and in general opposition from the **Residents of Kaiapo Road etc (FS19.119)**.
- 8.14 Kāinga Ora state that they oppose the use of a discretionary activity status in this context, noting that an activity that is restricted discretionary should be a suitable pathway for Council to assess the proposal and a higher threshold for where standards are not met is not required and further complicates the district plan provisions.
- 8.15 A full discretionary activity status is considered appropriate for activities listed as having a restricted discretionary status in the activity table as these activities are generally non-residential in nature and are likely to have impacts on the character and amenity of the surrounding environment particularly where the general or specific standards are not met. Such activities include places of assembly and education facilities. Raising the activity status where standards are not met also signals that it is important to meet the standards to ensure effects are appropriately managed. This activity status also actively encourages developers to meet these standards in order to gain a less onerous consenting pathway.
- 8.16 Retaining a restricted discretionary activity status when standards are not met would require specifically outlining the matters of discretion for each of these activities and would likely create a much more complex rule framework in order to ensure that impacts on the character and amenity of the surrounding environment could be appropriately considered.
- 8.17 Furthermore, given the purpose of this plan change is to amend the rule framework to enable more residential housing to be built within existing urban areas, the amendments sought to this rule are considered to be outside the scope of PC5
- 8.18 On this basis it is recommended that the submission from Kāinga Ora in relation to FR26 be rejected.

SUPPLEMENTARY RESIDENTIAL BUILDINGS RULE FR22 & FR27

- 8.19 **Kāinga Ora (050.94)** seek the deletion of Rule FR27 and the use of FR22 to consider oversized supplementary residential buildings as restricted discretionary activities rather than as full discretionary activities in the current plan.
- 8.20 Further submissions have been received in general support from **Development Nous (FS11.100)** and in general opposition from the **Residents of Kaiapo Road etc (FS19.120)**.
- 8.21 Kāinga Ora state that they consider a restricted discretionary activity status, with specific assessment criteria associated with the rule, to be sufficient. This can be addressed through the existing rule FR22 where discretion is limited to the standards not met.
- 8.22 This request is not considered an appropriate approach to considering supplementary residential buildings that do not meet the specific performance standards. As discussed above in the analysis outlined for the Havelock North Residential Zone, exceeding the maximum gross floor area size of a supplementary residential building is for all intents and purposes essentially an infringement of the density rule and should be considered as such. Density infringements are considered as full Discretionary activities and as discussed previously in this report, that activity status is considered appropriate. Rule FR27 currently provides for infringements of these standards as a discretionary activity and therefore it is recommended that this rule be retained.

CATCH-ALL RULE – FR29

- 8.23 **Kāinga Ora (050.96)** seek the deletion of FR29 and state that they oppose the use of the non-complying activity status as a 'catch-all' approach and consider it more appropriate to use the discretionary activity status as a means of capturing activities that are not specifically mentioned in the activity table 9.2.4.
- 8.24 Further submissions have been received in general support from **Development Nous (FS11.102)** and in general opposition from the **Residents of Kaiapo Road etc (FS19.122)**.
- 8.25 The analysis outlined above in the analysis of submissions relating to the Havelock North General Residential Zone is relevant to consideration of this submission in the Flaxmere Residential Zone. Under 3.1 Catch-all Rule above the analysis concludes that the implications of reducing the activity status from non-complying to discretionary would not be appropriate. A discretionary activity status for industrial activities or commercial activities could potentially have significant impacts on the character and amenity of the residential zone and also could potentially undermine the existing commercial strategy which promotes a centres based approach.
- 8.26 On this basis, it is recommended that the submission from Kāinga Ora (050.96) to be rejected.

RECOMMENDATIONS

- 8.27 That the submissions of **Kāinga Ora (050.87, 050.88, 050.91, 050.92)** in support with amendment to remove provision for and reference to comprehensive residential development **is accepted** in so far as the requested amendments are made to Rule

FR1 and the introductory statement to rule table 9.2.4 and Rules FR24 and FR25 are deleted.

8.27.1 That as a consequence of the above recommendation, the further submissions of **Development Nous (FS11.93, FS11.94, FS11.97, FS11.98, FS11.100)** in support of Kāinga Ora **are also accepted** and the further submissions of the **Residents of Kaiapo Road etc (FS19.113, FS19.114, FS19.117, FS19.118, FS19.120)** in opposition to Kāinga Ora **are rejected**.

8.28 That the submission of **McFlynn Surveying and Planning Ltd (134.42)** in opposition to FR24 and FR25 **be accepted in part** in so far as the rules providing for comprehensive residential development are recommended to be deleted altogether.

8.28.1 That as a consequence of the above recommendation, the further submission of **J Jackson (FS027.42)** also **be accepted in part** in so far as the rules providing for comprehensive residential development are recommended to be deleted.

8.29 Reasons:

- a. Removing the references to comprehensive residential development from the plan will ensure a simpler and clearer rule framework.
- b. Removing provision for comprehensive residential development activities from the General Residential Zone and directing medium density housing to the Medium Density Residential Zone is considered to provide greater transparency in terms of the development outcomes anticipated to occur in the General Residential zoned areas.

8.30 The recommended amendments to the rule table are outlined as follows:

9.2.4 Rules

Any activity must comply with the District Wide provisions, before applying the following rules of the Residential Environment. With regard to the rules of the activities tables, all activities are subject to General and Specific Performance Standards and Terms in Sections 9.2.5 and 9.2.6 and where relevant assessment criteria in Sections 9.2.7 and 9.2.8. ~~Except that comprehensive residential development need only comply with the specific performance standards in 9.2.6J and assessment criteria 9.2.8I~~

FR1	Residential Activities (except comprehensive residential developments)	P
FR24	Comprehensive Residential Developments and Retirement Villages complying with specific performance standards and terms in 9.2.6J	RDNN
FR25	Comprehensive Residential Developments not meeting one or more of the specific performance standards and terms in 9.2.6J.	RD

8.31 That the submissions of **Kāinga Ora (050.89, 050.90, 050.93, 050.94, 050.96)** in opposition to rules FR13, FR18, FR21, FR22, FR26, FR27 and FR29 **be rejected**.

8.31.1 That as a consequence of the above recommendation the further submissions of **Development Nous (FS11.95, FS11.96, FS11.99, FS11.100, FS11.102)** in support of Kāinga Ora **are also rejected** and the further submissions in opposition to Kāinga

Ora from the **Residents of Kaiapo Road etc (FS19.115, FS19.116, FS19.119, FS19.120, FS19.122)** are accepted.

8.32_ Reasons:

- a. The provisions for relocated buildings (excluding new build relocates) seek to ensure that the adverse effects of this activity are appropriately managed and repairs are undertaken in a timely manner to mitigate any adverse effects on the surrounding character and amenity of the environment.
- b. In relation to supplementary residential buildings not meeting specific standards including maximum gross floor area, non-compliance of this nature is for all intents and purposes an infringement of the density rule and should be considered as discretionary activities. Therefore the deletion of rule FR27 and use of rule FR22 in consideration of such activities is not appropriate.
- c. A discretionary activity status gives Council full discretion to consider whether the building really serves a supplementary purpose or has the character of a second residential dwelling in which case all standards relating to principal residential dwellings should apply.
- d. The deletion of rule FR26 is not supported and the request is considered out of scope of PC5 as it relates to the activity status of non-residential activities not meeting the performance standards of the zone.
- e. Retaining a non-complying activity status for Rule FR29 will ensure opportunities are provided for activities not listed in the activity table 9.2.4 to demonstrate that their adverse effects on the environment will be minor or that the activity will not be contrary to the objectives and policies. Meeting this threshold test is appropriate to ensure the activities in a residential zone will not undermine the policy framework of the District Plan or create such adverse nuisance or other effects that could impact the quality of the residential environment.

8.33 That the submission of **Kāinga Ora (050.95)** in opposition to Rule FR28 be accepted in part in so far as the activity status of proposals not meeting the density standard is recommended to be lowered from Non-complying to Discretionary.

8.33.1 That as a consequence of the above submission, the further submissions of **Developemnt Nous (FS11.101)** in support of Kāinga Ora (050.95) be accepted in part and the further submission in opposition from the **Residents of Kaiapo Rd etc (FS19.121)** be rejected.

8.34 The recommended amendments to the rule FR28 are outlined as follows:

FR28	Residential Activities (except comprehensive residential developments) not complying with density provision in General Performance Standard 9.2.5A.	NG D
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8.35 Reason:

- a. Lowering activity status to a discretionary activity for residential developments that do not meet the density rule of the Flaxmere Residential Zone is appropriate as it balances the need to create a transparent and robust rule framework while allowing flexibility to consider greater densities where it is appropriate. Given that the density standard is important in achieving the development outcomes sought for the zone, a less onerous activity status would not promote compliance with this standard nor would it provide sufficient scrutiny of applications that seek to increase the concentration of dwellings within the zone.

TOPIC 3, KEY ISSUE 4 – RETIREMENT VILLAGE PROVISIONS

A. Retirement Villages Association - Objectives and Policies across all residential zones in Plan Change 5

1. SUBMISSION POINTS

Sub Point	Submitter / Further Submitter	Provision / Section of the Hastings District Plan	Position	Summary of Decision Requested	Recommendation
081.3	Retirement Villages Assn of NZ	Objectives and Policies in Residential Zones Overview, Medium Density Residential Zone (MDRZ), Hastings Residential Environment, Havelock North Residential Environment, and Flaxmere Residential Zone	Oppose	Provide Objectives and Policies that provide support for the aging population as set out in Appendix 2 the submission. Amend the policy framework so that they are framed more flexibly to reflect the outcomes of the NPS-UD and Enabling Housing Act.	Accept in part
FS03.3	Oceania Healthcare Ltd	Submission point 081.3	Support	Allow the submission	Accept in part
FS13.11	Kāinga Ora	Submission point 081.3	Support in part	Allow in part	Accept in part
081.4	Retirement Villages Association of NZ	Residential Overview Chapter and MDRZ	Oppose	Include a retirement-village specific objective, policy and rule framework (set out in Appendix 2) that would apply in all areas and zones that are part of Plan Change 5. Modifications to the rules may be required in areas other than the MDRZ to reflect the different development standards in the other zones.	Accept in part
FS03.4	Oceania Healthcare Ltd	Submission point 081.4	Support	Allow the submission with amendment	Accept in part
FS13.10	Kāinga Ora	Submission point 081.4	Oppose	Disallow submission	Accept in part
081.5	Retirement Villages Association of NZ	MDRZ, Hastings Residential Zone and Havelock North Residential Environment, and Flaxmere Residential Zone	Oppose	Applications for residential activities that are anticipated in in the relevant zone should not be publicly notified as is the convention in the Enabling Housing Act for medium density zones. Limited notification should remain available but only where it will benefit the decision making process.	Accept

085.1	Ryman Healthcare Limited	Rule Framework	Oppose	Include a retirement-village specific objective, policy and rule framework (set out in Appendix 2) that would apply in all areas and zones that are part of Plan Change 5. Modifications to the rules may be required in areas other than the MDRZ to reflect the different development standards in the other zones. Applications for residential activities that are anticipated in the relevant zone should not be publicly notified as is the convention in the Enabling Housing Act for medium density zones. Limited notification should remain available but only where it will benefit the decision making process.	Accept in part
FS13.12	Kāinga Ora	Submission point 084.5	Oppose	Disallow submission	Accept in part
071.6	Oceania Village Co Ltd	Amend standards 8.2.6f (8) outdoor living space 8.2.6f (9) landscaped area and standard 8.2.6f(11) outlook space		Amend the Outdoor Living Space Standard 8.2.6f (8) for comprehensive residential development to include a specific standard for independent living units in a retirement village of 8m with a minimum 1.8m dimension. Amend the Landscaped Area standard 8.2.6f (9) to clarify that it does not apply to retirement villages. Amend the Outlook Space standard 8.2.6f(11) to clarify that it applies only to independent living units in a retirement village.	Accept in part

2. ANALYSIS

This analysis should be read in conjunction with the Introductory Report to the S42A which covers useful background for the consideration of submissions from the Retirement Village Association of New Zealand, and Ryman Healthcare Ltd.

SUBMISSION POINT 81.3, 81.4, 85.1, and 71.6 (RETIREMENT VILLAGES ASSOCIATION OF NEW ZEALAND INCORPORATED, RYMAN HEALTHCARE LIMITED, AND OCEANIA VILLAGE COMPANY LIMITED)

- 2.1 **Further submissions on Submission Points 81.3 and 81.4 Retirement Villages Association of NZ and Submission Point 85.4 Ryman Healthcare Ltd**
- 2.2 The submission points 81.3, 81.4 (Retirement Villages Association of NZ) and 85.4 (Ryman Healthcare Ltd) were supported by Oceania Healthcare Ltd (FS03.3 and FS03.4) and the objectives and policies were supported by Kāinga Ora (FS13.11) and the introduction of a planning rule framework with a permitted activity status was opposed by Kāinga Ora (FS13.10) (FS13.12)

- 2.3 The submitter seeks to have objectives and policies included in the district plan that specifically recognises the need to provide for an aging population and the part that retirement villages play in providing for older age cohort. As a result, they seek that a rule framework be included that recognises the unique functional and operational needs of retirement villages.
- 2.4 The aging of the country's population is a dynamic that has not had much focus and it is particularly pertinent to Hawke's Bay where the population of our older age cohorts is higher than the national average.
- 2.5 The Hastings District Council, Napier City and Hawke's Bay Regional Council are in the process of drafting the Future Development Strategy which provides for the growth needs of the Napier/Hastings area for the next 30 years. It is recognised that the provision of housing for retirement sector is an important component of the overall housing needs for the urban area. As such a study has been completed which looks at the demand forecasts for retirement village sector housing through to 2053. What the study identifies is that by 2053 the national population will have increased by approximately 20%, the 65+, 75+ and 90+ age groups will have increased by 70%, 125% and 262% respectively.
- 2.6 This level of growth in the older age cohorts has significant implications for future housing demand. There has been a trend toward increasing numbers of one-person (and couple only) households and the ageing population will accelerate that trend. The report finds that at present in the combined FDS Study area approximately 27% of households are single occupant and between 2020 and 2050 under the medium – high projections that number is projected to rise by nearly 45% with the addition of another 7000 single person households.
- 2.7 The Housing Development Capacity Assessment 2021 that was completed to meet the requirements of the National Policy Statement – Urban Development 2020, predicts that over the 30 yr period of the study one-person and couple only households will, between them, represent the equivalent of about 80% of all future demand. One of the means of providing for the one person and couple only households is through the development of retirement villages and it is therefore considered entirely appropriate that a policy and rule framework be put in place to recognise the place that retirement villages have in providing for the future housing needs of older age groups.
- 2.8 The submitter has included a copy of a suggested planning framework for adoption in the Medium Density Residential and the Hastings and, Havelock North and Flaxmere General Residential zones.
- 2.9 While the principle behind the framework is supported, the detail of the provisions proposed requires some amendment. Plan Change 5 (PC5) currently bundles retirement villages with comprehensive residential development, and under PC5, they could be classed as a Controlled Activity in the Medium Density Residential Zone (if they comply with all of the performance standards); or Restricted Discretionary Activity (Non-notified) if unable to comply. This is a likely scenario, given that retirement village proposals would unlikely meet the standards for open space; variety of materials; and perhaps landscaping; all applicable to comprehensive residential development.
- 2.10 The Planning Framework sought seeks an integrated set of objectives and policies for retirement villages.

- 2.11 The scope of the plan change must be kept in mind in the consideration of the points that are being raised in the submission. Plan Change 5 applies to the Medium Density Zone, General Residential, Havelock North Residential and Flaxmere Residential zones. The application of the Planning Framework outside of these zones would be out of scope of the Plan Change. It is in greenfield development that the application of the Planning Framework would be most used and further consideration will be given on how this might best be applied to this structure plan and plan change process.
- 2.12 The Planning Framework sought seeks to separate out the land use activity from the construction process by means of making the activity Permitted, but the construction process a Restricted Discretionary activity.
- 2.13 In considering this Framework it pays to be cognisant of the fact that the retirement sector is a dynamic one and likely to gain in pace. It is possible therefore, that there will be new developers who enter this arena; and the Framework needs to be able to apply to these developers, as well as the larger retirement sector companies registered under the Retirement Villages Act. However, the Retirement Village Act 2003 is encompassing, and it states that *'whether or not a property or building is, or any other premises are, a retirement village must be determined according to the nature, substance, and economic effects of the operation of property'*.
- 2.14 It is accepted that some of the standards proposed for medium density housing under PC5 may not always meet the functional needs of a retirement village development. However what is of most significance, is the interface of retirement villages with the adjoining residential environment that needs to be managed, including how they integrate with the roading network and the relationship to the neighbourhood in which they sit.
- 2.15 The Planning Framework suggested in the submission also heavily utilises the Medium Density Residential Standards (MDRS) from the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 with amendments to reflect the special nature of retirement units. These national standards were drafted in the context of Tier 1 authorities (Hastings is Tier 2) and were considered in the adoption of PC5 but were deemed to be inappropriate for Hastings provincial environment where the community has given a clear message that they are not supportive of intensification.
- 2.16 As mentioned above, it is the interface between the retirement villages and the adjoining environment is of most concern.
- 2.17 In a residential environment the Medium Density Residential Standards as set out under the Enabling Housing Act are not considered entirely appropriate. Therefore it is considered that the standards proposed for the Medium Density Residential Zone under PC5 should apply where the property fronts public roads and adjoining sites as, this manages effects on residential character and visual amenity.
- 2.18 For the internally focused areas of the retirement villages, the MDRS may be appropriate. The exceptions to this are the maximum height of buildings and outdoor living space. The height of buildings can have a significant effect on the character of the residential environment and the maximum height is recommended to be reduced from 11m +1m as notified to 10m +1m as a result of submissions. Refer to Topic 4 Key Issue 2 of the S42A Report on Height Limits.

- 2.19 The Retirement Villages Association is also seeking that the standard for outdoor living space be reduced to align with the Medium Density Residential Standards under the Enabling Housing Act, with an amendment to allow it to be grouped and also allow 50% to be included in an indoor communal space. Accessibility to open space is considered to be one of the fundamental well beings and this should also apply to retirement units. It is accepted that there should be some flexibility to allow for the grouping of open space, but this should not extend to indoor communal space. It is recommended that the outdoor living space for residential units in the medium density residential zone be required for retirement units with the ability for a proportion of it (30%) to be part of a communal open space.
- 2.20 Oceania Village Company Limited are concerned about the applicability of the rules associated with comprehensive residential development within the Havelock North Residential zone. These concerns partially overlap with the submission from the Retirement Villages Association of New Zealand and Ryman Healthcare who are seeking a planning framework of objectives, policies, and rules, specifically for retirement villages. Oceania are seeking that a number of the rules associated with medium density living should not be applied to retirement villages. These include a significant reduction in the size of the outdoor living space and removal of the north facing requirement. As set out above it is considered that outdoor living space provides for the wellbeing of residents and the changes set out above will appropriately provide for the wellbeing of residents while providing some flexibility for retirement village operators.
- 2.21 Oceania Village Company Ltd also seek not have the landscaping provisions apply to retirement villages. Landscaping is an important component of retirement villages especially given the density of development of the villages. The Retirement Village Association and Ryman Healthcare have suggested the adoption of the MDRS standard for Landscaping as set under Clause 18 of Schedule 3A to the Resource Management Act and this is considered appropriate.
- 2.22 The last point of the Oceania submission is that these provisions should only apply to independent living units in the retirement village. It is not intended that these provisions should apply to the anything but residential units. The definition of a residential unit in the National Planning Standards is *“a building(s) or part of a building that is used for a residential activity exclusively by one household, and must include, sleeping, cooking, bathing and toilet facilities.”* It is clear from this definition that the care facilities component of the retirement village would not be captured by this performance standard and the need to separate out independent units is unnecessary.
- 2.23 Part of the submitted planning framework relates to the activity status for retirement villages where differentiation is sought between retirement villages as an activity and the construction of new buildings for the retirement village. Neither the operative district plan nor PC5 differentiate between activities and the construction of buildings; and this change to the structure is out of scope of the plan change. The activity status for retirement villages should, as another form of medium density development, ideally be aligned with that proposed for the Medium Density Residential Zone under this section 42A Report. However as a development that is likely to exceed 15 dwelling units, this would make retirement villages a full discretionary activity. The effects that we are seeking to manage in regard to retirement villages are where they intersect with adjoining sites and the road network. This narrows the matters to those of integrating with adjoining sites and the environment into which they are locating. As such there a

limited range of matters to which we would wish to exercise discretion and for this reason it is recommended that retirement villages be provided for as a Restricted Discretionary activity within the Medium Density Residential Zones and General Residential Zones.

SUBMISSION POINT 081.5 (RETIREMENT VILLAGES ASSOCIATION OF NZ)

- 2.24 The submitter seeks that applications for residential activities that are anticipated in the relevant zone should not be publicly notified.
- 2.25 The approach recommended in Topic 3, Key Issue 1 'Affected Persons' of this report on affected party approval, is that, if achieving more intensive medium density development is the model that both national policy and our growth strategy have signalled that we need to move towards Then, the activity itself should not trigger the need for notification and an activity should be non-notified with affected party approval only being considered where it is unable to meet the performance standards put forward.
- 2.26 The Resource Management (Enabling Housing Supply & Other Matters) Amendment Act 2021 which aims to speed up implementation of the National Policy Statement on Urban Development and enable more medium-density homes through the Medium Density Residential Standards also provides direction on what is anticipated for medium density development this states that:
- *Public notification is not permitted for restricted discretionary activity applications to construct and use one to three residential units that do not comply with the density standards is not allowed.*
 - *Public and limited notification is also not permitted for restricted discretionary activity applications for the construction and use of four or more residential units that comply with the density standards.*
- 2.27 These rules only apply to Tier 1 authorities where the Medium Density Residential Standards apply. However they do signal that in the construction of medium density development there should not be an expectation that public and limited notification should apply.
- 2.28 Retirement villages are a residential activity, and the effects that are associated with them would be no different to those expected under the MDRS standards for 4 or more residential units where notification is not provided for. Where retirement villages reach compliance with the performance standards it is considered doubtful that any further information on the effects of the development would be forthcoming through notification of the application.

3. RECOMMENDATIONS

- 3.1 **That the submission points 081.3 & 081.4 (Retirement Villages Association) 085.1 (Ryman Healthcare) and 071.6 (Oceania Village Company Limited) Seeking to include a retirement-village specific objective, policy and rule framework be accepted in part.**
- 3.1.1 That as a consequence of the above submission points being accepted in part, the further submissions from **Oceania Healthcare Ltd (FS03.3 and FS03.4), Kāinga Ora (FS13.10) (FS13.12) (FS13.11) be accepted in part.**

3.1.2 Reason:

- a. That the principle of the planning framework is accepted but the wording as requested is amended as follows:

APPENDIX 2 – PROPOSED RETIREMENT VILLAGE PLANNING FRAMEWORK OBJECTIVES

In the residential overview chapter and medium density residential zone, add:

MDR-Ox	Ageing population Recognise and enable the housing and care needs of the ageing population.
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POLICIES

- a. In the sections applying to the Medium Density Residential Zone, Hastings Residential environment, Havelock North Residential environment and Flaxmere Residential zone, add:

MDR-Px	Changing communities To provide for the diverse and changing residential needs of communities, recognise that the existing character and amenity of the Medium Density Residential Zone will change over time to enable a variety of housing types with a mix of densities.
MDR-Px	Larger sites Recognise the intensification opportunities provided by larger sites within the Medium Density Residential Zone by providing for more efficient use of those sites.
MDR-Px	Provision of housing for an ageing population 1. Provide for a diverse range of housing and care options that are suitable for the particular needs and characteristics of older persons in the medium density residential zone, such as retirement villages. 2. Recognise the functional and operational needs of retirement villages, including that they: a. May require greater density than the planned urban built character to enable efficient provision of services. b. Have unique layout and internal amenity needs to cater for the requirements of residents as they age.
MDR-Px	Role of density standards Enable the density performance standards to be utilised as a baseline for the assessment of the effects of developments.

RULES

In the medium density residential zone, add:

MDR-R1	Retirement Villages, excluding the construction of buildings
1. Activity status: Permitted.	

MDR-R1	Construction of buildings for a Retirement Villages
	<p>Activity status: Restricted Discretionary non – notified</p> <p>Matters of discretion are limited to:</p> <ol style="list-style-type: none"> 1. The effects arising from exceeding any of the following standards: MDR-S4 – MDR-S4 and excluding a non-compliance that does not trigger limited notification. 1. The scale, bulk and location of buildings on the site particularly in regards to height, dominance and sunlight. . 2. The effects arising from exceeding any of the following standards: MDR-S4 – MDR-S8. 2. Private and Safe environments - consider whether the following matters have been addresses in the design to ensure privacy for residents and Neighbours on adjoining sites <ol style="list-style-type: none"> i. buildings and windows are orientated to the street or public or communal spaces ii. buildings are separated including from buildings on neighbouring sites – use driveways carparking areas or outdoor living spaces to increase separation distances. iii. window and balcony placement type and size (particularly for upper floors) has been carefully planned and considered. iv. Use of architectural to redirect views such as high windows sills, opaque glass, fins. louvres or screens. v. external lighting enhances safety and legibility. Manage light spill away from neighbouring properties. 3. Access, carparking and manoeuvring – consider whether access parking and manoeuvring dominates the front of the site. 4. Waste storage and service areas should be screened from the street and neighbouring residences. 5. Site coverage and low impact design- whether stormwater runoff can be reduced through the use of permeable paving water retention and re-use, rain gardens, or other low impact design techniques. 6. The effects of the retirement village on the safety of adjacent streets or public open spaces. 7. The effects arising from the quality of the interface between the retirement village and adjacent streets or public open spaces. 8. Infrastructure servicing <ol style="list-style-type: none"> i. Whether there will be sufficient infrastructure capacity to service the development at the time of connection to Hastings District Council's infrastructure network (water, wastewater, stormwater and roading network) ii. Whether there will be any adverse impacts on public health and safety on the operation of the network from the proposed development and/or iii. Whether the design and/or upgrading of any existing systems can ensure any adverse impacts are mitigated to a sufficient extent prior to development occurring. 9. Cumulative effects – whether there are any cumulative impacts of non-compliance with more than one zone standard. 10. When assessing the matters in (1), (2) and (3), consider: <ul style="list-style-type: none"> – The need to provide for efficient use of larger sites. - The functional and operational needs of the retirement village.

<p>11. The positive effects of the construction, development and use of the Retirement Village.</p> <p>For clarity, no other rules or matters of discretion relating to the effects of density apply to buildings for a Retirement Village.</p> <p>Notification status:</p> <p>An application for resource consent made in respect of rule MDR-R2 is precluded from being publicly notified.</p> <p>An application for resource consent made in respect of rule MDR-R2 that complies with MDR-S1-MDR-S4 is precluded from being limited notified.</p>
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MDR-S1	Building height
Standard to match the Medium Density Residential Zone standard RMA, Schedule 3A, clause 44 (10metres + 1metre for a pitched roof)	
MDR-S2	Height in relation to boundary
<p>Add to RMA, Schedule 3A, clause 12(2): with the exception of buildings on boundaries of adjoining sites where the medium density residential zone standard will apply</p> <p>(d) boundaries adjoining open space and recreation zones, rural zones, commercial and mixed use zones, industrial zones and [add other zones as relevant to each plan, eg special purpose zones].</p>	
MDR-S3	Setbacks
[Standard to match RMA, Schedule 3A, clause 13]	
MDR-S4	Building coverage
[Standard to match RMA, Schedule 3A, clause 14]	
MDR-S5	Outdoor living space
<p>Medium Density Residential Standard applies with the following modifications;</p> <p>a. A residential unit at ground floor level must have an outdoor living space that is at least 30m² with a minimum 4m dimension. For Retirement Village units 10m² of the component can be part of a communal open space.</p> <p>Add to RMA, Schedule 3A, clause 15:</p> <p>For retirement units, clause 15(1) and (2) apply with the following modifications:</p> <p>(1) The outdoor living space may be in whole or in part grouped cumulatively in 1 or more communally accessible location(s) and/or located directly adjacent to each retirement unit; and</p> <p>(2) A retirement village may provide indoor living spaces in one or more communally accessible locations in lieu of up to 50% of the required outdoor living space.</p> <p>Otherwise amend standard so that it applies to "retirement units".</p>	

MDR-S6	Outlook space
Add to RMA, Schedule 3A, clause 16: (10) For retirement units, clause 16(1) - (9) apply with the following modification: The minimum dimensions for a required outlook space are 1 metre in depth and 1 metre in width for a principal living room and all other habitable rooms.	
MDR-S7	Windows to street
Amend RMA, Schedule 3A, clause 17 as follows: Any retirement unit facing a public street must have a minimum of 20% of the street- facing façade in glazing. This can be in the form of windows or doors.	
MDR-S8	Landscaped area
[Standard to match RMA, Schedule 3A, clause 18 with amendments so that it applies to “retirement units”]	

- b. The amendments recognise that Retirement Villages play an important role in providing for housing for older age cohorts.
- c. The amendments recognise the special functional needs of retirement villages.
- d. Consideration needs to be given to how retirement villages integrate with adjoining sites and the road network.

3.2 **That the submissions points 081.5 (Retirement Villages Association of NZ) and 085.4 (Ryman Healthcare Limited) seeking that applications for residential activities that are anticipated in the relevant zone should not be publicly notified be accepted.**

3.2.1 Reason:

- a. Retirement villages are a residential activity and the effects that are associated with them would be no different to those expected under the MDRS standards for 4 or more residential units where notification is not provided for.

TOPIC 3, KEY ISSUE 5 – COMMUNITY CORRECTIONS FACILITIES

1. SUBMISSION POINTS

Sub Point	Submitter / Further Submitter	Provision / Section of the Hastings District Plan	Position	Summary of Decision Requested	Recommendation
119.5	Ara Poutama Department of Corrections	Inclusion of Community Corrections Facility in Zones:	Support with amendment	Amend the rules in the following zones to enable <u>community corrections activities</u> to be undertaken as permitted activities for Bridge Pā Suburban Commercial Zone, Central Commercial Zone, Central Residential Commercial Zone, Commercial Service Zone, Suburban Commercial Zone, Havelock North Retail Zone, Mixed Use Zone, Clive Suburban Commercial Zone, Haumoana Te Awanga Suburban Commercial Zone, Waimārama Suburban Commercial Zone.	Reject – out of scope of PC5
S119.6	Ara Poutama Department of Corrections	Inclusion of Community Corrections Facility in Zones:	Support with amendment	Amend the rules in the following zones to enable <u>community corrections activities</u> to be undertaken as permitted activities: <ul style="list-style-type: none"> • Large Format Retail Zone • Light Industrial Zone • Business Zone • Havelock North Industrial Zone • Flaxmere Commercial Zone • Flaxmere Commercial Service Zone • General Industrial Zone 	Reject – out of scope of PC5.
S144.3	B Taylor	MRZ / GRZ Rules / Activity Table	Oppose	Allowing non-residential uses (Police Remand Facility at 811 Ōmāhu Road) in residentially zoned areas is not an efficient use of residential zone, especially when Council is encouraging intensification. HDC should refuse any submission to rezone land from general residential to this non-residential activity.	Accept in part

2. ANALYSIS

- 2.1 The submissions received from **Ara Poutama, Department of Corrections** are out of scope of Plan Change 5 given they do not relate to the Medium Density Residential or General Residential Zones of Hastings, Havelock North and Flaxmere. The purpose of Plan Change 5 is to enable residential intensification within the existing urban areas of the district, namely the residential zones that cover the Hastings, Havelock North and Flaxmere areas. The request to include community correction activities in the commercial and industrial zones of the district does not

relate to either the purpose of the plan change or the zones in which the plan change applies. Therefore, it is recommended that these submissions **(119.5 and 119.6)** from **Ara Poutama, Department of Corrections** in support with amendment of Plan Change 5 be rejected as they are out of scope.

- 2.2 The submission from **B Taylor (148.1)** opposing the plan change states that allowing non-residential activities such as a police remand facility in areas that have a residential zoning is not an efficient use of land, especially when Council is encouraging residential intensification. The submitter requests that “*HDC refuse any submission to rezone land from general residential to this non-residential activity*”.
- 2.3 The activity tables in the General Residential and Medium Density Residential Zones do not allow for a police remand facility or community corrections facility to establish as of right. Neither of these activities are stated within the activity table. This means that they fall within the catch-all activity rule and are considered a non-complying activity. As such, a resource consent for a non-complying activity would need to be applied for and granted if an application was received to establish either of these types of activities in these residential zones.
- 2.4 Under the RMA 1991, the threshold test is required to be met for Council to consider the granting of consent to a non-complying activity. This means that the Council must be satisfied that either the adverse effects of the activity on the environment will be minor or the proposed activity will not be contrary to the objectives and policies of a plan or proposed plan. If either of the two limbs of the test can be passed, then the application is eligible for approval, but the proposed activity must still be considered under s104.
- 2.5 Activities that fall into a non-complying category are those that are generally not considered appropriate for the zone. On this basis, it is considered that the rule structure for these residential zones aligns with the submitter’s request and no further amendments are necessary.

3. RECOMMENDATIONS

- 3.1 That the submission points of **Ara Poutama, Department of Corrections (119.5 and 119.6)** in support with amendment of Plan Change 5 be rejected as it is out of scope.
- 3.2 It is recommended that the submission of **B Taylor (148.1)** in opposition to Plan Change 5 be accepted in part.
- 3.3 Reasons:
 - a. The request from Ara Poutama, Department of Corrections is out of scope as it relates to zones that are not subject to proposed Plan Change 5.
 - b. The existing and proposed objective, policy and rule framework of the Medium Density Residential and General Residential Zones will align with the submitter’s request in terms of the non-complying activity status of a police remand facility and similar type activities and no further amendments are necessary.