

## TOPIC 5, KEY ISSUE 1 – HASTINGS MEDIUM DENSITY DESIGN FRAMEWORK 2022

### 1. SUBMISSION POINTS

Sub Point	Submitter / Further Submitter	Provision / Section of the Hastings District Plan	Position	Summary of Decision Requested	Recommendation
004.2	S Angus	Shading Diagrams	Oppose	Daylight controls should be included in the design guide.	Reject
004.4	S Angus	Design Statement Requirements	Oppose	States that there is no mention of vehicle movement and parking calculations; and that Design Statements are not needed.	Reject
008.18	Bike Hawke's Bay	Cover page and Page 7 of the Design Framework	Support with amendment	Amend cover image to exclude red car on driveway	Minor Amendment accepted
008.19	Bike Hawke's Bay	Design Checklist 2.8 - Page 9	Support with amendment	Seeks the inclusion of the following:  <u>Do vehicle accessways minimise their impact on pedestrian / cyclist safety or accessibility?</u>	Reject
008.20	Bike Hawke's Bay	CRD Assessment Matters – page 11	Support with amendment	Seeks the following changes: Consider whether access, parking and manoeuvring dominates the front of the site. Carparking is best located <u>near, away from the street further within the site and accessed from the rear of the site.</u> Minimise vehicle crossings, <u>use rear lanes and combine vehicle accessways when possible to and provide a safer pedestrian environment. By combining vehicle accessways or using rear lanes.</u>	Reject
020.4	J Cowman	CRD Assessment	Oppose	Opposes changes to the District Plan regarding ... 4. Turning the design guide into a district plan assessment tool.	Reject
034.8	A Galloway	Medium Density Design Framework / Design Panel	Not stated	Seeks the assurance that the Medium Density Design Framework be sufficiently strengthened, given that medium density projects will be non-notified.	Accept
FS19.20	Residents of Kaiapo Road etc	Submission point 034.8	Support	Seeks that A Galloway's submission be accepted.	Accept
037.4	B E Harrison	CRD Assessment Matters	Not stated	Believes the Medium Density Framework (and PC5) negates current Homeowner choices.	Reject
FS09.4	B Harrison	Submission point 037.4	Support	Allow submission.	Reject
050.4	Kāinga Ora	Hastings Medium Density Design Guide	Oppose in part	1. Seeks that Design Guidelines remain a non-statutory tool. 2. Delete all references to the Design guide and any	Accept in part

				<p>requirement to meet or follow the guidelines from the District Plan.</p> <p>3. Where particular design outcomes are to be achieved, they should be specifically stated in policies and matters of discretion.</p> <p>4. If the relief sought is not granted in deleting the design guidelines and references to the guidelines, Kāinga Ora seeks that the guidelines are amended, simplified and easier to follow. Outcomes sought in the guidelines should read as desired requirements with sufficient flexibility to provide for a design that fits and works on site.</p> <p>5. If relief sought is not granted, Kāinga Ora seek the opportunity to review the guidelines if they remain a statutory document.</p> <p>6. Kāinga Ora seek all necessary consequential changes to give effect to other relief sought.</p>	
FS11.10	Development Nours	Submission point 050.4	Support in part	Agrees with KO Points regarding Design Framework.	Reject
FS17.4	Retirement Villages of NZ Association	Submission point 050.4	Support	Supports KO in seeking that the Design Guide be removed from the District Plan.	Reject
FS18.4	Ryman Healthcare Ltd	Submission point 050.4	Support	Supports KO in seeking that the Design Guide be removed from the District Plan.	Reject
FS19.30	Residents of Kaiapo Road etc	Submission point 050.4	Oppose all	Opposes all aspects of the KO submission.	Accept
055.1	Lifemark	Design Framework	Not stated	Seeks that the Design Framework incentivise Universal Design Standards instead of referencing Access Standard NZS 4121:2001	Reject
FS13.1	Kāinga Ora	Submission point 055.1	Oppose in part	Whilst KO support Universal access design they do not think it appropriate to regulate via District Plan.	Accept
081.4	Retirement Villages Association of NZ	Design Framework	Oppose	The Design Framework includes 2 pages for Co-Housing and Retirement Villages (section 3.8). Whilst the Design Framework is not specifically referenced in this submission, the submitter wants retirement villages to be removed from the definition of comprehensive residential development.	Accept in part
085.4	Ryman Healthcare Limited	Design Framework	Not stated	As per above.	Accept

100.18	Te Kāhui Whaihanga	Design Framework	Not explicitly stated but supportive	Design Guide – this is a good publication that the council has produced. It has good information in an easy format and is great for client discussions.	Noted
100.19	Te Kāhui Whaihanga	N/A	Other Considerations	The Branch encourages Council to consider using the established Aesthetic Design Panel and mandatory for Commercial and MDZ properties.	Noted
133.6	J Jackson	Medium Density Design Framework	Oppose	Opposes the use of the Hastings Medium Density Framework as a key assessment tool.	Reject
137.4	K M Naylor	Medium Density Framework	Oppose	Remove medium density framework as a key assessment tool.	Reject
138.7	P Rawle	Medium Density Framework	Oppose	Remove medium density framework as a key assessment tool.	Reject
146.2	TW Property	Reduce Uncertainty in the Resource Consent Process – Medium Density Design Framework	Support with amendment	Design assessment criteria from the Medium Density Design Framework should be retained as non-statutory guidance only, to avoid subjectivity and uncertainty. Tensions between urban design drivers and engineering requirements such as the width of jointly owned access lots should be resolved and clearly set out in the criteria.	Accept in part

## 2. ANALYSIS

2.1 This analysis outlines the context for the proposed plan change in relation to the RMA 1991 and Section 32 in relation to the views put forth in the submissions and whether the amendments proposed in relation to Density are the most appropriate way to achieve the objective of the Plan Change which is:

- *“To make it easier to build more houses on existing residential land within Hastings, Havelock North and Flaxmere.*
- *To provide certainty through a less onerous rule framework that encourages high quality comprehensive residential development (medium density housing)”*

### 2.2 SUBMISSION POINTS 004.2 AND 004.4 (S. ANGUS)

2.3 This submission is seeking that daylighting controls be included in the design guide; that there is no mention of vehicle movement and parking calculations; and that Design Statements are not needed (as part of resource consent applications).

2.4 In response to these matters, daylight controls are regulated in the Hastings District Plan with the Height and Height in Relation to Boundary performance standards and the assessment of effects if there are breaches. Therefore, it is not necessary to include this in the Design Framework document. The same can be said for vehicle

- movements and parking calculations, which are regulated under Section 26.1 Transport and Parking.
- 2.5 A written design statement is considered a useful tool to help understand the design process and reasons behind the proposed development design & layout (and explains why other ideas did not progress). It does not need to be lengthy and can assist with the assessment of resource consent applications. Therefore, recommend the submission points be rejected.
- 2.6 **SUBMISSION POINTS 008.18 AND 008.19 (BIKE HAWKE'S BAY)**
- 2.7 Bike Hawke's Bay are supportive of the Design Framework but seek minor amendments to it including:
- an amendment to the cover illustration and the same image on page 7 (removal of red car); and
  - the addition of a question to consider pedestrian/cyclist safety or accessibility when designing driveways (Checklist (pg 9).
- 2.8 Removal of the red car from the illustration is sensible as it appears to straddle the footpath, which is not good practice, this will be addressed as a minor amendment when the Design Framework is updated.
- 2.9 The second request is not considered necessary as sightlines and safety are regulated by the Section 26.1 Transport and Parking.
- 2.10 **SUBMISSION POINTS 133.6 (J JACKSON), 138.7 (P RAWLE), AND 137.4 (K N NAYLOR)**
- 2.11 The above-mentioned submissions oppose the use of the Hastings Medium Density Framework as a key assessment tool. In a broader context the submissions raise concern over having a Medium Density Strategy approach for Hastings and more specifically the over the quality, appearance and repetitive nature of developments done by Kāinga Ora or for Kāinga Ora by local development companies whom they engage to purchase land and build the houses for Kāinga Ora.
- 2.12 The Hastings Medium Density Design Framework itself is intended to provide visual and written guided and examples and assist with the expected outcomes.
- 2.13 The Hastings Residential Intensification Design Guide (the Guide) was adopted by Council on the 19<sup>th</sup> November 2020 as a non-regulatory document. Council officers were instructed to monitor the effectiveness of the guide in improving design outcomes of more intensive residential developments for a period of 12 months.
- 2.14 Officers provided a paper to the District Plan and Bylaws Subcommittee on 23 March 2022 to report back on the monitoring of effectiveness. A survey of users was done, with 60% of respondents who reported that the Guide had made housing intensification either, somewhat, or a lot easier to understanding the District Plan assessment criteria.
- 2.15 Over half of respondents stated that using the Guide had increased development yield with none reporting that it had resulted in a decrease, other comments are in the report which is publicly available.
- 2.16 Part of the reason for updating the provisions in Plan Change 5 is to further improve the housing outcomes for the district, whilst creating greater opportunity for more

housing, while protecting productive soils as per the Governments direction. People need homes to live in and the productive land surrounding the city needs to be protected for productive use, therefore intensification is a key tool to do this, and the design criteria and guidance is to guide users to the preferable design outcomes for the built environment. It is considered that without the design guide the intensive housing would be of lesser quality outcome. Therefore, these submission points are recommended to be rejected.

**2.17 SUBMISSION POINTS 020.4 (J. COWMAN), 050.4 (KĀINGA ORA) & 146.2, 146.2 (TW GROUP)**

- 2.18 These submission points seek that the Hastings Medium Density Design Framework remain a non-statutory document sitting outside the District Plan.
- 2.19 In a wider context, submission 020 (Cowman) does not want Plan Change 5 to go ahead in any capacity and therefore the proposed introduction of the design framework into the District Plan is opposed as one part of the whole plan change.
- 2.20 Kāinga Ora 050 (KO) also specifically request that where particular design outcomes are to be achieved, they should be specifically stated in policies and matters of discretion; and secondly as a back-up, if the Design Guide it is to be included in the District Plan, that it be simplified, clarified and easier to follow.
- 2.21 TW Group (46.2) seek that it remains non-statutory guidance only, to avoid subjectivity and uncertainty.
- 2.22 There is support for the retention of the Hastings Medium Density Design Framework as a non-statutory tool from Development Nours (FS11.10), Retirement Villages of New Zealand (FS17.4) and Ryman Healthcare Limited (FS18.4), while Residents of Kaiapo Road etc (FS19.30) oppose all aspects of the Kāinga Ora submission, including this point about the Design Guide.
- 2.23 When reviewed one year after the guide was published, Council sought that the Design Guide had 'more teeth' to influence better housing design outcomes for the community because they expressed that the houses being built were not what had been envisaged for Hastings. This is discussed in more depth below. On that basis, the Design Framework was included in PC5.
- 2.24 However, it is accepted that having the entire Design Framework made into Matters of Discretion or Control would result in a very board range of criteria such that it may be more uncertain as to what outcomes are expected. That said the Key Design Elements from the Design Guide are simple and clear and articulate the main considerations when designing a good quality housing development. Therefore, these specific aspects are the basis of the matters of discretion. This way, the criteria and the Design Framework will be consistent in their messaging whilst the Plan criteria is simple enough to avoid subjectivity and uncertainty.
- 2.25 Also, the Design Framework is referenced in the Objectives and Policies of both the General and Medium Density Residential zones with regard to their purpose and intended outcomes, which is also aligned with the relief sought in the KO submission.
- 2.26 When monitoring of the Guide was done prior to the PC5 Kāinga Ora provided feedback which was positive and provided constructive suggestions to improve messaging in the Hastings Medium Density Design Framework and better

connection between the Hastings Medium Density Design Framework and District Plan provisions.

2.27 Kāinga Ora feedback stated:

*“we celebrate how the Council have interlinked the design principles with Te Ao Māori values and tikanga. The guide works well at demonstrating how the Heretaunga Te Aranga and Toi Tū Māori design values and principles are incorporated into the design principles and make it easy to follow for developers”.*

2.28 A key change sought was that development be consistent with planned built form rather than being consistent with the existing neighbourhood and its character. They suggested that the Hastings Medium Density Design Framework could acknowledge that development will cause change and should be sensitive to only those features that are specifically protected within the District Plan i.e. heritage, sites of cultural significance. Kāinga Ora were of the opinion that the Hastings Medium Density Design Framework *“is a positive contribution to good urban design.”*

2.29 Two options were put to the Subcommittee in terms of the next steps with the Guide:

2.29.1 Option One – the Recommended Option - Te Kōwhiringa Tuatahi – Te Kōwhiringa Tūtōhunga. To include the Residential Design Principles and Key Design Elements (outlined on pages 6 & 7 of the Design Guide) in the District Plan as assessment criteria for residential intensification proposals; or

2.29.2 Option Two – the Status Quo - Te Kōwhiringa Tuarua – Te Āhuetanga o nāianeī. Continue using the Guide as a non-regulatory tool.

2.30 The District Plan and Bylaws Subcommittee supported Option One on 23 March 2022 and carried the following decision:

2.30.1 *That the Subcommittee agree in-principle to the approach to include the Design Guide into the District Plan and instruct officers to prepare plan change documentation to enable:*

2.30.2 *The residential design principles and key design elements of the design guide to be included as District Plan assessment criteria for all residential intensification proposals including comprehensive residential developments and subdivisions and Plan Change 5 is the vehicle to enact the above decision.*

2.31 As a matter of note, the monitoring of resource consent timeframes for intensive housing developments revealed that the Design Guide was effective in reducing consenting timeframes from an average of 26.5 days to 20.2 days.

2.32 Having worked with the Design Framework over the past 3 years it has become evident that there are areas of improvement that could be made to simplify and clarify.

2.33 **SUBMISSION POINT 055.1 (LIFEMARK)**

2.34 Lifemark are an organisation that promotes the concept of Universal Design. Universal Design, according to the Building Research Association of New Zealand (BRANZ) is about making buildings accessible to all people of all abilities at any stage of life. It includes people who use wheelchairs or other mobility aids, people with impaired vision and people who are elderly or very young.

- 2.35 Lifemark seeks that the Design Framework incentivise Universal Design Standards instead of referencing Access Standard NZS 4121:2001 Design for Access and Mobility – Buildings and Associated Facilities in the Design Framework.
- 2.36 Lifemark have submitted that NZS 4121:2001 was not designed for residential housing and its application will have unintended negative consequences and critically, think there is an extremely low likelihood is that this Design Standard will be interpreted appropriately and support fit-for-purpose accessible outcomes. Further they are concerned that as it is unlikely to be accompanied by any independent compliance (given it is not legally required to be applied to a residential housing) it will be ineffective at encouraging universal designed houses. Lifemark instead seek that Universal Design standards be referenced in the Design Framework for residential housing.
- 2.37 The submitter is correct that NZS 4121:2001 is primarily concerned with accessibility to other non-residential land uses, more focussed on commercial and other community facilities, while the universal design guidance targets residential housing.
- 2.38 Reference to NZS 4121:2001 was not able to be found in either Plan Change 5 or the design guide, so perhaps reference is being made to another guidance brochure to assist with the conversion of inner-city commercial building to residential on the first floor. If that is the case, that document is not within the scope of this plan change.
- 2.39 Lifemark suggest that incentivising developers and builders to construct dwellings of a universal design is a positive way to achieve greater numbers of universally designed dwellings. They give various examples of how this is done by other local Councils, most of which are outside the scope of this plan change. Incentives that are beyond the scope of this plan change cannot be considered in this forum and Lifemark may wish to consider making submissions to via other means – such as the Development Contributions Policy review, Long Term Plan and Annual Plan reviews.
- 2.40 Finally, due to the focus of the Design Framework being about managing intensification it is considered that having reference to universal design may be confusing and not aligned with the primary purpose of the Design Framework, secondly the universal design approach is a comprehensive and important area of housing design, and the intensification guidance could only make limited reference to it. Therefore, whilst outside the scope of this plan change, it may be possible to add a 'related website link' to the Hastings District Council website should Lifemark support that approach.
- 2.41 On the basis of the above evaluation, the submission of Lifemark is recommended to be rejected.
- 2.42 Kāinga Ora (FS13.1) oppose Lifemark's submission to add Universal design into the Design Guide.
- 2.43 **SUBMISSION POINT 081.4 (RETIREMENT VILLAGES OF NEW ZEALAND) AND 085.1 (RYMAN HEALTHCARE LIMITED)**
- 2.44 These submissions oppose having retirement villages within the definition of comprehensive residential developments; therefore, their inclusion in the Design Framework is not supported. The Design Framework has a total of two pages

dedicated to co-housing and retirement villages. The information contained in these pages is limited but are included to prompt users to see that these are types of higher density housing that may be possible and reminders of general principles of good design.

- 2.45 Having read the submissions from the retirement sector, it has become evident that the retirement housing sector have their own development and design models and know what works best for them to meet the needs of their users to create attractive, liveable retirement communities. For this reason, the submission point on the matter of inclusion in the design framework has merit.
- 2.46 As it is to be recommended that the Design Framework remain non statutory these requests can be addressed in the next update. Specific reference to Retirement Villages will be removed.
- 2.47 **SUBMISSION POINT 100.18 and 100.19 (TE KĀHUI WHAIHANGA (NZIA) AND 034.8 (A GALLOWAY))**
- 2.48 These submissions are supportive of the application of the Design Framework to comprehensive residential development proposals and week that the Guide be sufficiently strengthened to if medium density housing developments will typically be non-notified resulting as a result of proposed changed in Plan Change 5.
- 2.49 Inclusion of the key design elements as Matters of Discretion (assessment criteria) into the District Plan will indeed strengthen the outcomes sought from the design guide by virtue of them being statutory considerations subject to RMA requirements, instead of non-statutory.
- 2.50 The establishment of a Design Panel has been done in the past but it was not continued. The tools available – District Plan and Design Framework plus the ability to call on specific expertise as necessary is considered sufficient to assessment of development proposals. Also, the establishment of a Panel sits outside the RMA plan change process. As this submission does not result in any amendments the submission points are accordingly noted.
- 2.51 **SUBMISSION POINT 037.4 (B E HARRISON)**
- 2.52 This submission is concerned about having apartment buildings and the like near their property in Mayfair therefore this submission opposes the Design Framework in totality because it explores design ideas for two or three storey dwellings. This submitter opposes any dwellings over two stories. The objectives in the Design Framework, page 4, encourage two storey houses only and therefore aligned with this submission point. In the General Residential Zone anything above 8 metres (two storey) would require resource consent with the possibility of requiring affected persons approval.

### **3. RECOMMENDATIONS**

- 3.1 That the submission points **004.2 and 004.4 (S Angus)** to include day lighting controls in the design framework **be rejected**.
- 3.3.1 **Reason:**
  - a. Daylighting controls are already managed in the Performance Standards of the Hastings District Plan and duplication is not necessary.



- 3.2 That the submission points **008.18, 008.19 and 008.20 (Bike Hawke's Bay)** to amend the cover illustration to remove the red car, to consider pedestrian/cyclist safety or accessibility when designing driveways in the checklist and amend text in relation to location of carparking **be accepted** (minor amendment).
- 3.2.1 Reasons:
- The Design Framework is to remain a non-statutory document and therefore these minor changes can be done as part of the next update to the Design Framework document.
  - Sightlines and safety are regulated by the Transport and Parking section of the District Plan.
- 3.3 That the submission points from **J Jackson (S133.6), P Rawle (S138.7) and K N Naylor (137.4)** opposing the medium density framework as a key assessment tool and seeking its removal, **be rejected**.
- 3.3.1 Reasons:
- That the Design Framework is considered an important tool to support the outcome of quality design and living outcomes for the community.
  - Homes are required to meet demand for housing plus the highly productive land surrounding the city needs to be protected for productive use, therefore intensification is a key tool to do this, and the design criteria and guidance is to guide users to the preferable design outcomes for the built environment. It is considered that without the design guide the intensive housing would be of lesser quality outcome.
- 3.4 That the submission points **050.4 (Kāinga Ora), 020.4 (J Cowman) and TW Group** seeking to retain the Hastings Medium Density Design Framework as a non-statutory document **be accepted**, also, as a consequential amendment reference to Comprehensive Residential Development will also be removed when it is next updated.
- 3.4.1 That as a consequence of the points above, the further submissions points from **Development Nous (FS11.10), Retirement Villages of New Zealand (FS17.4) and Ryman Healthcare Limited (FS18.4)** in support of Kāinga Ora submission point 050.4 to retain Design Framework as non-statutory, **be rejected**. And that as a consequence of the points above, the further submission point from **Residents of Kaiapo Road etc (FS19.20) in opposition to Kāinga Ora (050.4), be accepted**.
- 3.4.2 Reasons:
- Retaining the Hastings Medium Density Design Framework as a non-statutory, supporting design document is an effective means of achieving good design outcomes, allows flexibility to be updated without the need for a Plan Change.
  - Having the entire Design Framework made into Matters of Discretion or Control (statutory) would result in a very board range of criteria such that it may introduce uncertainty. That said the Key Design Elements from the Design Guide are simple and clear. They articulate the main considerations when designing a good quality housing development. Therefore, these specific aspects are the basis of the matters of discretion. This way, the

criteria and the Design Framework will be consistent in their messaging whilst the Plan criteria is simple enough to avoid subjectivity and uncertainty.

- 3.5 That the submission point **055.1 (Lifemark)** seeking inclusion of Universal design standard NZS 4121:2001 in the Hastings Medium Density Design Framework, insofar as it is beyond the scope of the plan change and the Framework and the Universal Design Standard is a guidance in its own right, **be rejected**.
- 3.5.1 However, (outside the plan change) it could be included as a link on the HDC Design Framework webpage as a related document seeking better outcomes for all ages of people.
- 3.5.2 That as a consequence of submission point **055.1 above**, the further submission point from **Kāinga Ora (FS13.1)**, in relation to Lifemark submission 055.1, **be accepted**.
- 3.5.3 Reason:
  - a. The changes sought are beyond the scope of Plan Change 5 and therefore cannot be taken into account in this process.
- 3.6 That the submission points **081.4 (Retirement Villages of New Zealand)** and **085.1 (Ryman Healthcare Limited)** seeking removal of retirement villages from the Design Framework insofar as it is beyond the scope of Plan Change 5, **be rejected**.
- 3.6.1 However, as the submission has merit, when the Design Framework document is next updated this submission will be taken on board and consideration be given to removing reference to retirement villages.
- 3.6.2 Reason:
  - a. The changes sought are beyond the scope of Plan Change 5 and therefore cannot be taken into account in this process.
- 3.7 That the submission points **100.18 (Te Kāhui Whaihanga)** and **034.8 (A Galloway)** insofar as the key design elements from the Design Framework into the Matters of Control and Discretion in the District Plan; and establishment of a Design Panel, **be duly noted**.
- 3.7.1 Reason:
  - a. The proposed changes to strengthen the matters of control in relation to the design of comprehensive residential development will ensure that a greater number of houses are enabled that will also be well-designed, thus meeting the objectives of the plan change.
  - b. The tools available – District Plan and Design Framework plus the ability to call on specific expertise as necessary is considered sufficient to assessment of development proposals. Also the establishment of a Panel sits outside the RMA plan change process.
- 3.8 That the submission point **037.4 (B E Harrison)** seeking to negate the Design Framework **be rejected**.
- 3.8.1 Reasons:

- a. The Design Framework will assist with the design outcomes of medium density housing.
- b. It is just one of many mechanisms to control the design of medium density housing and promotes two storey dwellings in its Objectives.
- c. The location of medium density housing is managed by other statutory tools, such as zones and performance standards.

## TOPIC 5, KEY ISSUE 2 – MRZ – MATTERS OR CONTROL/DISCRETION/ASSESSMENT CRITERIA

### 1. SUBMISSION POINTS

Sub Point	Submitter / Further Submitter	Provision / Section of the Hastings District Plan	Position	Summary of Decision Requested	Recommendation
008.11	Bike Hawke's Bay, M Brown	MRZ – MRZ-R16 Matters of Discretion (h – 2.8 - Access, carparking and manoeuvring)	Support with amendment	Amend to:  "Consider whether access, parking and manoeuvring dominates the front of the site. Carparking is best located <u>near away from the street, further within the site and accessed from the rear of the site.</u> Minimise vehicle crossings, <u>use rear lanes, and combine vehicle accessways when possible to and</u> provide a safer pedestrian environment <u>by combining vehicle accessways or using rear lanes.</u> Consider the location of charging points for electric cars and bikes."	Accept in part
026.3	A Elgie	MRZ – MRZ-R16 matters of discretion	Support with amendment	Include a new matter for discretion relating to neighbouring amenity where setback, height, building coverage and stormwater standards are not met.	Reject
034.6	A Galloway	MRZ-S16	Support	Add visual screening of services, along with location controls.	Accept in part
FS19.18	Residents of Kaiapo Road etc	Submission point 034.6	Support	We seek the whole of the submission be allowed.	Accept in part
050.141	Kāinga Ora	Matters of Control or Discretion MRZ-R16 Comprehensive Residential Development:  1. The Hastings Medium Density Design Framework  2. Site Layout  3. Building form, visual quality and streetscape amenity	Oppose in part	Amendments sought:  1. <b>MRZ-R16:</b>  <u>Comprehensive Residential Development</u> <u>Development consisting of three or more residential units</u>  2. Delete matter of discretion MRS-R16(1).	Accept in part

		4. Infrastructure servicing 5. Cumulative Effects			
FS11.147	Development Nous	Submission point 050.141	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
FS19.167	Residents of Kaiapo Road etc	Submission point 050.141	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
061.27	McFlynn Surveying and Planning, A McFlynn	MRZ-R16 Matters of Discretion / Assessment Criteria	Oppose	<del>Remove references to the Hastings Medium Density Design Framework and replace with reference to the checklist of priority design elements within the National Medium Density Design Guide.</del>	<i>Submission withdrawn</i>
100.16	Te Kāhui Whaihangā, NZ Institute Of Architects	Matters of control / Discretion. Waste Areas – MRZ-R16.1.i	Support	Not specified	Accept in part
100.17	Te Kāhui Whaihangā, NZ Institute Of Architects	Service Areas	Oppose	Consider measures to manage location and noise of services such as gas bottles and air conditioning units to minimise disturbance to neighbours.	Accept in part
FS13.33	Kāinga Ora	Submission point 100.17	Oppose	Disallow submission.	Reject
134.25	McFlynn Surveying and Planning	Assessment Criteria MRZ-R16	Oppose	Remove references to the Hastings Medium Density Design Framework and replace with reference to the checklist of priority design elements within the National Medium Density Design Guide.	Accept in part
FS027.25	J Jackson	Submission point 134.25	Support	Seek that the whole submission be allowed. Also including that onsite parking must be provided for each dwelling.	Accept in part
FS028.9	Kāinga Ora	Submission point 134.25	Support in part	Allow submission in part.	Accept in part
148.3	L Watson	Assessment Matters – Individuality b.2.2	Oppose	Single colour housing to blend into the environment.	Reject
148.4	L Watson	Assessment Matters – Height c.2.3	Oppose	Allow only single storey dwellings.	Reject
148.5	L Watson	Assessment Matters – Privacy f.2.6	Oppose	Not stated.	Reject
148.6	L Watson	Assessment Matters – Stormwater Runoff j.2.10	Oppose	Not stated.	Reject

148.7	L Watson	Hard stand areas k.2.11	Oppose	Not stated.	Reject
-------	----------	-------------------------	--------	-------------	--------

## 2. ANALYSIS

- 2.1 The submitters are seeking to address a range of the proposed assessment criteria or matters of discretion for the proposed Medium Density Residential Zone including parking, noise, effects on neighbours and infrastructure. The purpose of assessment criteria is to guide or direct plan users (applicants and those processing consents) towards considering specific environmental effects or matters to which particular attention should be paid. Matters of discretion are those matters that must be considered when making a decision on an application and when granting a consent are the only matters on which conditions of consent may be imposed.
- 2.2 It is noted that the reference for the matters of discretion / assessment criteria was incorrect in the notified version of this chapter. The reference as notified was 'MRZ-R16 Comprehensive Residential Development' (which is actually the rule reference). The reference for the matters of discretion for CRD activities as noted in rule MRZ-R16 is MRZ-MAT1. Therefore, it is recommended that the matters of discretion reference be amended to MRZ-MAT1.
- 2.3 However, submissions on this section all refer to MRZ-R16.

### **SUBMISSION POINT 008.11 (BIKE HAWKE'S BAY)**

- 2.4 Bike Hawke's Bay is a biking advocacy organisation with a vision to biking to be safe, comfortable and convenient for people of all ages and abilities and for making improvements that will help achieve that vision.
- 2.5 Bike Hawke's Bay (008.11) support assessment criteria MRZ Rule 16 (h) but want it to be altered as outlined below because they consider that 'carparking accessed from the rear of the site is safer for pedestrians and should be incorporated into development whenever possible'.

*"Consider whether access, parking and manoeuvring dominates the front of the site. Carparking is best located ~~near away from the street, further within the site and accessed from the rear of the site~~. Minimise vehicle crossings, ~~use rear lanes, and combine vehicle accessways when possible to and~~ provide a safer pedestrian environment ~~by combining vehicle accessways or using rear lanes~~. Consider the location of charging points for electric cars and bikes."*

- 2.6 This submission, in addition to the Submission from Kāinga Ora (050.4), seeking simplification is accepted in part in so far as the criteria be redrafted to better articulate the desired outcomes.

### **SUBMISSION POINT 026.3 (A ELGIE)**

- 2.7 A. Elgie supports assessment criteria MRZ Rule 16 but wants to include a new matter for discretion regarding consideration of neighbouring amenity where building setbacks, height, building coverage and stormwater standards are not met.
- 2.8 The matters of discretion where these specific standards are not met are located within the standards table MRZ-S#. In terms of the stormwater standard the matters

of discretion ensure the potential effects from stormwater runoff from the activity are avoided, remedied, or mitigated by alternative means where the standard cannot be met. It is considered that these matters of discretion and the outcome will ensure neighbouring amenity is not impacted.

<b>MRZ-S12</b>	<b>Stormwater Management</b>																
<p>The peak stormwater runoff from the site shall not exceed the following standards:</p> <table> <tr> <th>Average Recurrence Internal (ARI)</th><th>Runoff Coefficient</th></tr> <tr> <td>5 year</td><td>0.72</td></tr> <tr> <td>50 year</td><td>0.82</td></tr> </table> <p>The above base values shall then be adjusted using the slope adjustment table below to get a final runoff coefficient that takes into account the topography of the subject site.</p> <table> <tr> <th>Ground Slope</th><th>Coefficient Adjustment</th></tr> <tr> <td>0-0.5%</td><td>-0.05</td></tr> <tr> <td>5-10%</td><td>N/A</td></tr> <tr> <td>10-20%</td><td>+0.05</td></tr> <tr> <td>20% and greater</td><td>+0.10</td></tr> </table> <p>The peak stormwater runoff shall be calculated in accordance with the Rational Method. These methods are described in the New Zealand Building Code Approved Document E1 – Surface Water. See Hastings District Council website to assist with calculations</p>	Average Recurrence Internal (ARI)	Runoff Coefficient	5 year	0.72	50 year	0.82	Ground Slope	Coefficient Adjustment	0-0.5%	-0.05	5-10%	N/A	10-20%	+0.05	20% and greater	+0.10	<p><b>Matters of Discretion if compliance not achieved:</b></p> <ol style="list-style-type: none"> <li>1. The outcome of the Standard</li> <li>2. Consideration of alternatives as to how the stormwater can be adequately controlled onsite to ensure the reticulated network is not overloaded;</li> <li>3. The extent to which the development proposal exceeds the standard and the impacts of the exceedance on the existing stormwater network in the particular catchment area;</li> <li>4. Where the existing stormwater discharges from a site were lawfully in excess of the limits set out in Standard MRZ-S12 as at the date the plan was amended by decisions on submissions of Plan Change 5, the impacts on the existing stormwater network, in the particular catchment area, of any increase to the current existing discharge level shall be considered against whether there is an practicable opportunity to reduce the level of discharges from the site below existing levels.</li> <li>5. Where an activity cannot practicably meet the stormwater runoff limits of the standard, consideration shall be given to any proposals for an alternative stormwater solution to upgrade the existing network.</li> </ol>
Average Recurrence Internal (ARI)	Runoff Coefficient																
5 year	0.72																
50 year	0.82																
Ground Slope	Coefficient Adjustment																
0-0.5%	-0.05																
5-10%	N/A																
10-20%	+0.05																
20% and greater	+0.10																
	<p>For information about stormwater management refer to the Hastings District Council Engineering Code of Practice 2020, the Subdivision and Infrastructure Development in Hastings District Best Practice Design Guide and the Hastings Medium Density Design Framework.</p>																
<b>Outcome</b>	<p>The potential for effects from stormwater runoff associated with the land use will be avoided, remedied or mitigated.</p>																

- 2.9 MRZ-S5 Building Setbacks standard and matters of discretion are outlined below which includes the consideration of privacy impacts on adjoining or neighbouring sites.

MRZ-S5	Setbacks	
	<p>a. Buildings must be setback from the relevant boundary by the minimum depth listed below:</p> <ul style="list-style-type: none"> <li>i. Front boundary: 3m</li> <li>ii. Side boundary: 1m</li> <li>iii. Rear boundary: 1m</li> </ul> <p>b. This standard does not apply where two adjacent buildings have an existing or proposed common wall.</p> <p>c. All buildings must be setback 2m from any boundary with a Character Residential Zone.</p>	<p><b>Matters of Discretion if compliance not achieved:</b></p> <ol style="list-style-type: none"> <li>1. The Outcome of the Standard</li> <li>2. The extent (lineal metres of any proposed blank walls facing the road;</li> <li>3. The design (including fenestration) and exterior cladding materials proposed for the front building façade facing the road;</li> <li>4. Whether sufficient space is retained to allow for landscaping of the front yard area;</li> <li>5. Any impacts on privacy of adjoining sites including the need for screening or landscaping or alteration of window placements to assist in maintaining privacy and outlook.</li> </ol>
Outcome	<p>To ensure that the front public space between the residential unit and the street is defined and there is adequate space to maintain the amenity of the streetscape and residential area.</p>	

- 2.10 In terms of the height standard MRZ-S1, the outcome is the only matter that requires consideration, and this includes the statement that buildings and structures will not reduce access to daylight and sunlight for adjoining properties and therefore considers neighbouring amenity. The outcome for the height standard is outlined as follows:

Outcome	<p>Dominant and out of scale buildings and structures will not reduce access to daylight and sunlight for adjoining properties</p>
---------	--

- 2.11 In terms of building coverage MRZ-S6, the following matters of discretion require consideration. This standard includes matters ensuring that the building coverage is consistent with the planned built environment and ensures there is still sufficient space to meet other standards relating to outdoor living and outlook spaces as well as landscaping requirements.



MRZ-S6	Buildings Coverage
	<p>a. The maximum building coverage must not exceed 50% of net site area</p> <p>b. This standard does not apply to:</p> <p>i. That part of eaves and/or spouting or bay windows projecting 600mm or less horizontally from any exterior wall;</p> <p>ii. Pergola structures that are not covered by a roof;</p> <p>iii. Underground carparking with landscaping above;</p> <p>iv. Earthen terracing 1 metre or less in height with landscaping above of sufficient depth to allow</p> <p><b>Matters of Discretion if compliance not achieved:</b></p> <p>1. The Outcome of the Standard</p> <p>2. The extent to which the excess building coverage creates a scale and dominance of built form that is not consistent with the planned built environment;</p> <p>3. Whether there is sufficient room left on the site to meet the landscaping, outdoor living space and outlook requirements which ensure a quality living environment.</p>
<b>Outcome</b>	<p>Controlling the amount of a site that can be covered by buildings assists in managing the effects of building scale, stormwater run-off and enables space for landscaping and outdoor living ensuring a quality living environment.</p>

2.12 On this basis, the notified Matters of Discretion or Control are considered to include appropriate consideration of neighbouring amenity in the context of the planned built environment for the zone (rather than the existing residential environment as required by Policy 6 of the NPS-UD) and safeguards the community from any adverse effects of medium density development that does not meet the standards of the zone. The activity of medium density housing itself is an outcome that has been signalled as appropriate to meet future growth targets. Notification and affected party approval should only be triggered where these standards cannot be met.

2.13 This submission point is recommended to be rejected.

### **SUBMISSION POINT 034.6 (A. GALLOWAY)**

2.14 A Galloway submitted in support of MRZ-S16 which does not exist. The submission reads as follows:

*“MRZ-S16: SUPPORT but as well as visual screening of services (gas bottles, aircon units, plant, extracts etc) I would like to see location controlled to minimise noise disturbance to neighbours”.*

2.15 It is unclear whether the submitter sought relief to include a new standard MRZ-S16 for service and waste areas that ensured screening and appropriate location of these areas or whether they sought matters of discretion to cover these concerns. However, given there were no standards relating to service areas to support in the notified version of PC5 it has been assumed that the submitter was in support of the matters of discretion in MRZ-R16.

2.16 This submission point seeks to include additional criteria to add visual screening of waste and services and consideration of the appropriate location of these services under the matters of discretion MRZ-R16 has merit. Whilst it is already contained in the criteria MRZ-R16(1)(i) it could be more clearly articulated. Also the outcomes

sought are supported by examples in the Medium Density Design Framework. This submission was supported by Residents of Kaiapo Road etc (FS19.18).

**SUBMISSION POINT 050.141 (KĀINGA ORA) & SUBMISSION POINT 134.25 (MCFLYNN SURVEYING & PLANNING)**

- 2.17 Kāinga Ora ‘oppose in part’ the Matters of Discretion listed under MDZ-R16 in two aspects and seeks the following:
- a) Replace the reference to Comprehensive Residential Development (CRD) in the title with the words ‘Development consisting of 3 or more dwellings’; and
  - b) Delete matter of discretion MRS-R16 (1) (a) to (k) *The Hastings Medium Density Design Framework*, but retain the matters of discretion regarding site layout, building form, visual quality and streetscape amenity, infrastructure servicing and cumulative effects.
- 2.18 In a broader context, Kāinga Ora have said (submission point 050.4) that they want all references to the Design Guidelines to be deleted from the Plan and that where particular design outcomes are to be achieved they should be specifically stated in the policies and matters of discretion.
- 2.19 To that end, it is considered that all desirable design outcomes to be achieved are already listed in the Matters of Discretion as in MDZ-R16(1) (a) – (k) and should be retained. The listed Matters of Discretion are important in guiding and directing users towards the specific design outcomes to support well designed developments, while giving effect to the purpose of the Medium Density Residential Zone.
- 2.20 However the deletion of the sub-title *The Hastings Medium Density Design Framework* is accepted, as is the deletion of CRD from the title and replacement with ‘Residential Developments’. This is supported as it better reflects the proposed direction outlined in Topic 3, Key Issue 2 - Medium Density Residential Zone Rules.
- 2.21 Under Submission point 050.4 which relates to the Hastings Medium Density Design Framework only, Kāinga Ora has asked for two options – 1) to make it non statutory or 2) if it remains statutory that the guidelines are simplified and written in a manner that is easy to follow. Given that the Key Design Elements from the Design Framework form the basis of the Matters of Discretion in the Medium Density Residential Zone, which are statutory, there is considered to be merit in simplifying and clarifying the criteria.
- 2.22 A McFlynn also wants references to the Hastings Medium Density Design Framework deleted and replaced with reference to the checklist of priority design elements within the National Medium Density Design Guide. Whilst the first part of this submission point is supported for the reasons given above, it is not supported to replace with the National Guidance for the reason that the criteria included in the Plan are pertinent to the Hastings context and have been tested through use of the Hastings Residential Intensification Design Guide and that the matters of discretion under MDZ-R16 are appropriate to achieve the design outcomes sought.

**SUBMISSION POINTS 100.16 AND 100.17 (TE KĀHUI WHAIHANGA, NZ INSTITUTE OF ARCHITECTS-GISBORNE HAWKE’S BAY BRANCH)**

- 2.23 S100.16 and 100.17 is generally supportive of PC5 but make 18 broad suggestions to improve its outcomes. The submission does not specify plan provisions rather it makes generalised comments on Matters of Discretion. They support the idea of grouping communal features such as letter boxes and waste areas which are in the matter of discretion MDZ-R16 (1)(i) and note that services such as air conditioning units or gas bottles should also be screened and mindful of location in terms of noise disturbance.
- 2.24 These submission points have merit and it is considered that the proposed criteria ensure that these matters can be considered when assessing a development proposal, therefore no further amendments are deemed necessary to address the matters raised.

### **SUBMISSION POINTS 148.3 - 148.7 (L WATSON)**

- 2.25 Overall S148 opposes PC5 for multiple reasons but has specifically commented on the Matters of Discretion in for the Medium Density Residential Zone, particularly commenting on MDZ-R16 which are split out into submission points S148.3 - 148.7. The only criteria specifically commented on was (1)(b) regarding individuality of dwellings. As follows:

*Entrances, detailing and colour – Consider whether the proposal has as many houses fronting the street as possible with clearly defined entrances connecting directly to the street or main access. Provide a sense of individuality by varying architectural detailing of building frontages (including windows, doors, varied roof lines, porches, balconies, chimneys, pergolas, louvres, screens and variation of exterior cladding materials). Use the surrounding built and natural environment for cues on appropriate colours, subtle differences in colour are best to distinguish individual houses.*

- 2.26 The concern raised is that multiple colours are ‘not fluid and aesthetically calming, thus intrusive to the mind’ etc.
- 2.27 The purpose of the Matters of Discretion in this provision are to collectively guide the users to creating a well-designed and well functioning housing development that results in a positive living environment for both residents and neighbours. This criterion is not requiring bright multi colours, it is seeking subtle differences. It is one tool to guide users to integrating some variety so that ‘cookie-cutter’ repetitive housing design is minimised and instead developments have a sense of individuality.

## **3. RECOMMENDATIONS**

- 3.1 **That the submission point 008.11 (Bike Hawke’s Bay) to amend MRZ-Rule 16(h) regarding access, carparking and manoeuvring, be accepted in part and the following amendment made to MDZ-R16(1)(h):**

**2.8 Access, car parking, and manoeuvring:**  
The extent to which the development provides safe and efficient vehicle access and avoid dominating the frontage of the site, including:  
 a) The minimisation of vehicle access points to a site  
 b) Clear differentiation of pedestrian and vehicle movement routes within a site  
 c) Separation of shared and private parking areas within a site where possible for functionality and security  
 d) Well-lit carparking areas are encouraged for public safety

- ~~*e) Vehicle entrances to buildings are clearly defined, and well -integrates into the overall site layout*~~
- ~~*f) Integrates soft landscaping into larger parking areas.*~~
- ~~*g) Consider the location of charging points for electric cars and bikes.*~~

~~Consider whether access, parking and manoeuvring dominates the front of the site.~~

~~Carparking is best located away from the street further within the site. Minimise vehicle crossings and provide a safer pedestrian environment by combining vehicle accessways or using rear lanes. Consider the location of charging points for electric cars and bikes.~~

3.1.1 Reason:

- a. The amendment provides clarification of intent.

3.2 **That the submission point 026.3 (A.Elgie) to amend MRZ-R16 regarding neighbours' amenity, be rejected.**

3.2.1 Reasons:

- a. The matters of discretion for the specific standards noted adequately consider neighbouring amenity in the context of the planned built environment and no further amendments are considered necessary.
- b. It is the effects of medium density development that must be managed and the performance standards and assessment criteria are there 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.

3.3 **That the submission point 026.3 (A.Galloway) to amend MRZ-R16 regarding neighbours' amenity, and as a consequence of submission point 026.3, **further submission (FS19.18) Residents of Kaiapo Road etc, be accepted in part** and the following amendments made to MRZ-R16(1)(i):**

**Waste and Service areas:**

*Whether sufficient on-site waste and service areas are provided, screened from the street, neighbouring residences and public open spaces.*

~~Consider whether sufficient space has been provided for waste and service areas to accommodate washing lines, waste bins/recycling as well as storage for bikes, scooters and prams etc. Waste storage and service areas should be screened from the street and neighbouring residences. For large scale developments or rear sites accessed via 50m plus driveways consider communal enclosed and screened storage areas that are easily accessible for residents and to property frontages.~~

3.3.1 Reason:

- a. The outcome sought from this suggested criterion has merit, however this matter is already included in the criteria, particularly under MRZ-R16(i) waste and service areas. This is expanded in the supporting Medium Density Design Framework which provides examples.

- 3.4 **That the submission point 050.141 (Kāinga Ora)** to amend the title of MRZ-R16 by replacing the words Comprehensive Residential Development with '*Development consisting of three or more residential units*' and deletion of the Matters of Discretion provisions: MRZ-R16 (1)(a) to (k), **be accepted in part** insofar as, the title be amended to remove of reference to Comprehensive Residential Development and replaced with Residential Development and subtitle The Hastings Medium Density Design Framework be removed, and the matters of Discretion are simplified / clarified as follows below.
- 3.4.1 That as a consequence of submission point 050.141, the further submission **FS19.167 Residents of Kaiapo Road etc**, **be rejected**, while the further submission from Development Nours FS11.147 **be accepted in part**.
- 3.4.2 The amendment to the ensure the correct reference for matters of discretion and the removal of the word 'control' in the title as a consequential amendment (give that as recommended there are no longer any controlled activities in the zone) are included below.

~~MRZ-R16~~**MAT1: Comprehensive Residential Development**

#### Matters of Discretion

##### 1. Building form, visual quality, and streetscape amenity:

*Consider how the development relates to the context of the area and contributes positively to the planned built form environment.*

~~Consider whether the development makes an overall positive contribution to the visual quality of the streetscape and neighbourhood as a whole. Does the development contribute to the planned built form character for the Zone and surrounding area.~~

##### 2. Site Layout:

*Whether the site and residential unit layout maximises opportunities to create a quality living environment by providing privacy; sunlight access; visual outlook.*

~~Consider whether the unit layout and configuration of vehicle and pedestrian access to the site and each unit achieves an overall quality living environment for residents and neighbours including space and privacy between units, maximising site attributes such as access to sunlight, and outlook.~~

~~The Hastings Medium Density Design Framework~~

### **3. Key Design Elements**

*Assess the proposal against the following key design elements:*

#### 3.A House Types, Sizes and Adaptability

*Whether the proposal offers a diverse range of housing types e.g. duplex, two-storey, terraced, 1, 2, 3 bedroom and suitable for the size and shape of the site.*

~~Consider whether a varied range of house typologies (townhouses, duplex, terraces etc) and sizes (studio, 1 brm, 2brm, 3brm) commensurate with the scale of the development are provided. The~~

~~house type and size of the residential units should work well for the size and shape of the site.~~

### 3.B Entrances, Detailing and Colour

~~Whether the proposal maximises street-facing dwelling entrances, incorporates varied architectural detailing and colours to distinguish individual residential units.~~

~~Consider whether the proposal has as many houses fronting the street as possible with clearly defined entrances connecting directly to the street or main access. Provide a sense of individuality by varying architectural detailing of building frontages (including windows, doors, varied roof lines, porches, balconies, chimneys, pergolas, louvres, screens and variation of exterior cladding materials). Use the surrounding built and natural environment for cues on appropriate colours, subtle differences in colour are best to distinguish individual houses.~~

### 3.C Building Height, Dominance, and Sunlight:

~~Whether the building(s) design (height, form, scale) incorporates elements to reduce building dominance, enhance visual interest while maximising access to sunlight.~~

~~Consider whether the following attributes have been used in the design to create visual interest and reduce building dominance:~~

- ~~i. varied building height;~~
- ~~ii. roof form variations;~~
- ~~iii. modulating building frontages (ie stepping parts of the building back or forward);~~
- ~~iv. use of pitched roofs to reduce overall perceived height;~~

### 3.D Connections to Open Space:

~~Whether the proposal integrates public or communal open spaces and whether they have enabled natural surveillance for safety and usability.~~

~~Consider whether public or communal open spaces are integrated into the development and are provided with a high level of natural surveillance to ensure safety and usability.~~

### 3.E Landscape Design:

~~Whether the landscaping design is sustainable, provides sufficient vegetation to 'soften' building form, driveways and carparking areas, retains existing trees where reasonably possible, integrates the development as a whole providing a high amenity living environment.~~

~~Whether landscape design is suitable for the size of the site and building typologies proposed, retains existing mature trees or other vegetation, retains visibility to the street, and is appropriate for its function (for example: boundary or use delineation, amenity or to create privacy). Planting proposed should be appropriate for the particular soil / climate and provided with irrigation to ensure the landscaping is maintained.~~

### 3.F Private and Safe Living environments:

Whether the building design ensures privacy for residents and neighbours through thoughtful building orientation, separation distances, window and balcony placement and features, and external lighting.

~~Consider whether the following matters have been addressed in the design to ensure privacy for residents and neighbours:~~

- ~~v. buildings and windows are orientated to the street or public or communal open spaces;~~
- ~~vi. buildings are separated including from buildings on neighbouring sites – use driveways, carparking areas or outdoor living spaces to increase separation distances.~~
- ~~vii. window & balcony placement, type and size (particularly for upper floors) has been carefully planned and considered;~~
- ~~viii. Use of architectural features to redirect views such as high sill windows, opaque glass, fins, louvres or screens.~~
- ~~ix. External lighting enhances safety and legibility. Manage light spill away from neighbouring properties.~~

### 3.G Outdoor Living Space:

Whether residents are provided with an outdoor living area for recreation and wellbeing. Specifically considering:

- i. Design and location of the outdoor living space, and whether its shape and size are suitable for recreation and play;
- ii. How the outdoor living space is accessed from the residential unit;
- iii. The location of the outdoor living space in terms of winter and summer access to sunlight;
- iv. The location of the outdoor living space and whether it will be overlooked by neighbouring residential units.

~~Consider whether the outdoor spaces proposed for each unit are private, sunny (preferably northerly or westerly direction) and accessible to main living areas. Try to avoid outdoor spaces within the front yard where screening is needed to achieve privacy. Locate these to the side of the unit where possible.~~

### 3.H Access, car parking, and manoeuvring:

The extent to which the development provides safe and efficient vehicle access and avoid dominating the frontage of the site, including:

- i. The minimisation of vehicle access points to a site
- ii. Clear differentiation of pedestrian and vehicle movement routes within a site
- iii. Separation of shared and private parking areas within a site where possible for functionality and security
- iv. Well-lit carparking areas are encouraged for public safety
- v. Vehicle entrances to buildings are clearly defined, and well-integrated into the overall site layout
- vi. Soft landscaping is integrated into larger parking areas.
- vii. Consider the location of charging points for electric cars and bikes.



~~Consider whether access, parking and manoeuvring dominates the front of the site.~~

~~Carparking is best located away from the street further within the site. Minimise vehicle crossings and provide a safer pedestrian environment by combining vehicle accessways or using rear lanes. Consider the location of charging points for electric cars and bikes.~~

### 3.I Waste and Service areas:

~~Whether sufficient on-site waste and service areas are provided, screened from the street, neighbouring residences and public open spaces.~~

~~Consider whether sufficient space has been provided for waste and service areas to accommodate washing lines, waste bins/recycling as well as storage for bikes, scooters and prams etc. Waste storage and service areas should be screened from the street and neighbouring residences. For large scale developments or rear sites accessed via 50m plus driveways consider communal enclosed and screened storage areas that are easily accessible for residents and to property frontages.~~

### 3.J Site coverage and low-impact stormwater design:

~~Whether the proposal addresses Matters of Discretion under MRZ-S12; and~~

~~Whether the proposal incorporates low-impact stormwater design eg raingardens, water re-use to reduce stormwater runoff and enhance sustainability.~~

~~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.~~

### 3.K Building materials and environmental sustainability:

~~Assess if the proposed materials are visually appealing, sustainable, durable, easily maintained, with a variety of materials to create interest.~~

~~Consider whether the proposed exterior cladding or building materials will create a visually appealing development. Use building materials that are robust, sustainably sourced and will maintain their appearance over time. Materials that can be easily and cost-effectively maintained are preferable. As a general rule use one main building material with two or three supporting materials to emphasize features and create variety and interest.~~

## 4. Infrastructure servicing:

- a. 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);
- b. Whether there will be any adverse impacts on public health and safety on the operation of the network from the proposed development; and/or



- c. 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.

#### 5. Parking Congestion and Transportation Effects:

The extent to which the development (i) avoids parking congestion on streets and effects on the safe and efficient operation of the transportation network including on active transport users and (ii) provides for unobstructed access for emergency vehicles and refuse and recycling collections.

A Traffic Impact Assessment maybe required as part of any assessment of effects (including cumulative) and shall take into account any Parking Management Strategy, Comprehensive Parking Management or Local Area Plans if these have been adopted by Council for the area to which the development proposal relates.

See the assessment under Topic 6, Key Issue 2 - General Parking and Traffic Concerns, regarding the inclusion of this assessment matter. It has been included here for completeness.

#### 6. Cumulative Effects:

Whether there are any cumulative impacts of non-compliance with more than one zone standard.

NOTE: For guidance on the above criteria refer to the Hastings Medium Density Design Framework 2022

#### 3.4.3 Reason:

- a. That the amendments will simplify the assessment criteria / matters of discretion while ensuring the development outcomes sought for the zone will still be achieved.

3.5 That the **Submission Points 100.16 and 100.17 (Te Kāhui Whaihanga, NZ Institute of Architects-Gisborne Hawke's Bay Branch)** regarding Matters of ol, particularly the management of waste and service areas **be rejected.**

3.5.1 That the further submission from Kainga Ora (FS13.33) seeking to disallow Submission points 100.16 and 100.17 **be accepted in part.**

#### 3.5.2 Reason:

- a. The matters raised are sufficiently covered within the proposed Matters of Discretion and further and amendments resulting from other submissions (050.4 and 026.3).

3.6 That the submission point **134.25 (McFlynn)** is **accepted in part** in so far as the subheading is amended to delete reference to the Hastings Medium Density Design Framework as follows:

~~MRZ-R16 MAT1: Comprehensive Residential Development~~  
Matters of Control or Discretion

#### 1. ~~The Hastings Medium Density Design Framework~~

Assess the proposal against the following key design elements:

(a) ...(k)

3.6.1 That as a consequence of submission point 134.25, the further submission FS027.25 J Jackson and FS028.9 Kainga Ora are **accepted in part.**

3.6.2 **Reasons:**

- a. Matters of discretion listed under MRZ-MAT16 are beneficial to guide or direct users towards considering specific environmental effects or matters while giving effect to the purpose of the Zone which is to provide for residential living at higher densities in a manner that achieves a healthy, safe, high amenity and comfortable living environment.
- b. Consistency with broader changes to remove CRD means that its reference is no longer required in this provision.
- c. All necessary design outcomes that are to be achieved are stated in the matters of discretion and reference to the Medium Density Design Framework is no longer necessary.

3.7 **That the submission points 148.3 to 148.7 (L Watson) regarding MRZ-R16 **be rejected.****

3.7.1 **Reason:**

- a. Matters of discretion listed under MRZ-MAT1 are beneficial to guide or direct users towards considering specific environmental effects or matters while giving effect to the purpose of the Zone which is to provide for residential living at higher densities in a manner that achieves a healthy, safe, high amenity and comfortable living environment.

### 3.8 **Section 32AA Evaluation**

3.8.1 The changes proposed, in isolation, are not considered to be a significant departure from the Hastings District Plan as notified.

3.8.2 The above recommendations are considered editorial and minor, where the changes would improve the effectiveness of provisions without changing the policy approach, therefore S32AA re-evaluation is not warranted for the proposed amendments to the matters of discretion. .

## TOPIC 5, KEY ISSUE 3 – ASSESSMENT CRITERIA / MATTERS OF CONTROL / DISCRETION

### GENERAL RESIDENTIAL ZONES – HASTINGS, FLAXMERE, HAVELOCK NORTH

#### 1. SUBMISSION POINTS

Sub Point	Submitter / Further Submitter	Provision / Section of the Hastings District Plan	Position	Summary of Decision Requested	Recommendation
008.12	Bike Hawke's Bay	7.2.8F(1b) 8.2.9(1b) 9.2.8I(1b)	Support with amendment	Amend the Site Context (1)(b) as follows:  Carparking is best located near, <del>away from the street further within the site and accessed from, the rear of the site.</del> Minimise vehicle crossings, use rear lanes, and combine vehicle accessways when possible to <del>and provide a safer pedestrian environment by combining vehicle accessways or using rear lanes.</del>	Accept in Part
008.13	Bike Hawke's Bay	7.2.8F(2h) 8.2.9(2h) 9.2.8I(2h)	Support with amendment	2.8 Access, carparking and manoeuvring - Consider whether access, parking and manoeuvring dominates the front of the site. Carparking is best located near, <del>away from the street further within the site and accessed from, the rear of the site.</del> Minimise vehicle crossings, use rear lanes, and combine vehicle accessways when possible to <del>and provide a safer pedestrian environment by combining vehicle accessways or using rear lanes.</del>	Reject
028.24	Fire and Emergency NZ	7.2.8E Emergency services	Oppose	Consider this provision to be unclear what activity status it is for listed activities and seeks that a new rule:  <b>Emergency service facilities</b> <i>Activity status: Restricted Discretionary</i> <i>Council's discretion shall be restricted to the following matters:</i> <i>a. The extent to which it is necessary to locate the activity in the Rural Lifestyle Zone.</i> <i>b. Reverse sensitivity effects of adjacent activities.</i> <i>c. The extent to which the activity may adversely impact on the transport network.</i> <i>d. 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>e. The extent to which the activity may adversely impact on the noise environment.</i>	Reject and partially out of scope

028.30	Fire and Emergency NZ	8.2.8E Emergency services	Oppose	Same as above	Reject and partially out of scope
050.66	Kāinga Ora	8.2.8A Relocatable buildings	Oppose in part	Amend 8.2.8A2: <del>2. Havelock North General Residential Zone and Havelock North Residential Zone EXCEPT in the Toop Street Special Character Area</del>	Reject and out of scope
FS11.72	Development Nours	All	Support in part	Seeks that Kāinga Ora 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 and out of scope
FS19.92	Residents of Kaiapo Road etc	All	Oppose all	Seeks that Kāinga Ora submission be disallowed as the requests are far too broad and far reaching. Resulting in severely adversely affecting existing communities and residents.	Reject and out of scope
050.67	Kāinga Ora	8.2.8C(b) Planned built environment	Support in part	Amendments sought:  (i) Whether the height of any building will create adverse effects on neighbourhood character, <del>having regard to the planned built environment.</del>  (v) Whether the slope of the site is such that building height requirements cannot be met, and the extent to which an alternative is proposed that maintains the amenity of <del>the Area the planned built environment</del>	Accept in part
FS11.73	Development Nours	All	Support in part	Seeks that Kāinga Ora 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
FS19.93	Residents of Kaiapo Road etc	All	Oppose all	Seeks that Kāinga Ora 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
050.68	Kāinga Ora	8.2.8C(c) Planned built environment	Support in part	Amendments sought:  (ii) The extent to which the proposed building will obtain reasonable access to daylight and sunlight <del>in accordance with the planned built environment.</del>  ...  (v) The degree to which the building height, location and scale harmonises with and/or enhances the amenity values of the <del>neighbourhood and its character-planned built environment.</del>	Accept in part
FS11.74	Development Nours	All	Support in part	Seeks that Kāinga Ora 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
FS16.11	M Reid	All	Oppose	Oppose amendments by Kāinga Ora to remove mention of 'neighbourhood and its character'. Retain original wording	Accept in part
FS19.94	Residents of Kaiapo Road etc	All	Oppose all	Seeks that Kāinga Ora 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
050.69	Kāinga Ora	8.2.8C(d) Planned built environment	Support in part	Amendment sought:  (i) The proposed setback of a building from the road boundary and whether this will compromise amenity values and <del>neighbourhood character of the planned built environment.</del>  (ii) <del>Whether the site retains capacity for a front lawn and tree planting in the front yard.</del>	Accept in part
FS11.75	Development Nours	All	Support in part	Seeks that Kāinga Ora submission be allowed to the extent that those	Accept in part

				parts of the submission align with the points raised and relief sought in Development Nous' submission.	
FS16.12	M Reid	All	Oppose	Oppose the changes of wording proposed by Kāinga Ora, which removes mention of the neighbourhood character and removes clause (ii) Whether the site retains capacity for a front lawn and tree planting in the front yard. It is important that the unique village character of Havelock North is retained, and existing residents are unaffected by proposed medium density housing developments.  Seeks that original working be retained.	Accept in part
FS19.95	Residents of Kaiapo Road etc	All	Oppose all	Seeks that Kāinga Ora 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
050.70	Kāinga Ora	8.2.8C (E)(iv) Outdoor living space and yard infringements	Oppose	Delete the assessment criteria because the presence of outdoor living space has no relevant to side/rear yard infringements	Reject
FS11.76	Development Nous	All	Support in part	Seeks that Kāinga Ora 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
FS19.96	Residents of Kaiapo Road etc	All	Oppose all	Seeks that Kāinga Ora 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
050.71	Kāinga Ora	8.2.8C(f)(i) Planned built environment	Support in part	<del>Whether the building coverage will create adverse effects on amenity and neighbourhood character of the planned built environment.</del>	Accept in part
FS11.77	Development Nous	All	Support in part	Seeks that Kāinga Ora 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
FS16.13	M Reid	All	Oppose	Seeks that original working be retained.  Oppose changes of wording proposed by Kāinga Ora, which removes mention of the neighbourhood character and removes clause (ii) Whether the site retains capacity for a front lawn and tree planting in the front yard.  It is important that the unique village character of Havelock North is retained, and existing residents are unaffected by proposed	Accept in part

				medium density housing developments.	
FS19.97	Residents of Kaiapo Road etc	All	Oppose all	Seeks that Kāinga Ora 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
050.72	Kāinga Ora	8.2.8C(h)(ii) Trees and landscaping criteria	Oppose in part	<p>Oppose most of this landscaping criteria - retention of existing trees unless specifically protected, connection of landscaping to soften built form, landscaping affecting neighbouring sites, aiding maintenance of existing neighbourhood character and amenity.</p> <p>Amendment sought:</p> <p>(i) <del>The extent to which existing vegetation is retained</del></p> <p>(ii) <del>The extent to which new tree plantings are proposed, and whether adequately softens the effect of built form. This may include an assessment of the species selection and whether replacement plantings adequately replace the loss of existing trees.</del></p> <p>(iii) <del>The configuration of the site and whether enforcement of the rules would place an unreasonable burden on neighbouring properties and cause shading or leaf drop.</del></p> <p>(iv) <del>Where appropriate, a landscaping plan is submitted with the showing how the character and amenity of the neighbourhood will be maintained</del></p>	Reject
FS11.78	Development Nous	All	Support in part	Seeks that Kāinga Ora 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
FS16.14	M Reid	All	Oppose KO	<p>Seeks that original working be retained.</p> <p>Oppose changes of wording proposed by Kāinga Ora, which removes mention of the neighbourhood character and removes clause (ii) Whether the site retains capacity for a front lawn and tree planting in the front yard.</p> <p>It is important that the unique village character of Havelock North is retained, and existing residents are unaffected by proposed medium density housing developments.</p>	Accept
FS19.98	Residents of Kaiapo Road etc	All	Oppose KO	Seeks that Kāinga Ora 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
050.73	Kāinga Ora	8.2.9 CRD criteria	Oppose	<p>Seek all references to CRD to be removed from District Plan including this criteria.</p> <p>Amendment sought – to delete all provisions</p>	Accept in Part

FS3.20	Oceania Healthcare Ltd	8.2.9 CRD criteria	Support KO	Delete provisions	Accept in Part
FS11.79	Development Nous	All	Support in part	Seeks that Kāinga Ora 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
FS19.99	Residents of Kaiapo Road etc	All	Oppose all	Seeks that Kāinga Ora submission be disallowed as the requests are far too broad and far reaching. Resulting in severely adversely affecting existing communities and residents.	Accept
050.74	Kāinga Ora	8.2.9B Brookvale Structure Plan and CRD	Oppose in Part	Seek all references to CRD to be removed from District Plan including from in Appendix 13B Figure 1 in relation to Brookvale Structure Plan. Delete the word Comprehensive and CRD assessment criteria from Appendix 13b Figure 1 (a) (i) to (iv) and remove from final paragraph:  <small>Consider how the arrangement of lots within the proposed development site, along with any lots already subdivided within adjoining sites, will contribute to the creation of a pleasant streetscape amenity.</small>	Reject
FS11.80	Development Nous	All	Support in part	Seeks that Kāinga Ora 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
FS19.100	Residents of Kaiapo Road etc	All	Oppose all	Seeks that Kāinga Ora 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
050.105	Kāinga Ora	9.2.7A Relocatable homes	Oppose	Consistent with relief sought, Kāinga Ora seek the deletion of all provisions relating specifically to relocatable homes and that the instead be managed through the performance standards under 9.2.5 and relevant criteria. Relief sought – delete 9.2.7A	Reject out of scope
FS11.111	Development Nous	All	Support in part	Seeks that Kāinga Ora 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 out of scope
FS19.131	Residents of Kaiapo Road etc	All	Oppose all	Seeks that Kāinga Ora submission be disallowed as the requests are far too broad and far reaching. Resulting in severely adversely affecting existing communities and residents.	Reject out of scope
050.106	Kāinga Ora	9.2.8A(b) Planned built environment	Support in part	Amendment sought: (i) The extent to which the proposed building will provide reasonable access to daylight and sunlight <u>in accordance with the planned built environment.</u> ... (iii) The degree to which the building height, location and scale harmonises with the planned built environment. <u>adjoining property at the boundary where the infringement occurs.</u>	Accept in part
FS11.112	Development Nous	All	Support in part	Seeks that Kāinga Ora submission be allowed to the extent that those parts of the submission align with	Accept in part



				the points raised and relief sought in Development Nours' submission.	
FS119.132	Residents of Kaiapo Road etc	All	Oppose all	Seeks that Kāinga Ora 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
050.107	Kāinga Ora	9.2.8A(c) Planned built environment	Support in part	Amendment sought: Whether the infringement will compromise amenity values and <del>neighbourhood</del> character of the planned built environment	Accept in part
FS11.113	Development Nours	All	Support in part	Seeks that Kāinga Ora 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
FS19.133	Residents of Kaiapo Road etc	All	Oppose all	Seeks that Kāinga Ora 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
050.108	Kāinga Ora	9.2.8A(d) Outdoor living space and yard infringements	Oppose	Partial deletion sought:  (iv) <del>The extent to which adequate outdoor living space is provided for the site.</del>	Reject
FS11.114	Development Nours	All	Support in part	Seeks that Kāinga Ora 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
FS19.134	Residents of Kaiapo Road etc	All	Oppose all	Seeks that Kāinga Ora 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
050.109	Kāinga Ora	9.2.8A (E) Coverage	Oppose in part	Amendments sought:  (e) Site Coverage <del>(including hardstand)</del>  (i) Whether the building coverage will create adverse effects on amenity and <del>neighbourhood</del> character of the planned built environment.	Accept in part
FS11.115	Development Nours	All	Support in part	Seeks that Kāinga Ora 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
FS19.135	Residents of Kaiapo Road etc	All	Oppose all	Seeks that Kāinga Ora 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
050.110	Kāinga Ora	9.2.8A(g)(ii) Trees & landscaping	Oppose in part	Opposes criteria relating to retention of existing trees, unless protected and connection between landscaping and softening of built form. Amendment sought:	Reject



				<p>(i) The extent to which existing vegetation is retained</p> <p>(ii) The extent to which new tree plantings are proposed, and whether adequately softens the effect of built form. This may include an assessment of the species selection and whether replacement plantings adequately replace the loss of existing trees.</p>	
FS11.116	Development Nous	All	Support in part	Seeks that Kāinga Ora 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
FS19.136	Residents of Kaiapo Road etc	All	Oppose all	Seeks that Kāinga Ora 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
050.111	Kāinga Ora	9.2.8B Criteria for Relocatable Homes	Oppose	Consistent with relief sought – seek deletion of all provisions relating to relocatable homes and that they be managed through performance standards under 9.2.5 and relevant assessment criteria. Seek that 9.2.8B be deleted.	Reject out of scope
FS11.117	Development Nous	All	Support in part	Seeks that Kāinga Ora 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 out of scope
FS19.137	Residents of Kaiapo Road etc	All	Oppose all	Seeks that Kāinga Ora submission be disallowed as the requests are far too broad and far reaching. Resulting in severely adversely affecting existing communities and residents.	Reject out of scope
050.112	Kāinga Ora	9.2.8L CRD criteria	Oppose	Seek that 9.2.8L be deleted. Consistent with relief sought Kāinga Ora seek deletion of all provisions relating to Comprehensive Residential Development.	Accept
FS11.118	Development Nous	All	Support in part	Seeks that Kāinga Ora 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
FS19.138	Residents of Kaiapo Road etc	All	Oppose all	Seeks that Kāinga Ora submission be disallowed as the requests are far too broad and far reaching. Resulting in severely adversely affecting existing communities and residents.	Reject

## 2. ANALYSIS

### 2.1 SUBMISSION 008.12 and 008.13 (BIKE HAWKE'S BAY)

- 2.1.1 Bike Hawke's Bay is a biking advocacy organisation with a vision for biking to be safe, comfortable and convenient for people of all ages and abilities and for making improvements that will help achieve that vision. They seek amendments to the wording matters of some of the Matters of Discretion, as outlined below.

2.1.2 Overall, the Matters of Discretion for comprehensive residential development are there to guide good design while enabling flexibility in that design.

2.1.3 Whilst Bike Hawke's Bay have submitted on 3 sets of district plan criteria, they are the same criteria across the 3 zones – Hastings, Flaxmere and Havelock North - as such the analysis will be bundled as one.

008.12 (Bike Hawke's Bay)

2.1.4 The first amendment is in "Site Context" which currently states:

*'Whether the Site is located in proximity to places of employment or close to accessible travel routes or public transport routes that link to areas of employment;'*

2.1.5 Bike Hawke's Bay wants it to emphasise having proximity to active transport routes, as follows:

*'Whether the site is located in proximity to places of employment or close to accessible travel routes, **particularly active and/or** public transport routes, that link to areas of employment;'*

2.1.6 "Active" transport, that Bike Hawke's Bay is seeking is about travel mode, i.e. walking, biking, scooters (sometimes PT); while "accessible" transport is generally about ability, i.e. mobility and vision impairment, age, sometimes with a social/economic elements too. Essentially enabling equity for all people in their freedom to travel. These approaches are supported by the current Policy stance in the District Plan, particularly Objective TPO3 which states:

*'To achieve sustainable transport modes, including walking, cycling and public transport.'*

2.1.7 Site Context and transport is an important consideration for the location of comprehensive housing because it means that residents of these dwellings, no matter age or ability will be able to easily get from one place to another, even if they don't have access to a private motor vehicle. This however should not be a determining factor in Site suitability alone and while recommended to be added it should not be emphasised as proposed.

2.1.8 In considering this submission point in the context of the overall approach to submissions on PC5, it is noted that reference to and provision for CRD activities is recommended to be removed within the General Residential Zone except in the Howard Street, Hastings and Brookvale, and Havelock North new urban development areas. Therefore, it corresponds that the proposed changes are recommended to be made to the assessment criteria within the Hastings and Havelock North Residential Environments only. In the Flaxmere Environment, CRD will be removed in its entirety as there are no existing urban development areas located in this environment. As such the assessment criteria under 9.2.8 is proposed to be removed in its entirety.

2.1.9 For these reasons, it is recommended that the amendments sought to 7.2.8F(1b), and 8.2.9(1b) **be accepted in part.**

008.13 (Bike Hawke's Bay)

2.1.10 The second amendment to criteria **7.2.8F(2h), 8.2.9(2h) and 9.2.8I(2h)** is regarding Access, carparking and manoeuvring. Again, whilst Bike HB have submitted on 3 sets of district plan criteria, they are the same criteria across the 3 zones – Hastings,

Flaxmere and Havelock North to the analysis will be bundled as one. The criteria is currently as follows:

**2.8 Access, carparking and manoeuvring** - Consider whether access, parking and manoeuvring dominates the front of the site.

*‘Carparking is best located away from the street further within the site. Minimise vehicle crossings and provide a safer pedestrian environment by combining vehicle accessways or using rear lanes. Consider the location of charging points for electric cars and bikes.’*

2.1.11 Bike Hawke’s Bay wants it to say:

**2.8 Access, carparking and manoeuvring** - Consider whether access, parking and manoeuvring dominates the front of the site.

*‘Carparking is best located near and accessed from the rear of the Site. Minimise vehicle crossings, use rear lanes, and combine vehicle accessways when possible and provide a safer pedestrian environment.’*

2.1.12 The changes proposed are considered semantic changes and do not add any material difference, though the deletion of reference to charging point locations is not desirable. This submission point is recommended to **be rejected**.

## **2.2 SUBMISSION POINT 028.24 & 028.30 (FIRE AND EMERGENCY NZ (FENZ))**

2.2.1 Fire and Emergency NZ (028.24 & 028.30) seek to amend provisions **7.2.8E, 8.2.8E**, which relate to a range of assessment criteria that assess the suitability of a specific group of non-residential activities and the effects of such non-residential activity on the residential environment. Instead, FENZ seek a separate criterion specific to Emergency Service Facilities only as stated in the Table above.

2.2.2 Whilst matters raised have merit, it is considered that they are adequately covered in the existing matters of discretion under the above provisions (7.2.8E, 8.2.8E). However, one aspect of the submission point is considered out of scope because it is referencing the Rural Lifestyle Zone, which is not included in Plan Change 5 amendments. Case law known as the Clearwater tests determines whether a submission is “on” a plan change are:

- *a submission can only be regarded as being ‘on’ a plan change or a variation of it, if it addresses the extent to which the plan change or variation changes the pre-existing status quo; and that*
- *if the effect of regarding a submission as being ‘on’ a plan change or variation would be to permit a planning instrument to be amended without real opportunity for participation by those potentially affected, that is a powerful consideration against the submission to be ‘on’ the variation.”*

2.2.3 In this case the Rural Lifestyle Zone criteria requested by the FENZ submission fails to meet the above tests. Also another key factor in assessing whether a submission is ‘on’ the plan change is whether the change ought to have been considered in the Section 32 evaluation. In *Motor Machinists*, the Court noted “*Further variations advanced by way of submission, to be ‘on’ the proposed change, should be adequately assessed already in that evaluation. If not, then they are unlikely to meet the first limb in Clearwater.*” In this case, there was no consideration of changes to Rural Lifestyle Zone as they were not contemplated by PC5.

2.2.4 Therefore, these submission points are recommended to be rejected.

**2.3 SUBMISSION POINT 050.66, 050.105, 050.111 (KĀINGA ORA (KO) on RELOCATED BUILDINGS**

2.3.1 KO seek that Relocated buildings are not treated as a separate activity with separate Plan provisions, including Matters of Discretion in the General Residential Zones and therefore seek that all provisions for relocated dwellings be deleted, with exception to Character Zones.

2.3.2 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 2015 / 2016. For further information on this matter refer to a more detailed analysis outlined in Topic 2, Key Issue 1 - Residential Overview Chapter.

2.3.3 Notwithstanding the above, it is considered that these submission points seeking to amend the rules applicable to all relocatable buildings are not 'on' Plan Change 5 and do not meet the case law 'Clearwater' tests for whether a submission is 'on' a plan change. The only thing that PC5 does do in relation to relocated buildings, is to move some of the standards for relocated buildings into the new Residential Overview chapter. The rules remain unchanged. The purpose of moving the relocated building standards into the new Residential Overview chapter is to avoid repetition in anticipation for the future as the District Plan (to meet the national planning standards structure and framework).

**2.4 SUBMISSION POINT 050.67 to 050.69 and 050.71; 050.105 to 050.107 and 050.109 (KĀINGA ORA (KO) – PLANNED BUILT ENVIRONMENT s8.2.8 and s9.2.8**

2.4.1 **Kāinga Ora** requests amendments to the Matters of Discretion for the Havelock North General Residential Zone (8.2.8) and Flaxmere Residential Zone (9.2.8), to include reference to 'the planned built environment' in the criteria as identified in the above table.

2.4.2 These submissions are generally supported by further submissions from **Development Nous (FS11.73 to FS11.75 and FS11.77; FS11.112, FS11.113 and FS11.115)**. Further submissions in opposition to these submissions from Kāinga Ora have also been received from the **Residents of Kaiapo Road etc (FS19.93 to FS19.95 and 19.97; and from M Reid (FS16.11 to FS16.13)**.

2.4.3 Kāinga Ora request inclusion of wording relating to the "planned built environment". This amendment has merit and is accepted as it aligns with the direction in Policy 6 of the NPS-UD. As such the District Plan needs to give effect to this policy.

2.4.4 This statement will also provide clarity in terms of the development expectations for the zones. The planned built form environment is controlled through the bulk and location standards set within the zone provisions such as density and number of buildings on a site, height, height in relation to boundary, yard setbacks, outdoor living space and building coverage requirements along with other performance standards.

2.4.5 Therefore, it is considered appropriate to include reference to the planned built form environment so that the terminology used is consistent and aligns with the NPS-UD, therefore this submission point is accepted in part.

**2.5 SUBMISSION POINT 050.69, 050.70, 050.72; and 050.108, 050.110, (KĀINGA ORA) – FRONT YARD OUTDOOR SPACE AND LANDSCAPING**

2.5.1 Kāinga Ora are submitting on the operative plan assessment criteria that relate to 'Activities not complying with the General Standards and Terms' in Section 8.2.5 for Havelock North and 9.2.5 for Flaxmere and or relevant Specific Performance Standards and Terms. In particular 8.2.8C(d)(ii) Front Yards; 8.2.8C(h)(ii) Landscaping; 9.2.8A(b)(iii) Height in relation to boundary; 9.2.8A(d)(iv) Side and Rear Yards; 9.2.8A(g)(i), (ii), (iii) and (iv) Landscaping.

2.5.2 Further submission in support from Development Nous, while M Reid and Residents of Kaiapo Rd etc oppose these submission points.

2.5.3 These general 'catch all' provisions were not amended as part of the plan change and apply to all activities that could occur in the general residential zones, not just for residential activity. Residential activity being the focus of this submission.

2.5.4 When applying the *Clearwater* test for whether a submission is 'on' the plan change it is considered that the reach of these submission points is beyond the scope of this plan change for the above reason and that it was not altered or included in Plan Change.

2.5.5 Furthermore, after the consideration of submissions there has been a change in philosophy in how to enable more housing within urban areas and achieve the objectives of PC5. This is outlined in Section 5 of the Introductory Report and in the Section 32AA report. In summary the recommended extent of the medium density residential zone means that the operative rule framework will prevail in the GRZ in so far as CRD will only be enabled in existing new urban development areas within this zone. Therefore, there will be no changes to the rules in the general residential zones, except CRD activities in new urban development areas will be subject to standards and assessment criteria aligned with those in the MDRZ.

2.5.6 Therefore the above submission points from Kainga Ora are recommended to be rejected.

**2.6 SUBMISSION POINT 050.73, 050.74, 050.112, (KĀINGA ORA) COMPREHENSIVE RESIDENTIAL DEVELOPMENT (CRD) REMOVAL**

2.6.1 Kāinga Ora seek all references to Comprehensive Residential Development be removed from District Plan including assessment criteria 8.2.9 pertaining to Havelock North General Residential Zone and 8.2.9B in Brookvale Structure Plan and 9.2.8L for Flaxmere General Residential Zone.

2.6.2 Further submissions from Development Nous in support of this request, while further submission from Residents of Kaiapo etc oppose these submission points.

2.6.3 For consistency with the general direction following consideration of submissions outlined in Section 5 of the Introductory Section 42A Report and the Section 32AA, this submission request is recommended to be accepted in part, in relation to the general residential zone assessment criteria, however due to the place based, area specific outcomes sought for the new urban development areas such as Brookvale Structure

Plan and others, the reference to 'CRD' is recommended to remain in relation to these new urban development areas. Though the plan user will be directed to assess the CRD activity with matters of discretion contained in the Medium Density Residential Zone, in addition to any relevant Structure Plan specific provisions.

- 2.6.4 An application for medium density housing (that is development proposals that do not meet the density requirements of 1 residential building per 350m<sup>2</sup>) in the general residential zones (excluding existing new urban development areas) would be considered a Discretionary Activity – whereby Council can exercise full discretion over matters in the Plan by which the activity is assessed. In these cases, the suggested approach is that an advisory note be included which advises that these applications be considered against the Matters of Discretion contained in the Medium Density Residential Zone and the principles and key design elements of the Hastings Medium Design Framework. To communicate this in the District Plan the Medium Density Zone Matters of Discretion will be cross referenced in the general residential zones. Overall, it is recommended to accept this submission in part.

### 3. RECOMMENDATIONS

- 3.1 **That the submission point 008.12 (Bike Hawke's Bay)** to amend the Matters of Discretion/Control in 7.2.8F(1b), 8.2.9(1b), as follows:

*Whether the site is located in proximity to places of employment or close to accessible travel routes, active and or public transport routes, that link to areas of employment;*

**be accepted in part.**

- 3.2 **Reasons:**

- a. Active transport modes are a travel mode that should be considered when determining location of Sites for comprehensive residential development because they assist with enabling equity for all people to travel.
- b. Active transport modes are supported by the current Policy in the District Plan, particularly Objective TPO3 which states: To achieve sustainable transport modes, including walking, cycling and public transport.

- 3.3 **That the submission point 008.12 (Bike Hawke's Bay)** to retain Matters of Discretion/Control 7.2.8F(2h), 8.2.9(2h) and 9.2.8I(2h) is regarding Access, carparking and manoeuvring as notified in Plan Change 5, **be rejected.**

- 3.4 **Reason:**

- a. The amendment sought makes no material difference to the effectiveness of these Matters of Discretion/Control and omits criteria that encourage consideration of charging points for electric cars and bikes in the design of the development.

- 3.5 **That the submission points 028.24 and 028.30 (Fire and Emergency NZ)**, regarding provisions 7.2.8E, 8.2.8E Matters of Discretion / Control in Havelock North and Hastings Residential zones, **be rejected.**

- 3.6 **Reasons:**

- a. Matters raised have merit, however they are adequately covered in the existing matters of discretion under the above provisions (7.2.8E, 8.2.8E) therefore an additional activity specific provision for Emergency Services is not deemed necessary.
  - b. The matter focused on Rural Lifestyle Zone is not within the scope of Plan Change 5 which is contained within the Medium Density Zone and General Residential zones.
- 3.7 **That the submissions of Kāinga Ora (050.66, 050.105, 050.111) in opposition to the Matters of Discretion for relocated buildings in all residential zones be rejected.**
- 3.8 That as a consequence of the above recommendation the further submission of **Development Nours (FS11.72 and FS11.111)** and the further submission of the **Residents of Kaiapo Road (FS19.92 and FS19.131) be rejected.**
- 3.9 Reasons:
- a. Relocated buildings have been a significant issue for the District in the past, necessitating a different management approach and bespoke provisions which have been agreed with industry representatives. These provisions have been in place for approximately 6 years and are working well to address the effects of this activity.
  - b. Notwithstanding, the above consideration of effects of relocated building activities, we consider these submission points to be out of scope as Plan Change 5 does not amend the existing operative provisions relating to relocated buildings.
- 3.10 **That the submissions of Kāinga Ora (050.67 to 050.69 and 050.71; 050.105 to 050.107 and 050.109) regarding use of the words *planned built environment* as part of the Matters of Discretion in Havelock North and Flaxmere General Residential Zones be accepted in part with the wording being slightly amended for consistency with NPS-UD terminology, are recommended to the District Plan as follows:**

Havelock North General Residential Zone

Section 8.2.8C(b)(i) - Whether the height of any building will create adverse effects on the neighbourhood character, having regard to the planned built form environment.

Section 8.2.8C(b)(v) - Whether the slope of the site is such that building height requirements cannot be met, and the extent to which an alternative is proposed that maintains the amenity of ~~the Area~~ the planned built form environment.

Section 8.2.8C(c)(ii) - The extent to which the proposed building will obtain reasonable access to daylight and sunlight having regard to the planned built form environment.

Section 8.2.8C(c)(v) - The degree to which the building height, location and scale harmonises with and/or enhances the amenity values of ~~the neighbourhood and its character~~ the planned built form environment.

Section 8.2.8C(d)(i) - The proposed setback of a building from the road boundary and whether this will compromise amenity values and ~~neighbourhood~~ character of the planned built form environment.

Flaxmere General Residential Zone

Section 9.2.8A(b)(i) - The extent to which the proposed building will provide reasonable access to daylight and sunlight, having regard to the planned built form environment.

Section 9.2.8A(c) - Whether the infringement will compromise amenity values and neighbourhood character the planned built form environment.

Section 9.2.8A(e)(i) - Whether the building coverage will create adverse effects on amenity values and neighbourhood character of the planned built form environment.

3.11 That as a consequence of the above recommendation the further submission of **Development Nours (FS11.73 to FS11.75 and FS11.77; FS11.112, FS11.113 and FS11.115)** and the further submission of the **Residents of Kaiapo Road ((FS19.93 to FS19.95 and 19.97); and from M Reid (FS16.11 to FS16.13) be accepted in part.**

3.12 Reasons:

- a. Amending the Matters of Discretion under Plan provisions 8.2.8 and 9.2.8 will ensure alignment with Policy 6 of the NPS-UD and the need for developments to be undertaken in accordance with the planned built form environment of the relevant zone.

3.13 The above recommendations do not change the intent of the assessment criteria and assist to clarify whether the development proposals are appropriate within the General Residential Zone environment.

3.14 **That the submissions of Kāinga Ora (050.73, 050.74, 050.112)** regarding the removal of Comprehensive Residential Development from the Assessment Criteria of the Havelock North and Flaxmere General Residential Zones **be accepted in part** and the following amendments and consequential amendments are recommended to the District Plan as follows:

#### **Havelock North General Residential Zone:**

##### 8.2.8 ASSESSMENT CRITERIA - RESTRICTED DISCRETIONARY AND DISCRETIONARY ACTIVITIES

For Restricted Discretionary Activities, the following criteria identify those matters which Council has restricted its discretion over in assessing Resource Consent applications. For Discretionary Activities, the following criteria identify those matters which Council may assess the activity against. However, for Discretionary Activities, Council's assessment is not restricted to these matters.

Council may assess Residential Activities that do not comply with density provisions in General Performance Standard 8.2.5A for the Havelock North General Residential Zone with the Matters of Control in MRZ-MAT1, and the Hastings Medium Design Framework, however Council's assessment is not restricted to these matters.

##### 8.2.9 COMPREHENSIVE RESIDENTIAL DEVELOPMENTS **FOR** BROOKVALE URBAN DEVELOPMENT AREA

Hastings District Council is a signatory to the New Zealand Urban Design Protocol. As such, the following assessment criteria are based on principles of best practice urban design. The criteria are applicable for all



comprehensive residential development within Appendix 13B Brookvale Urban Development Area in the Havelock North Residential Environment - including the Havelock North General Residential Zone and the Havelock North Character Residential Zone as well as the Toop Street Special Character Area.

In assessing Resource Consent applications for comprehensive residential or comprehensive mixed-use developments, the matters over which the Council will have control or will restrict the exercise of its discretion are outlined in the following assessment criteria.

Council reserves the right to engage an Urban Design Specialist in order to assess or peer review Resource Consent applications for Comprehensive Residential Developments.

Comprehensive Residential Development activities shall comply with the Matters of Discretion in MRZ-MAT1 (Medium Density Residential Zone) in addition to any Urban Development Area and or Structure Plan specific provisions and 1. Site Context below.

### **1. Site Context**

- a. Whether the site for the proposed development is suitable for medium density housing. Consider whether the site is located within a walkable distance (400m) of:
  - i. public parks, recreational facilities and opportunities, or on-site communal open space or playground;
  - ii. commercial centres that provide a range of services and facilities
  - iii. public transport services, stops and routes;
- b. Whether the site is located in proximity to places of employment or close to accessible travel routes or public transport routes that link to areas of employment;
- c. Consider whether the development will integrate into the planned built form environment context of the Zone in this location.

### **2. Hastings Medium Density Design Framework**

Assess the proposal against the following key design elements:

- a. **2.1 House types, sizes and adaptability**—Consider whether a varied range of house typologies (townhouses, duplex, terraces etc) and sizes (studio, 1 brm, 2brm, 3brm) commensurate with the scale of the development are provided. The house type and size of the residential units should work well for the size and shape of the site.
- b. **2.2 Entrances, detailing and colour**—Consider whether the proposal has as many houses fronting the street as possible with clearly defined entrances connecting directly to the street or main access. Provide a sense of individuality by varying architectural detailing of building frontages (including windows, doors, varied roof lines, porches, balconies, chimneys, pergolas, louvres, screens and variation of exterior cladding materials). Use the surrounding built and natural environment for cues on appropriate colours, subtle differences in colour are best to distinguish individual houses.

- c. ~~**2.3 Building height, dominance and sunlight** – Consider whether the following attributes have been used in the design to create visual interest and reduce building dominance:~~
  - i. ~~varied building height;~~
  - ii. ~~roof form variations;~~
  - iii. ~~modulating building frontages (ie stepping parts of the building back or forward);~~
  - iv. ~~use of pitched roofs to reduce overall perceived height;~~
- d. ~~**2.4 Connections to open space** – Consider whether public or communal open spaces are integrated into the development and are provided with a high level of natural surveillance to ensure safety and usability.~~
- e. ~~**2.5 Landscape design** – Whether landscape design is suitable for the size of the site and building typologies proposed, retains existing mature trees or other vegetation, retains visibility to the street, and is appropriate for its function (for example: boundary or use delineation, amenity or to create privacy). Planting proposed should be appropriate for the particular soil / climate and provided with irrigation to ensure the landscaping is maintained.~~
- f. ~~**2.6 Private and safe environments** – Consider whether the following matters have been addressed in the design to ensure privacy for residents and neighbours:~~
  - i. ~~buildings and windows are orientated to the street or public or communal open 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 & balcony placement, type and size (particularly for upper floors) has been carefully planned and considered;~~
  - iv. ~~Use of architectural features to redirect views such as high sill windows, opaque glass, fins, louvres or screens.~~
  - v. ~~External lighting enhances safety and legibility. Manage light spill away from neighbouring properties.~~
- g. ~~**2.7 Outdoor living space** – Consider whether the outdoor spaces proposed for each unit are private, sunny (preferably northerly or westerly direction) and accessible to main living areas. Try to avoid outdoor spaces within the front yard where screening is needed to achieve privacy. Locate these to the side of the unit where possible.~~
- h. ~~**2.8 Access, carparking and manoeuvring** Consider whether access, parking and manoeuvring dominates the front of the site. Carparking is best located away from the street further within the site. Minimise vehicle crossings and provide a safer pedestrian environment by combining vehicle accessways or using rear lanes. Consider the location of charging points for electric cars and bikes.~~
- i. ~~**2.9 Waste and service areas** – Consider whether sufficient space has been provided for waste and service areas to accommodate washing lines, waste bins/recycling as well as storage for bikes, scooters and prams etc. Waste storage and service areas should be screened from the street and neighbouring residences. For large scale developments or rear sites accessed via 50m plus driveways consider communal enclosed and screened storage areas that are easily accessible for residents and to property frontages.~~

- j. ~~**2.10 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.~~
- k. ~~**2.11 Building materials and environmental sustainability**—Consider whether the proposed exterior cladding or building materials will create a visually appealing development. Use building materials that are robust, sustainably sourced and will maintain their appearance over time. Materials that can be easily and cost-effectively maintained are preferable. As a general rule use one main building material with two or three supporting materials to emphasise features and create variety and interest.~~

### **3. Site Layout**

~~Consider whether the unit layout and configuration of vehicle and pedestrian access to the site and each unit achieves an overall quality living environment for residents and neighbours including space and privacy between units, maximising site attributes such as access to sunlight, and outlook.~~

### **4. Building Form, Visual Quality and Streetscape Amenity**

~~Consider whether the development makes an overall positive contribution to the visual quality of the streetscape and neighbourhood as a whole. Does the development contribute to the planned built form character for the Zone and surrounding area.~~

### **5. Infrastructure Servicing**

- a. ~~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);~~
- b. ~~Whether there will be any adverse impacts on public health and safety on the operation of the network from the proposed development; and/or~~
- c. ~~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.~~

### **6. Cumulative Effects**

~~Whether there are any cumulative impacts of non-compliance with more than one zone standard.~~

## **Flaxmere General Residential Zone:**

### **9.2.8 ASSESSMENT CRITERIA - FOR RESTRICTED DISCRETIONARY AND DISCRETIONARY ACTIVITIES**

This part of the Plan sets out the assessment criteria to guide the assessment of Restricted Discretionary Activities. These criteria are also relevant to consider in the assessment of Discretionary Activities. Additional specific assessment criteria are also provided for individual Discretionary activities.

For Restricted Discretionary Activities, the following identify those matters which Council has restricted its discretion over in assessing Resource Consent applications.

For Discretionary Activities, the following identify those matters which Council may assess the activity against. Council's assessment is however not restricted to these matters.

Council may assess Residential Activities that do not comply with Density provisions in General Performance Standard 9.2.5A for the Flaxmere General Residential Zone with the Matters of Control in MDZ-MAT1, and the Hastings Medium Design Framework, however Council's assessment is not restricted to these matters.

Delete all of 9.2.8I as follow:

**9.2.8I COMPREHENSIVE RESIDENTIAL DEVELOPMENTS INCLUDING RESIDENTIAL DEVELOPMENT AREA IN PERFORMANCE STANDARD 9.2.5Q & RETIREMENT VILLAGES**

The assessment of comprehensive residential development will have regard to the following matters:

The assessment of comprehensive residential development will have regard to the following matters:

**1. Site Context**

- a. Whether the site for the proposed development is suitable for medium density housing. Consider whether the site is located within a walkable distance (400m – 600m) of:
  - i. public parks, recreational facilities and opportunities or on-site communal open space or playground;
  - ii. commercial centres that provide a range of services and facilities
  - iii. public transport services, stops and routes;
- b. Whether the site is located in proximity to places of employment or close to accessible travel routes or public transport routes that link to areas of employment;
- c. Consider whether the development will integrate into the planned built environment context of the Zone in this location.

**2. Hastings Medium Density Design Framework**

Assess the proposal against the following key design elements:

- a. **2.1 House types, sizes and adaptability**— Consider whether a varied range of house typologies (townhouses, duplex, terraces etc) and sizes (studio, 1 brm, 2brm, 3brm) commensurate with the scale of the development are provided. The house type and size of the residential units should work well for the size and shape of the site.
- b. **2.2 Entrances, detailing and colour**— Consider whether the proposal has as many houses fronting the street as possible with clearly defined entrances connecting directly to the street or main access. Provide a sense of individuality by varying architectural detailing of building frontages (including windows, doors, varied roof lines, porches, balconies, chimneys, pergolas, louvres, screens and variation of exterior cladding materials). Use the surrounding built and

- ~~natural environment for cues on appropriate colours, subtle differences in colour are best to distinguish individual houses;~~
- c. ~~**2.3 Building height, dominance and sunlight**— Consider whether the following attributes have been used in the design to create visual interest and reduce building dominance:~~
- ~~i. varied building height;~~
  - ~~ii. roof form variations;~~
  - ~~iii. modulating building frontages (ie stepping parts of the building back or forward);~~
  - ~~iv. use of pitched roofs to reduce overall perceived height;~~
- d. ~~**2.4 Connections to open space**— Consider whether public or communal open spaces are integrated into the development and are provided with a high level of natural surveillance to ensure safety and usability.~~
- e. ~~**2.5 Landscape design**— Whether landscape design is suitable for the size of the site and building typologies proposed, retains existing mature trees or other vegetation, retains visibility to the street, and is appropriate for its function (for example: boundary or use delineation, amenity or to create privacy). Planting proposed should be appropriate for the particular soil / climate and provided with irrigation to ensure the landscaping is maintained;~~
- f. ~~**2.6 Private and safe environments**— Consider whether the following matters have been addressed in the design to ensure privacy for residents and neighbours:~~
- ~~i. buildings and windows are orientated to the street or public or communal open 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 & balcony placement, type and size (particularly for upper floors) has been carefully planned and considered;~~
  - ~~iv. Use of architectural features to redirect views such as high sill windows, opaque glass, fins, louvres or screens;~~
  - ~~v. External lighting enhances safety and legibility. Manage light spill away from neighbouring properties.~~
- g. ~~**2.7 Outdoor living space**— Consider whether the outdoor spaces proposed for each unit are private, sunny (preferably northerly or westerly direction) and accessible to main living areas. Try to avoid outdoor spaces within the front yard where screening is needed to achieve privacy. Locate these to the side of the unit where possible.~~
- h. ~~**2.8 Access, carparking and manoeuvring**— Consider whether access, parking and manoeuvring dominates the front of the site. Carparking is best located away from the street further within the site. Minimise vehicle crossings and provide a safer pedestrian environment by combining vehicle accessways or using rear lanes. Consider the location of charging points for electric cars and bikes.~~
- i. ~~**2.9 Waste and service areas**— Consider whether sufficient space has been provided for waste and service areas to accommodate washing lines, waste bins/recycling as well as storage for bikes, scooters and prams etc. Waste storage and service areas should be screened from the street and neighbouring residences. For large scale developments or rear sites accessed via 50m plus driveways consider communal~~

~~enclosed and screened storage areas that are easily accessible for residents and to property frontages;~~

- j. ~~**2.10 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.~~

- k. ~~**2.11 Building materials and environmental sustainability**— Consider whether the proposed exterior cladding or building materials will create a visually appealing development. Use building materials that are robust, sustainably sourced and will maintain their appearance over time. Materials that can be easily and cost-effectively maintained are preferable. As a general rule use one main building material with two or three supporting materials to emphasise features and create variety and interest.~~

### ~~**3. Site layout**~~

~~Consider whether the unit layout and configuration of vehicle and pedestrian access to the site and each unit achieves an overall quality living environment for residents and neighbours including space and privacy between units, maximising site attributes such as access to sunlight, and outlook.~~

### ~~**4. Building Form, Visual Quality and Streetscape Amenity**~~

~~Consider whether the development makes an overall positive contribution to the visual quality of the streetscape and neighbourhood as a whole. Does the development contribute to the planned built form character for the Zone and surrounding area.~~

### ~~**5. Infrastructure Servicing**~~

- a. ~~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);~~
- b. ~~Whether there will be any adverse impacts on public health and safety on the operation of the network from the proposed development; and/or~~
- c. ~~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.~~

### ~~**6. Cumulative Effects**~~

~~Whether there are any cumulative impacts of non-compliance with more than one zone standard.~~

And

### ~~**(9.2.81) 1. Neighbourhood context**~~

~~Whether the development is in the appropriate location to meet residents' needs; specific regard given to:~~

- ~~(i) Proximity to community facilities—within walkable distance to schools, community halls, churches~~

- ~~(ii) Proximity to places of employment—close to accessible travel routes and connections and/or close to public transport options with areas of employment~~

-  
(iii) Proximity to commercial facilities – well-connected in terms of walking distance to commercial facilities that will provide the daily needs of residents such as dairy  
-

(iv) Proximity to recreational facilities such as parks & reserves, and other recreational facilities  
-

(v) Proximity to public transport  
-

## **2. Site context**

Whether the development is well integrated into the existing local context; with particular regard to the following design attributes where integration means both responding appropriately to the conditions as well as capitalising on opportunities offered by the location.  
-

(i) Sunlight – buildings and /or developments to be sited to maximise passive solar sunlight exposure  
-

(ii) Wind – where relevant, the design should ensure that key outdoor living spaces are sheltered against negative effects of wind by taking into account the prevailing wind directions  
-

(iii) Views – where relevant, the design should maximise opportunities for view to public and shared spaces. Opportunities include overlooking public parks or the distant hills and ranges  
-

(iv) Landform and vegetation – the design of the development should take into account topography, retain existing trees where possible and/or have them integrated into the design  
-

(v) Heritage Buildings – where possible, there are some architectural and historical building features that are attractive and tell a story that should be retained and celebrated to accentuate the character of the locality and the area  
-

(vi) Materials – where possible, design of homes /development should involve the use of durable quality building materials that contribute to healthy families and sustainable living

## **3. Streetscape Amenity**

Whether the development makes a positive contribution to the public streetscape; particular consideration focuses on the relationship between the development and the streetscape immediately surrounding the site. Specific regard is given to the following key design factors:  
-

(i) Street boundary treatment – streets are generally safer when they are easily visible from nearby houses and well-lit  
-

(ii) Public safety – the safety and perceived safety of the neighbourhood in the development design should integrate the design of the house, the living room locating on the ground floor overlooking the street and having low front fences and hedges  
-

(iii) Attractiveness for walking – environments that are enjoyed by pedestrians are based on land use patterns that give a good relationship between users of public and private property  
-

~~(iv) Legibility (how easy it is to find your way) – buildings entrances should be visible from the public street in order to connect development with the street and avoid confusion about how dwellings are laid out relative to the public realm~~

#### **4. Site Layout**

~~- Whether the development is well integrated into the existing local context in relation to:~~

~~(i) Building bulk and location – site relationship with adjoining or adjacent public space in the vicinity such as road and/or reserves~~

~~(ii) Public versus private~~

~~(iii) Private outdoor open space~~

~~(iv) On site landscaping~~

~~(v) Stormwater management~~

~~(vi) Car parking and access~~

~~(vii) Service areas and utilities~~

#### **5. Building form and appearance**

~~Whether the development is of an appropriate architectural quality and aesthetically pleasing~~

~~(i) Mass and proportions~~

~~(ii) Diversity and repetition~~

~~(iii) Roofs and floors~~

~~(iv) Windows and doors~~

~~(v) Façade detailing and materials~~

~~(vi) Energy efficiency~~

~~(vii) Water efficiency~~

#### **6. Internal configuration**

~~- Whether the internal arrangement of spaces and functions in the dwellings of the development take into account urban design principles to it is useable, efficient and pleasant and provide an adequate level of living space and amenity for their intended use:~~

~~(i) Indoor /outdoor flow or relationship~~

~~(ii) Size of rooms and spaces~~

~~(iii) Layout~~

~~(iv) Visual & aural privacy both within the dwelling and between neighbouring dwellings~~

~~(v) Orientation – passive solar energy~~



- 
- ~~(vi) Natural ventilation~~
- 
- ~~(vii) Views~~
- 
- ~~(viii) Parking and garaging~~

## **7. Natural Hazards**

~~(i) Whether the activity is or will be located within an identified natural hazard area as defined in Section 15.1 of the District Plan (Natural Hazards) or shown on District Plan Maps and Appendices 57-58.~~

~~(ii) Where the activity is located within an identified natural hazard area the activity shall be assessed against the Restricted Discretionary Assessment Criteria listed under Section 15.1.6.1 of the District Plan~~

~~b) Whether the activity can be serviced adequately including whether low impact stormwater design techniques and solutions are incorporated into the proposal. The site must be capable of sustaining the infrastructural servicing needs of the development~~

~~c) Whether alternative solutions have been considered and taken into account in ensuring that any adverse effects from the activity can be adequately avoided, reduced or mitigated~~

## **Hastings General Residential Zone:**

- 3.14.1 Consequential Amendments to Assessment Criteria in Hastings General Residential Zone. Recommended changes to the District Plan. These are included in response to the overall approach contained in Section 32AA and Introductory Report wherein the spatial extent of the Medium Density zone is contained to 400m walkable catchment from the CBD, Mahora suburban commercial and main transport corridors in Hastings and as such there is a remaining General Residential Zone in Hastings. Consequential amendments are as follows:

### **7.2.8 ASSESSMENT CRITERIA - RESTRICTED DISCRETIONARY ACTIVITIES, DISCRETIONARY ACTIVITIES**

For Restricted Discretionary Activities, the following criteria identify those matters which Council has restricted its discretion over in assessing Resource Consent applications. For Discretionary Activities, Council's assessment is not restricted to these matters, but may consider them.

*Council may assess Residential Activities that do not comply with density provisions in General Performance Standard 7.2.5A for the Hastings General Residential Zone with the Matters of Control in MDZ-R16, and the Hastings Residential Intensification Design Framework, however Council's assessment is not restricted to these matters.*

### **7.2.8F COMPREHENSIVE RESIDENTIAL DEVELOPMENT IN URBAN DEVELOPMENT AREAS (Appendix 80 HOWARD STREET)**

Hastings District Council is a signatory to the New Zealand Urban Design Protocol. As such, the following assessment criteria are based on principles of best practice urban design. The criteria are applicable for all comprehensive residential development within the Appendix 80 Howard Street Urban Development Area in the Hastings Residential Environment –including the City

~~Living, General Residential, and Character Residential Zones and Mixed Use Development within the Hastings Suburban Commercial Zone.~~

Comprehensive Residential Development activities shall comply with the Matters of Discretion in MRZ-MAT1 (Medium Density Residential Zone) in addition to any Urban Development Area and or Structure Plan specific provisions and 1. Site Context below

### **1. Site Context**

- a. Whether the site for the proposed development is suitable for medium density housing. Consider whether the site is located within a walkable distance (400m – 600m) of:
  - i. public parks, recreational facilities and opportunities or on-site communal open space or playground;
  - ii. commercial centres that provide a range of services and facilities
  - iii. public transport services, stops and routes;
- b. Whether the site is located in proximity to places of employment or close to accessible travel routes or public transport routes that link to areas of employment;
- c. Consider whether the development will integrate into the planned built environment context of the Zone in this location.

### **2. Hastings Medium Density Design Framework**

Assess the proposal against the following key design elements:

- l. **2.1 House types, sizes and adaptability**— Consider whether a varied range of house typologies (townhouses, duplex, terraces etc) and sizes (studio, 1 brm, 2brm, 3brm) commensurate with the scale of the development are provided. The house type and size of the residential units should work well for the size and shape of the site.
- m. **2.2 Entrances, detailing and colour**— Consider whether the proposal has as many houses fronting the street as possible with clearly defined entrances connecting directly to the street or main access. Provide a sense of individuality by varying architectural detailing of building frontages (including windows, doors, varied roof lines, porches, balconies, chimneys, pergolas, louvres, screens and variation of exterior cladding materials). Use the surrounding built and natural environment for cues on appropriate colours, subtle differences in colour are best to distinguish individual houses;
- n. **2.3 Building height, dominance and sunlight**— Consider whether the following attributes have been used in the design to create visual interest and reduce building dominance:
  - i. varied building height;
  - ii. roof form variations;
  - iii. modulating building frontages (ie stepping parts of the building back or forward);
  - iv. use of pitched roofs to reduce overall perceived height;
- o. **2.4 Connections to open space**— Consider whether public or communal open spaces are integrated into the development and are provided with a high level of natural surveillance to ensure safety and usability;
- p. **2.5 Landscape design**— Whether landscape design is suitable for the size of the site and building typologies proposed, retains existing mature trees or other vegetation, retains visibility to the street, and is appropriate for its function (for

~~example: boundary or use delineation, amenity or to create privacy);~~  
~~Planting proposed should be appropriate for the particular soil /~~  
~~climate and provided with irrigation to ensure the landscaping is~~  
~~maintained;~~

- q. ~~**2.6 Private and safe environments**—Consider whether the~~  
~~following matters have been addressed in the design to ensure~~  
~~privacy for residents and neighbours:~~
- i. ~~buildings and windows are orientated to the street or public~~  
~~or communal open 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 & balcony placement, type and size (particularly for~~  
~~upper floors) has been carefully planned and considered;~~
  - iv. ~~Use of architectural features to redirect views such as high~~  
~~sill windows, opaque glass, fins, louvres or screens;~~
  - v. ~~External lighting enhances safety and legibility. Manage~~  
~~light spill away from neighbouring properties.~~
- r. ~~**2.7 Outdoor living space**—Consider whether the outdoor spaces~~  
~~proposed for each unit are private, sunny (preferably northerly or~~  
~~westerly direction) and accessible to main living areas. Try to avoid~~  
~~outdoor spaces within the front yard where screening is needed to~~  
~~achieve privacy. Locate these to the side of the unit where possible.~~
- s. ~~**2.8 Access, carparking and manoeuvring**—Consider whether~~  
~~access, parking and manoeuvring dominates the front of the site.~~  
~~Carparking is best located away from the street further within~~  
~~the site. Minimise vehicle crossings and provide a safer~~  
~~pedestrian environment by combining vehicle accessways or using~~  
~~rear lanes. Consider the location of charging points for electric cars~~  
~~and bikes.~~
- t. ~~**2.9 Waste and service areas**—Consider whether sufficient space~~  
~~has been provided for waste and service areas to accommodate~~  
~~washing lines, waste bins/recycling as well as storage for bikes,~~  
~~scooters and prams etc. Waste storage and service areas should be~~  
~~screened from the street and neighbouring residences. For large~~  
~~scale developments or rear sites accessed via 50m plus driveways~~  
~~consider communal enclosed and screened storage areas that are~~  
~~easily accessible for residents and to property frontages;~~
- u. ~~**2.10 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.~~
- v. ~~**2.11 Building materials and environmental sustainability**—~~  
~~Consider whether the proposed exterior cladding~~  
~~or building materials will create a visually appealing~~  
~~development. Use building materials that are robust, sustainably~~  
~~sourced and will maintain their appearance over time. Materials that~~  
~~can be easily and cost effectively maintained are preferable. As a~~  
~~general rule use one main building material with two or three~~  
~~supporting materials to emphasise features and create variety and~~  
~~interest.~~

### **3. Site layout**

~~Consider whether the unit layout and configuration of vehicle and pedestrian access to the site and each unit achieves an overall quality living environment for residents and neighbours including space and privacy between units, maximising site attributes such as access to sunlight, and outlook.~~

#### ~~4. Building Form, Visual Quality and Streetscape Amenity~~

~~Consider whether the development makes an overall positive contribution to the visual quality of the streetscape and neighbourhood as a whole. Does the development contribute to the planned built form character for the Zone and surrounding area.~~

#### ~~5. Infrastructure Servicing~~

- ~~d. 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);~~
- ~~e. Whether there will be any adverse impacts on public health and safety on the operation of the network from the proposed development; and/or~~
- ~~f. 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.~~

#### ~~6. Cumulative Effects~~

~~Whether there are any cumulative impacts of non-compliance with more than one zone standard.~~

3.14.2 That as a consequence of the above recommendation the further submissions of Development Nous (FS11.79, 11.80, 11.118) and Oceania (FS3.20) in support of the above, **be accepted in part.** As a consequence of the above recommendation the further submission of Residents of Kaiapo Road etc (FS 19.99, 19.100 and 19.138) in opposition, **be accepted in part.**

#### 3.14.3 Reasons:

- a. Removal of Comprehensive Residential Development from the General Residential Zone Assessment Criteria (with exception to the Urban Development areas) for Havelock North and Flaxmere supports the macro approach to differentiate what is an acceptable level of development between the General Residential Zones and the Medium Density Residential Zone and therefore provides certainty to 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 Havelock North and Flaxmere General Residential Zone Assessment Criteria (except Urban Development Areas) will create a more transparent and clear approach to the development outcomes sought in these Zones, 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.
- c. The consequential amendments to the CRD assessment criteria in 7.2.8F ensure that the approach to CRD In the General Residential Zone is consistent across the Hastings, Flaxmere and Havelock North General Residential

Environments, by cross referencing to the MDRZ assessment criteria for CRDs on land within Appendix 80 - Howard Street new urban development area.

- d. The above recommendations are consistent with the appended Section 32AA Further Evaluation Report.