

Thursday, 4 April 2024

*Te Hui o Te Kaunihera ā-Rohe o Heretaunga*  
**Hastings District Council**  
**Hearings Committee Meeting**

*Kaupapataka*

# Topic 4 - Specific Controls and Performance Standards

**(Plan Change 5 - Medium Density Housing)**

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*Te Rā Hui:*  
Meeting date: **Thursday, 4 April 2024**

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*Te Wā:*  
Time: **9.00am**

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*Te Wāhi:*  
Venue: **Council Chamber  
Ground Floor  
Civic Administration Building  
Lyndon Road East  
Hastings**

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**HASTINGS DISTRICT COUNCIL**  
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**TE KAUNIHERA Ā-ROHE O HERETAUNGA**

ITEM	SUBJECT	PAGE
2.	<b>PLAN CHANGE 5 - "RIGHT HOMES, RIGHT PLACE" - MEDIUM DENSITY HOUSING</b>	
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Section 42A Report for Plan Change 5: Right Homes, Right Place  
 Topic 4, Key Issue 1: Density Controls

## TOPIC 4, KEY ISSUE 1 – DENSITY CONTROLS

### 1. SUBMISSION POINTS

Sub Point	Submitter / Further Submitter	Provision / Section of the Hastings District Plan	Position	Summary of Decision Requested	Recommendation
027.1	R Entwistle	Density	Oppose	Minimise the number of Medium Density houses allowed on a site to one additional on a site or if clear site no more than 2 to 3.	Accept in part
093.1	S Sherburn	Density	Oppose	Limit number of houses that can be built on a site. Restrict to no more than one more than the typical number in the neighbourhood.	Accept in part
121.4	J Barnden	Density	Oppose	Object to high density intensification in general residential zones.	Accept in part
151.1	S E Wilson	Density	Support in Part	Smaller sections are ok as long as they are managed well to maintain a tidy appearance – enough room for carparking and rubbish bin storage.	Accept in part
016.3	Clifton Bay Ltd	Subdivision Te Awanga Residential Zone (TARZ)	Amend	Amend rule table 30.1.5 – SLD7A and SLD14 to include TARZ	Reject – Out of Scope
016.3	Clifton Bay Ltd	Subdivision Rule SLD16	Amend	Amend SLD16 to refer to the proposed replacement Appendix 25A Master Plan	Reject – Out of Scope
016.3	Clifton Bay Ltd	Subdivision	Amend	Amend Table 30.1.6A to provide a minimum site size of 500m <sup>2</sup> at 380 Clifton Road (Currently Te Awanga Lifestyle Overlay and subject to Appendix 25A)	Reject – Out of Scope
016.3	Clifton Bay Ltd	Subdivision	Amend	Amend sections 30.1.5, 30.1.6, 30.1.7S.2, 30.1.8.2 to allow for the proposed Master Plan	Reject – Out of Scope
005.3	J Armstrong	Density	Oppose	Reject Plan Change 5	Reject
020.1	J Cowman	Density	Oppose	Reject plan change	Reject
031.1	A Fyfe	Density	Oppose	Do not allow high density housing, especially on Howard Street.	Reject
035.4	B Gardner	Density	Oppose	Provide suitable playing space for children.	Reject
037.2	B E Harrison	Density	Oppose	Maintain current density limits to maintain the integrity and identity of Mayfair.	Reject
FS09.2	B E Harrison	Submission point 037.2	Supports own submission	Allow submission	Reject

**Plan Change 5 - "Right Homes, Right Place" - Medium Density Housing**  
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037.3	B E Harrison	Open Space	Oppose	That apartment blocks and all new housing not exceed a 2 storey limit so maintaining the current integrity and identity of Mayfair. People have purchased existing homes and the proposed changes of Plan Change 5 will change Mayfair in a drastic and detrimental way.	Reject
FS09.3	B E Harrison	Submission point 037.2	Support	Allow submission	Reject
039.4	Hastings District Council Environmental Policy	Density in <b>General Residential Zones:</b> Hastings, Flaxmere, Havelock North	Support with amendment	Include density limits for comprehensive residential development in the GRZs to manage infrastructure capacity. 1. Land use provisions – include a density provision of 1 residential unit per 200m <sup>2</sup> ; and 2. Subdivision provisions, include: An average subdivision site size of 200m <sup>2</sup> in listed GRZs.	Reject
FS11.4	Development Nous	Submission point 039.4	Oppose	Disallow HDC submission in entirety.	Accept in part
FS13.8	Kāinga Ora	Submission point 039.4	Oppose	Disallow HDC submission in entirety.	Accept in part
FS19.7	Residents of Kaiapo Rd etc	Submission point 039.4	Support	Allowed HDC submission in entirety.	Accept in part
050.56	Kāinga Ora	Havelock North General Residential Density Standard 8.2.5A	Oppose in part	Delete existing standard one dwelling per site and replace with: <b>Number of Residential units per site</b> 1. No more than two dwellings per site.	Reject
FS11.62	Development Nous	Submission point 050.56	Support in part	The KO 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
FS16.9	M Reid	Submission point 050.56	Oppose	Revert to proposed PC5 wording of 8.2.5A	Accept
FS19.82	Residents of Kaiapo Road etc	Submission point 050.56	Oppose	Disallow KO submission in entirety	Accept in part as relates to 050.56
050.97	Kāinga Ora	Flaxmere Density Std 9.2.5A	Oppose	Delete existing standard one dwelling per site and replace with: <b>Number of Residential units per site</b> 1. No more than two dwellings per site.	Reject
FS11.103	Development Nous	Submission point 050.97	Support in part	The KO submission be allowed to the extent that those parts of the submission align with the	Reject

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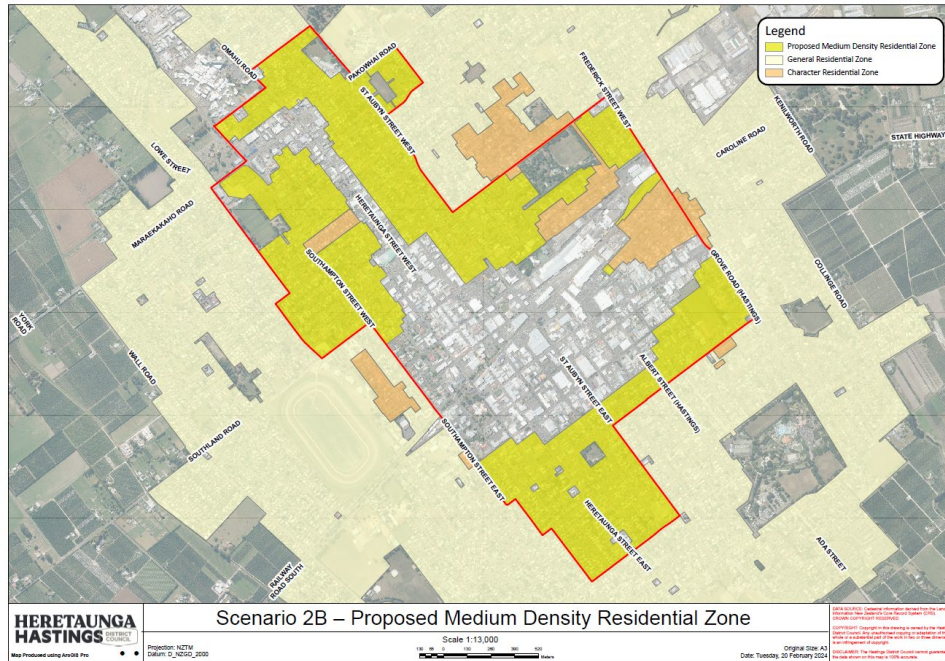
				points raised and relief sought in Development Nous' submission.	
FS19.123	Residents of Kaiapo Road etc	Submission point 050.97	Oppose	Disallow KO submission in entirety.	Accept in part as relates to 050.97
052.1	P Kumar	Density	Oppose	Not stated	Reject
<del>061.20</del>	<del>A McFlynn</del>	<del>Subdivision Rules SLD15 and 30.1.6A</del>	<del>Support in Part</del>	<del>Amend Rule SLD15 to refer to the MDRZ and retain the specified density within Table 30.1.6A (250m<sup>2</sup> average with a maximum site size of 350m<sup>2</sup>) to encourage infill developments consistent with the expected density for this zone.</del>	<del>Submission withdrawn</del>
090.1	G Senior	Density	Oppose	Not stated	Reject
095.2	M Sivewright	Density	Oppose	Not stated	Reject
115.2	J Wolfenden	Density	Oppose	I oppose infill housing where the number of houses proposed are too great for the area.	Reject
130.1	B Harrison	Density, the existing residential environment, property values	Oppose	That the Council consider current streets and environments and listen to the ratepayers and residents.	Reject
133.2	J Jackson	Density (Number of houses on site)	Oppose	Site size should be restricted to 300m <sup>2</sup> .	Reject
134.24	McFlynn Surveying and Planning	7.2.6E CRD Add New Density Standard	Support	Add a new development standard: MRZ-SXX Density The density of development must be no greater than one residential unit per 250m <sup>2</sup> net site area.	Reject
FS027.24	J Jackson	Submission point 134.24	Support	Seek that the whole submission be allowed. Also including that onsite parking must be provided for each dwelling.	Reject
FS028.8	Kāinga Ora	Submission point 134.24	Oppose	Disallow submission.	Reject
137.2	K M Naylor	Density (Number of houses on site)	Support in Part	Ensure maximum of 3 houses per 1000m <sup>2</sup> site. Minimum site size large than 300m <sup>2</sup> .	Reject
138.3	P Rawle	House types, bulk and location	Oppose	Remove ability to build terraced housing.	Reject
138.5	P Rawle	Density (Number of houses on site)	Support in part	Density no more than 3 dwellings on 1000m <sup>2</sup> section.	Reject
148.2	L Watson	Density of Development MRZ-R16 Matters of Control	Support in part	Maximum density of 4 houses per site.	Reject

## **2. ANALYSIS**

- 2.1. Responses to the submissions have been grouped into three responses as follows:
- Submissions recommending be accepted or accepted in part;
  - Submissions recommending be rejected for being out of scope; and
  - Submissions recommending be rejected due to the revised approach to PC5.
- 2.2. Revised Approach to Plan Change 5 as a result of analysis of submissions
- 2.3. The topic of housing density sits at the heart of the plan change. The submissions received on Density were for the most part at opposite ends of the spectrum i.e. that that intensification is not necessary or desirable; or that the District Plan should be more enabling of increased density.
- 2.4. The Hastings community is largely of the view that increased housing density is not necessary or desirable and find it difficult to accept higher densities within their neighbourhoods for numerous reasons.
- 2.5. Support for increased density comes from submitters that are in the business of providing housing and see it as very necessary to meet current and future housing needs.
- 2.6. Those that support with amendments generally approve of housing intensification but seek alternative methods of regulating it through the District Plan framework.
- 2.7. While it is important to be having the conversation with the community on intensification and the drivers for this, it is also important that we don't provide for more medium density than what is needed, so that the community can transition into the effects associated with more intensive housing. The recommended approach will also provide for greater certainty as to what can occur within the specific Zone residents are located and will help direct infrastructure capacity to a more refined area where the Plan encourages additional density.
- 2.8. Having deliberated over the submissions at a strategic level, and having obtained a greater level of information, the Council is recommending a revised approach to PC5, density, housing capacity and location of medium density housing than that which was notified which will impact on the responses to these submission points regarding Density. This revised approach is detailed in the following documents:
- The Introductory Report
  - The Methodology report (Appendix 4); and
  - The Section 32AA Evaluation Report (Appendix 3)
- 2.9. There are other supporting documents that have informed the above Reports including, but not limited to
- the Infrastructure Constraints Report 2023 by HDC (available on request); and
  - the Hastings Dwelling Capacity – Scenario modelling 2024 by Market Economic Report 2024 (Appendix 6).

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- 2.10. The crux of the revised approach is referred to as 'Scenario 2B', which is 1 of 4 options considered. Scenario 2B was the preferred option, which recommends that the Medium Density Zone (CBD) be based on a 400m walkable catchment only, around the Hastings Central Business District and main transport routes and around the town centres of Flaxmere and Havelock North. As shown below for Hastings:



- 2.11. Density in the MDRZ will primarily be managed by the set of rules, performance standards and Matters of Discretion or Control to direct the appropriate number, layout and design of dwellings on a medium density proposal rather than use a minimum site size. A minimum site size is only used in this zone to enable a permitted activity status for rules allowing 1 and 2 dwellings to be erected on a site. Further, subdivision is encouraged to occur with an associated land use consent for residential dwellings to ensure a high quality residential environment within the MDRZ, and this is prescribed under Rule SLD7A in the Subdivision section of the District Plan.
- 2.12. Secondly, this revised approach means that the residential areas of Hastings, Flaxmere and Havelock North that are beyond the 400m walkable catchments of the Hastings CBD, main transport routes and around the town centres of Flaxmere and Havelock North remain as 'lower' density residential areas, meaning that they keep the current Operative Plan Density limits for the General Residential Zones. For Hastings and Havelock North this is 1 dwelling per 350m<sup>2</sup>, while for Flaxmere this is 1 dwelling per 500m<sup>2</sup> (typically). Those minimum site sizes have been in place for many years and are the basis to what we now see in the Suburban residential environment.

- 2.13. The other key change in the General Residential Zones is that Comprehensive Residential Development would no longer be referenced, with exception to the new urban development areas e.g. Howard Street and, Brookvale. Instead, it would just state in the Rules that activities that do not comply with the Density limits would be treated as Discretionary Activities and would therefore require resource consent approval. This is the current operative activity status for residential developments that do not meet the density standard of the zone.
- 2.14. Alongside this District Plan approach to intensification, Council will be working with communities to undertake Local Area Plans. These are plans developed outside the District Plan framework and are intended to ensure the identified MDRZ is set up to create liveable and functional urban environments. Council has committed to the local area planning process with consultation on the first areas (Stortford Lodge and the existing city living zone areas of Heretaunga Street East and Mahora) to be initiated in 2024.
- 2.15. This approach to PC5 is considered to provide a rule framework that is transparent - creating certainty in the expected development outcomes and planned urban built form environment of the different residential zones (i.e. a clear difference between urban residential environments (medium density zone areas) and suburban residential environments (general residential zone areas) which would meet many of the issues raised by submitters.
- 2.16. The approach also ensures consistency with Policy's 5 and 6 of the NPS-UD, which require additional density to be provided in areas with high accessibility (Policy 5) as well as recognising that the changes to the urban built form will be appreciated by some and not others, but this in itself is not an adverse effect.
- 2.17. This methodology will still provide Council with the ability to meet the NPS UD to ensure sufficient development capacity to meet residential demand in a sustainable way. It would also align with the current government's mandate for more options for medium density housing where there is a greater level of accessibility by existing or planned active or public transport to a range of commercial activities and community services
- 2.18. Scope
- 2.19. Submission point 016.3 (Clifton Bay Limited) seeks that changes be made to Te Awanga Lifestyle Overlay area including reducing the minimum site size from 2000m<sup>2</sup> to 500m<sup>2</sup> and therefore significantly increasing the housing density, plus consequential amendments to the Te Awanga Lifestyle Overlay.
- 2.20. Plan Change 5 pertains to specified residential zones in Hastings, Flaxmere and Havelock North and does not include Te Awanga Lifestyle Overlay area.
- 2.21. The so-called Clearwater tests for 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."



- 2.22. In *Palmerston North City Council v Motor Machinists Ltd.* the High Court considered that the first part of that test focused on “*the extent to which the [plan change] alters the [plan].*” The high court rejected an approach whereby “*anything which is expressed in the [plan change] is open for challenge*”. In this case, no changes were “expressed” in the plan change at all in relation to Te Awanga, a completely separate location and zone. In my view a request to alter the rules here fails the first part of the Clearwater test.
- 2.23. Secondly if we were to accept Clifton Bays relief, it would change the rules in Te Awanga as pertain to the Lifestyle Overlay without real opportunity for participation by those potentially affected. This would also fail the second limb of the Clearwater test.
- 2.24. Therefore it is considered that this submission point is outside the legal scope of this plan change and on this basis, submission point 016.3 is recommended to be rejected.

### 3. RECOMMENDATIONS

#### 3.1 Submissions in support/support in part of Density under notified PC5

027.1	R Entwistle	Accept in part
093.1	S Sherburn	Accept in part
121.4	J Barnden	Accept in part
151.1	S E Wilson	Accept in part

##### 3.1.1 Reasons:

- The revised approach to PC5 (proposed 400m walkable catchment identified as scenario 2B) is considered to provide a rule framework that is transparent - creating certainty in the expected development and density outcomes and planned urban built form environment of the different residential zones (i.e. a clear difference between urban residential environments (medium density zone areas) and suburban residential environments (general residential zone areas) which would meet many of the issues raised by submitters.
- This revised approach methodology will still provide Council with the ability to meet the NPS UD to ensure sufficient development capacity to meet residential demand in a sustainable way. It would also align with the current government's mandate for more options for medium density housing where there is a greater level of accessibility by existing or planned active or public transport to a range of commercial activities and community services.
- The recommended approach to PC5 as a result of submissions allow only 1 residential unit per site as a Permitted Activity (plus a minor residential unit) in the General Residential Zone and 1 – 2 residential dwellings in the Medium Density Residential Zone (dependant on site size), any more than that would require a resource consent to be granted and be subject to an assessment of environmental effects against design, amenity and other criteria identified in



the District Plan. This will help address the amenity concerns of the submitters.

- d. Anti-social behaviour issues from occupiers of dwellings as mentioned in submission 027.1 cannot be addressed under the Resource Management Act, the Act that governs the plan change process.
- e. Not allowing medium density housing at all would be contrary to the government direction directive to local authorities to provide greater housing capacity (NPS-UD).

**3.2 Submission points seeking Density amendments to the Te Awanga Lifestyle Overlay Out of Scope of PC5**

016.3	Clifton Bay Ltd	Reject – Out of Scope
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**3.2.1 Reason:**

- a. The Te Awanga Lifestyle Overlay area is not within the legal scope of Plan Change 5 which is contained to the Hastings, Flaxmere and Havelock North urban residential environments.

**3.3 Submission points to be rejected based on Revised Approach to PC 5**

005.3	J Armstrong	Reject
007.32	Bay Planning	Reject
020.1	J Cowman	Reject
031.1	A Fyfe	Reject
035.4	B Gardner	Reject
037.2	B E Harrison	Reject
FS09.2	B E Harrison	Reject
037.3	B E Harrison	Reject
FS09.3	B E Harrison	Reject
039.4	Hastings District Council Environmental Policy	Reject
FS11.4	Development Nous	Accept
FS13.8	Kāinga Ora	Accept
FS19.7	Residents of Kaiapo Rd etc	Accept
050.56	Kāinga Ora	Reject
FS11.62	Development Nous	Reject
FS16.9	M Reid	Accept
FS19.82	Residents of Kaiapo Road etc	Accept in part as relates to 050.56
050.97	Kāinga Ora	Reject
FS11.103	Development Nous	Reject
FS19.123	Residents of Kaiapo Road etc	Accept in part as relates to 050.97
052.1	P Kumar	Reject

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061.29 <i>Submission withdrawn</i>	A McFlynn	Accept in part
090.1	G Senior	Reject
095.2	M Sivewright	Noted
115.2	J Wolfenden	Reject
130.1	B Harrison	Reject
133.2	J Jackson	Reject
134.24	McFlynn Surveying and Planning	Reject
FS027.24	J Jackson	Reject
FS028.8	Kāinga Ora	Reject
137.2	K M Naylor	Reject
138.3	P Rawle	Reject
138.5	P Rawle	Reject
148.2	L Watson	Reject

3.3.1 Reasons:

- a. The revised approach to PC5 (proposed 400m walkable catchment identified as scenario 2B) is considered to provide a rule framework that is transparent - creating certainty in the expected development and density outcomes and planned urban built form environment of the different residential zones (i.e. a clear difference between urban residential environments (medium density zone areas) and suburban residential environments (general residential zone areas) which would meet many of the issues raised by submitters.
- b. This revised approach methodology will still provide Council with the ability to meet the NPS UD to ensure sufficient development capacity to meet residential demand in a sustainable way. It would also align with the current government's mandate for more options for medium density housing where there is a greater level of accessibility by existing or planned active or public transport to a range of commercial activities and community services

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Topic 4, Key issue 2 – Height and Height in Relation to Boundary Controls

## TOPIC 4, KEY ISSUE 2 – HEIGHT & HEIGHT IN RELATION TO BOUNDARY CONTROLS

### 1. SUBMISSION POINTS

Sub Point	Submitter / Further Submitter	Provision / Section of the Hastings District Plan	Position	Summary of Decision Requested	Recommendation
007.9	Bay Planning	MRZ-S3 Height in Relation to Boundary	Support	Support	Accept
007.22	Bay Planning	7.2.6E.4 - Height in Relation to Boundary	Support	Support	Reject
007.23	Bay Planning	7.2.6E.4(b)(ii) Height in Relation to Boundary	Support with amendment	Amend	Reject
013.9	S Campbell	MRZ-S1 – Height	Oppose	Not stated	Reject
020.2	J Cowman	MRZ-S1 – Height – Buildings and Structures	Oppose	Council does not go ahead with the proposed rule changes	Reject
028.16	Fire and Emergency NZ	MRZ-S1 – Height (Buildings and Structures (excluding fences and standalone walls)) MRZ-S3 – Height in Relation to Boundary	Support in part	Amend as follows: <i>Exemption: hose drying towers up to 15m in height</i>	Accept
028.20	Fire and Emergency NZ	7.2.6E.2 - Hastings Height	Support in part	Amend as follows: <i>Exemption: emergency service facilities up to 9m in height and hose drying towers up to 15m in height.</i>	Reject
028.26	Fire and Emergency NZ	8.2 Havelock Nth Height	Support in part	Amend as follows: <i>Exemption: emergency service facilities up to 9m in height and hose drying towers up to 15m in height.</i>	Reject
028.32	Fire and Emergency NZ	9.2.6J.2 - Flaxmere Height	Support in part	Amend as follows: <i>Exemption: emergency service facilities up to 9m in height and hose drying towers up to 15m in height.</i>	Reject
030.1	A Foy	MRZ-O1, O2, MRZ-S1 – Building	Oppose	Amend to 2 level maximum because of aesthetics and light effects	Reject

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		Height, Visual Dominance, and Sunlight		and privacy for neighbours. Maximum 2 storey builds, not 3 storeys.	
031.2	A Fyfe	MRZ-S1 Height – Buildings and Structures	Oppose	Not allow high density housing or anything other than a single storey house, especially on Howard Street.	Reject
032.1	B Fyfe	GRP3, GRP4	Oppose	Not allow multi storey buildings down Howard Street in the newly rezoned residential area. Value the work currently underway in Howard Street and upgrades to infrastructure but oppose high density housing and potential for multi-storey dwellings.	Reject
FS04.1	J M Bradshaw	Submission point 032.1	Support	Whole submission be allowed	Reject
FS07.1	L F Watson	Submission point 032.1	Support	Whole submission be allowed	Reject
FS12.1	S Eustace	Submission point 032.1	Support	Not stated	Reject
FS14.1	J Davies	Submission point 032.1	Support	Not stated	Reject
FS15.1	Parkvale Community Group	Submission point 032.1	Support	I seek the whole of the submission be allowed.	Reject
FS20.1	S Davies	Submission point 032.1	Support	I seek that Parkvale not be part of Plan Change 5	Reject
FS21.1	M Ireland	Submission point 032.1	Support	Not stated	Reject
FS22.1	R N Sanko	Submission point 032.1	Support	Disallowed	Reject
FS23.1	J Christieson	Submission point 032.1	Support	Not stated	Reject
FS24.1	J Barclay	Submission point 032.1	Support	Not stated	Reject
FS25.1	T M Vennell	Submission point 032.1	Support	Not stated	Reject
FS26.1	C Davies	Submission point 032.1	Support	Parkvale was not part of the Plan Change 5	Reject
034.2	A Galloway	MRZ-S1	Oppose	Suggest 10m (plus 1m for gable pitched roof) - Reduction of maximum height limit.	Accept
FS19.14	Residents of Kaiapo Road etc	Submission point 034.2	Support	We seek the whole of the submission be allowed.	Accept
034.14	A Galloway	MRZ-S3 – Height in relation to boundary	Oppose	Clarification and strengthening of rules to minimise shading / overlook and ensure daylight penetration into dwellings. More appropriate to use minimum sunshine hours (eg in New South Wales), where designs must ensure a minimum of four hours sunshine in winter, to neighbouring sites as	Reject

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				well as the subject properties	
FS19.26	Residents of Kaiapo etc	Submission point 034.14	Support	We seek the whole of the submission be allowed.	Reject
035.1	B Gardner	MRZ-S1 – Height – Buildings and structures	Oppose	Keep housing to two storeys maximum.	Reject
036.2	C Hames	MRZ-S1 – Height – Buildings and Structures	Oppose	Do not allow 3 storey housing/apartments in residential zones.	Reject
045.1	L Hocquard	Height of Building	Oppose	<ol style="list-style-type: none"> <li>1. Low rise apartments (over two storey) ONLY INSIDE the city centre. Not in the existing suburbs.</li> <li>2. If make a new suburb that is all low rise apartments that is different as does not affect existing residents so those buying in know what they're getting into.</li> <li>3. Resource consent remains notifiable if the buildings are over 2 storey; or if more than 4 dwellings are to be built on one section.</li> <li>4. Add housing to land that is between the Hastings city centre and suburbs e.g. between Hastings and Havelock, Flaxmere, Waipatu.</li> </ol>	Reject
050.57	Kāinga Ora	8.2.5 General Performance Standards – 8.2.5B	Support in part	<p>Amendment sought:</p> <ol style="list-style-type: none"> <li>1. The maximum height for all buildings shall be 8 metres <u>except that 50% of a building's roof in elevation, measured vertically from the junction between wall and roof, may exceed this height by 1 metre, were the entire roof slopes 15 °or more.</u></li> </ol>	Reject
FS11.63	Development Nous	Submission point 050.57	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
FS19.83	Residents of Kaiapo Road etc	Submission point 050.57	Oppose	We seek the whole of the KO submission be disallowed, as the	Reject

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				requests are far too broad and far reaching. Resulting in severely adversely affecting existing communities and residents.	
050.58	Kāinga Ora	8.2.5 General Performance Standards – 8.2.5C	Oppose	Seek that the existing standard be replaced with: <u>1. Buildings must not project beyond a 45° recession plane measured from a point 3 metres vertically above ground level along all boundaries. Where the boundary forms part of a legal right of way, entrance strip, access site, or pedestrian access way, the height in relation to boundary applies from the farthest boundary of that legal right of way, entrance strip, access site, or pedestrian access way.</u> <u>2. This standard does not apply to—</u> <u>a. a boundary with a road;</u> <u>b. existing or proposed internal boundaries within a site;</u> <u>c. site boundaries where there is an existing common wall between 2 buildings on adjacent sites or where a common wall is proposed.</u>	Reject
FS11.64	Development Nous	Submission point 050.58	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
FS19.84	Residents of Kaiapo Road etc	Submission point 050.58	Oppose all	We seek the whole of the KO submission be disallowed, as the requests are far too broad and far reaching. Resulting in severely adversely affecting existing communities and residents.	Reject
050.98	Kāinga Ora	9.2.5 General Performance Standards – 9.2.5B	Support in part	The maximum height of any buildings or structures shall be 8 metres <u>except that 50% of a building's roof in elevation, measured vertically from the junction between wall and roof, may exceed this height by 1 metre, were the entire roof slopes 15 °or more.</u>	Reject

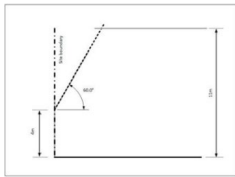
**Plan Change 5 - "Right Homes, Right Place" - Medium Density Housing**  
**S42A Report - Topic 4 - Specific Controls and Performance Standards**

Section 42A Report for Plan Change 5: Right Homes, Right Place  
Topic 4, Key issue 2 – Height and Height in Relation to Boundary Controls

FS11.104	Development Nous	Submission point 050.98	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
FS19.124	Residents of Kaiapo Road etc	Submission point 050.98	Oppose all	We seek the whole of the KO submission be disallowed, as the requests are far too broad and far reaching. Resulting in severely adversely affecting existing communities and residents.	Reject
050.99	Kāinga Ora	9.2.5 General Performance Standards – 9.2.5C	Oppose	Seek that the existing standard be replaced with: <u>(1) Buildings must not project beyond a 45° recession plane measured from a point 3 metres vertically above ground level along all boundaries. Where the boundary forms part of a legal right of way, entrance strip, access site, or pedestrian access way, the height in relation to boundary applies from the farthest boundary of that legal right of way, entrance strip, access site, or pedestrian access way.</u>  <u>(2) This standard does not apply to—</u> <u>d. a boundary with a road;</u> <u>e. existing or proposed internal boundaries within a site;</u> <u>f. site boundaries where there is an existing common wall between 2 buildings on adjacent sites or where a common wall is proposed.</u>	Reject
FS11.105	Development Nous	Submission point 050.99	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
FS19.125	Residents of Kaiapo Road etc	Submission point 050.99	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

**Plan Change 5 - "Right Homes, Right Place" - Medium Density Housing**  
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050.129	Kāinga Ora	Performance Standards Table – MRZ-S1	Support	Retain as notified	Reject
FS11.135	Development Nous	Submission point 050.129	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
FS19.155	Residents of Kaiapo Road etc	Submission point 050.129	Oppose all	We seek the whole of the KO submission be disallowed, as the requests are far too broad and far reaching. Resulting in severely adversely affecting existing communities and residents.	Accept
050.131	Kāinga Ora	Performance Standards Table – MRZ-S3	Oppose	<p>Amendment sought:</p> <p>Replace existing Height in relation to boundary standard with-</p> <p><u>Buildings must not project beyond a 60° recession plane measured from a point 4 metres vertically above ground level along all boundaries, as shown on the following diagram. Where the boundary forms part of a legal right of way, entrance strip, access site, or pedestrian access way, the height in relation to boundary applies from the farthest boundary of that legal right of way, entrance strip, access site, or pedestrian access way.</u></p>  <p>(2) This standard does not apply to—</p> <p><b>(a)</b> a boundary with a road:</p> <p><b>(b)</b> existing or proposed internal boundaries within a site:</p>	Reject



**Plan Change 5 - "Right Homes, Right Place" - Medium Density Housing**  
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				(c) site boundaries where there is an existing common wall between 2 buildings on adjacent sites or where a common wall is proposed.	
FS11.137	Development Nous	Submission point 050.131	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
FS19.157	Residents of Kaiapo Road etc	Submission point 050.131	Oppose all	We seek the whole of the KO submission be disallowed, as the requests are far too broad and far reaching. Resulting in severely adversely affecting existing communities and residents.	Accept
056.2	K List	Height of Dwellings	Oppose	Removal of 3 storey properties in suburban Hastings i.e., Parkvale/Raureka.	Reject
057.1	R I Lyndon	Section 8.2 - Specifically, Objectives HNRO6, HNRO7, and Policies HNRP9, HNRP10	Oppose	This change should not go ahead.	Reject
061.14	McFlynn Surveying and Planning, A McFlynn	MRZ-S3 – Height in relation to boundary	Oppose	Specify a maximum height recession plane of 4m + 60°.	Submission withdrawn
061.15	McFlynn Surveying and Planning, A McFlynn	7.2.6E(4) Height in relation to boundary	Oppose	Amend to specify a maximum height recession plane of 4m + 60°.	Submission withdrawn
061.16	McFlynn Surveying and Planning, A McFlynn	8.2.6F(4) Height in relation to boundary	Oppose	Amend to specify a maximum height recession plane of 4m + 60°.	Submission withdrawn
061.17	McFlynn Surveying and Planning, A McFlynn	9.2.6J.4 – Height in relation to boundary	Oppose	Amend to specify a maximum height recession plane of 4m + 60°.	Submission withdrawn
062.1	D McIntyre	Height of Dwellings	Oppose	Not stated	Reject
064.2	E Millar	MDZ	Oppose	Not stated	Reject
076.1	L Pallesen	MRZ-O1, MRZ-O2, MRZ-O3, MRZ-P4, MRZ-P6, MRZ-S5	Oppose	To stop the changes that are proposed in the Hastings District Plan Change 5 within the Medium Density Residential Zone.  To ensure that any homes built will be no higher than	Reject

**Plan Change 5 - "Right Homes, Right Place" - Medium Density Housing**  
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				2 storeys, unless written consent is given by all neighbouring properties.	
077.3	R & J Piper	Height of Buildings	Not stated	Not stated.	Reject
078.3	J Price	Height of Buildings	Oppose	Not stated.	Reject
FS02.3	J Price	Submission point 078.3	Support	Allow	Reject
080.4	M Reid	MRZO1	Oppose	Reduce the maximum proposed height of buildings from 11-12m down to the height of a single storey or maximum two storey building.	Reject
092.2	C G Shaw	MRZ-O1 & MRZ-R16	Oppose	That 3 storey dwellings be removed from the proposal.	Reject
100.4	Te Kāhui Whaihanga	MRZ-S1 – Height – Buildings and Structures	Support with amendment	<ul style="list-style-type: none"> <li>Sites and locations for additional height should be considered in further detail, if considered necessary and appropriate.</li> </ul>	Accept in part
100.6	Te Kāhui Whaihanga	MRZ-S3 Height in Relation to Boundary	Support with amendment	Use minimum sunshine hours rather than recession planes to ensure a minimum amount of light and sun for property.	Reject
FS13.32	Kāinga Ora	Submission point 100.6	Oppose	Disallow submission.	Accept
103.2	Terra Nova Group	Height in the MRZ	Support with amendment	Amendments to the MRZ to provide greater design flexibility and clarity, particularly on larger sites that can potentially accommodate greater density and height; and Any other subsequent or consequential changes that are required to give effect to the relief sought by the submitter.	Accept in part
105.2	T Tully	Height of Dwellings	Oppose	Does not support allowing houses to be up to 3 stories.	Reject
110.1	D Walsh	Height of Dwellings and Apartments	Oppose	Two storey dwellings are acceptable.	Reject
113.1	L Williams and A Calder	Height of dwellings	Oppose	Alternatively new developing areas on the outskirts of Hastings town could potentially be considered for this type of housing.	Reject
114.1	AM & A Wilson	Height of Dwellings	Not stated	That 3 storey buildings be only allowed in new subdivisions.	Reject

**Plan Change 5 - "Right Homes, Right Place" - Medium Density Housing**  
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115.3	J J Wolfenden	Height of Dwellings	Not stated	That houses be no taller than 2 storeys but in keeping with the area in which they are to be built.	Reject
121.3	J Barnden	Building Height	Oppose	Object to high density intensification in general residential zone.	Reject
124.1	J Corban	Height of Buildings	Support with amendment	Request that only single storied buildings are permitted at the boundary between 507 and 507c Fitzroy Avenue.	Reject
124.2	J Corban	Height of Buildings	Support with amendment	If two storied buildings are permitted, then trees should be removed from the boundary of 507c Fitzroy Avenue and Cornwall Park to improve available sunlight to the property.	Reject
124.3	J Corban	Height of Buildings	Support with amendment	Three storied buildings are not appropriate at 507 Fitzroy Avenue and should be specifically excluded in the plan.	Reject
130.2	B Harrison	Height and Typology of Buildings	Oppose	That the inclusion of 3 storey low rise apartments will be removed from the plan.	Reject
133.4	J Jackson	Height of Buildings	Oppose	Not stated.	Reject
134.19	McFlynn Surveying and Planning	Performance Standard MRZ-S1 Height	Oppose	Revert to the existing, and appropriate, maximum building height of 8m.	Reject
FS031.3	Surveying the Bay, A Taylor	Submission point 134.19	Support in part	Allow submission but suggest a height of 9m might be appropriate.	Reject
134.28	McFlynn Surveying and Planning	7.2.6E.2 Height	Oppose	Revert to the existing, and appropriate, maximum building height of 8m.	Reject
FS27.28	J Jackson	Submission point 134.28	Support	Seek that the whole submission be allowed. Also including that onsite parking must be provided for each dwelling.	Reject
FS30.18	P Rawle	Submission point 134.28	Support	Seek these parts of the submission to be allowed.	Reject
134.37	McFlynn Surveying and Planning	8.2.6F.2 Height	Oppose	Revert to the existing, and appropriate, maximum building height of 8m.	Reject
FS27.37	J Jackson	Submission point 134.37	Support	Seek that the whole submission be allowed. Also including that onsite parking must be provided for each dwelling.	Reject
134.45	McFlynn Surveying and Planning	9.2.6J.2 Height	Oppose	Revert to the existing, and appropriate, maximum building height of 8m.	Reject
FS27.45	J Jackson	Submission point 134.45	Support	Seek that the whole submission be allowed. Also including that onsite parking must be provided for each dwelling.	Reject

*Section 42A Report for Plan Change 5: Right Homes, Right Place*  
*Topic 4, Key issue 2 – Height and Height in Relation to Boundary Controls*

135.1	J McIntosh	Height of Buildings	Oppose	Greater density but only 1 storey.	Reject
138.4	P Rawle	Height of Buildings	Oppose	Retain height limits at current levels.	Reject
139.2	D Sankey	Height of Buildings	Oppose	PC5 should be redrafted with consent from Hastings' citizens following consultation.	Reject
141.1	K Senior	Height – 3 storey housing	Oppose	Not stated.	Reject
144.2	B Taylor	Height Controls	Oppose	Not stated.	Reject
145.1	P Tucker	MRZ-R16	Oppose	Not stated.	Reject
146.5	TW Property	MRZ-S1, 7.2.6E(2), 8.2.6F(2) and 9.2.6J(2)	Support	Retain.	Reject
FS029.5	McFlynn Surveying and Planning	Submission point 146.5	Oppose	Seek that the whole of the submission be disallowed.	Accept
146.6	TW Property	MRZ-S3, 7.2.6E(4), 8.2.6F(4) and 9.2.6J(5)	Support with amendment	Provide a more lenient height to boundary standard for the street frontage.	Reject
FS029.6	McFlynn Surveying and Planning	Submission point 146.6	Oppose	Seek that the whole of the submission be disallowed.	Accept
147.3	V van Kampen	Maximum Height Controls	Oppose	Remove 3 storey maximum height around Windsor Park.	Reject
150.4	B Wilkinson	Building Height	Oppose	Plan Change 5 be amended so that any building more than 2 storeys cannot be built within 200m of a property in the General Residential Zone.	Reject in part

## 2. ANALYSIS

- 2.1 This analysis addresses the submissions and further submissions of standards in relation to height and height in relation to boundary. The analysis will focus on the submissions in relation to the Medium Density Residential Zone as the direction as recommended under the introductory report to this Section 42A report is now to direct medium density housing to the MDRZ and retain the General Residential Zone to the existing operative Plan standards.
- 2.2 As a result of the recommendation that comprehensive residential activities be removed from the rule table of the General Residential Zone, it is appropriate for the height and height in relation to boundary to remain as the current operative provisions.
- 2.3 The new urban development areas of Howard St, and Brookvale will retain the operative comprehensive residential development provisions in terms of subdivision site size, given infrastructure provision has been designed around those density levels. However, the new MDRZ performance standards and assessment criteria are

recommended to apply to CRD developments in these areas. Therefore, the analysis of appropriate height and height to boundary rules will also cover these areas.

- 2.4 The standards that this analysis relates to within the Medium Density Residential Zone are MRZ-S1 and MRZ-S3, which read, in summary, as follows:

**MRZ-S1 Height**

- a. *Buildings and structures (excluding fences and standalone walls) must not exceed a height above ground level of 11m.*
- b. *Except that buildings that have a pitched or gable roof may have a maximum height above ground level of up to 12m. (see figure 1 and 2 below)*

**MRZ-S2 Height in relation to boundary**

1. *On any boundary (excluding the road or front boundary) of a site, buildings and structures shall be contained within a building envelope constructed by recession planes from points 3m above the boundary. The angle of such recession planes shall be 45° for all boundaries facing the southern half of a compass and 55° for all boundaries facing the northern half of the compass. (Refer Appendix 60 Figure 2 for a diagram explaining this recession plane).*
2. *Except that:*
  - a. *Where two or more attached residential buildings on adjoining sites are connected along a common boundary the requirement for a recession plane will be dispensed with along that boundary.*
  - b. *Where a boundary adjoins an entrance strip, access lot or private road, the recession planes can be constructed from the side of the entrance strip, access lot or private road furthest from the site boundary.*
  - c. *Where a boundary adjoins a Character Residential Zone, all buildings shall be contained within a building envelope constructed by recession planes from points 2.75m above the boundary. The angle of such recession planes shall be determined for each site by use of the recession plane indicator in Appendix 60 Figure 1.*

**2.5 SUBMISSION POINTS**

**Height**

- 2.6 Submission points by **K Senior (141.1)**, **B Taylor (114.2)**, **P Tucker (145.1)**, **S Campbell (013.9)**, **J Cowman (020.2)**, **D McIntyre (062.1)**, **E Millar (064.2)**, **R & J Piper (077.3)**, **J Price (078.3)** and **J Jackson (133.4)** all oppose the maximum height with no summary of decision provided.
- 2.7 10 submissions were received in opposition of the maximum height with no summary of decision requested.
- 2.8 Submission point **McFlynn Surveying and Planning (134.19, 134.28, 134.37, 134.45)** opposes the height standard in the MDRZ and for CRD's in the General Residential zones and requests that the current 8m maximum be retained. Further

submission to McFlynn's submission by **Surveying the Bay, A Taylor (FS031.3)** requests that McFlynn's submission to be allowed but with a maximum height of 9 metres. Submission **134.28 McFlynn Surveying and Planning** is supported by further submissions **FS027.28 J.Jackson** and **FS030.18 P Rawle** and submissions **134.37, 134.45 McFlynn Surveying and Planning** are both supported by further submissions from **J.Jackson FS027.37 and FS027.45**.

- 2.9 **P Rawle (138.4)** also opposes the maximum height and requests that the current height of 8m be retained.
- 2.10 **D Sankey (139.2), B Wilkinson (150.4), T Tully (105.2), J J Wolfenden (115.3), AM & A Wilson (114.1), L Williams & A Calder (113.1), D Walsh (110.1), C G Shall (092.2), M Reid (080.4), L Pallesen (076.1), R I Lyndon (057.1), C Hames (036.2), B Gardner (035.1), L Hocquard (045.1) and A Foy (030.1)** all oppose the maximum height standard and wish to retain a maximum 2 storey height limit.
- 2.11 15 further submissions oppose the maximum height.
- 2.12 Submission point from **A Galloway (034.2)** opposes the MDRZ-S1 standard and seeks a reduction of the maximum height limit and has suggested that the building height standard be reduced to a 10m height maximum (plus 1m for gable pitched roof). Further submission from **Residents of Kaiapo Road etc (FS19.14)** is supportive of this submission.
- 2.13 Submission point **050.129 (Kāinga Ora)** supports the MDRZ-S1 building height. Further submission from **Development Nous (FS11.135)** supports in part this submission and further submission **Residents of Kaiapo Road etc (FS19.155)** opposes the submission.
- 2.14 **Te Kāhui Whaihanga (100.4)** has concerns that the maximum height as notified could potentially allow for four storeys.
- 2.15 **J McIntosh (135.1)** opposes the maximum height and seeks for it to be lowered to one storey buildings.
- 2.16 The submission points are all opposed to the maximum height, however the relief sought varies from single storey, to 10 metres plus gable. When addressing the notified amendments to height, it is important to recognise the requirements of the NPS-UD. The NPS-UD seeks to enable heights and density in areas of high accessibility and close to business land, as identified under Policy 5. The direction of this Policy expressly states the need to provide for greater heights to allow for medium density

***Policy 5:** Regional policy statements and district plans applying to tier 2 and 3 urban environments enable heights and density of urban form*

- 2.17 In further recognition of the need to change urban form to accommodate this, Policy 6 (b) of the NPS-UD provides direction that the future urban form as a result of additional medium density is not in itself an amenity effect:

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

- (b) *that the planned urban built form in those RMA planning documents may involve significant changes to an area, and those changes:*
- (i) *may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types; and*
  - (ii) *are not, of themselves, an adverse effect*
- 2.18 The Policy direction of the NPS-UD ensures that greater heights are provided for in medium density areas, in recognition that amenity will change, but these changes will be positive for some and negative for others.
- 2.19 Nevertheless, in accepting that additional height should be provided for within the MDRZ, it also needs to be keeping within the wider environment, particularly where sites might abut differing Residential Zones. Many of the submissions have raised concerns that 11m plus 1 m for a roof, will essentially allow for 4 storeys within the MDRZ, and that this is out of step with the existing provisions within the General Residential and Character Residential Zones, which only provide for 2 storey (8m) height restrictions.
- 2.20 The submissions above in opposition to the maximum height, generally request that 3 storey dwellings shall not be allowed within the Medium Density Residential Zone or the General Residential Zone. It is agreed in part with these submissions that the current provisions are too high within this Zone, however it is still considered that 3 storeys are appropriate, given the requirement to provide for higher density development. Being able to provide for an additional floor is not considered to be significantly out of step with the surrounding environments and as such a reduction is recommended. The submission of A Galloway has suggested reducing the height to 10m plus 1m for roofing, it is considered that this is ideal for restricting developments to 3 storeys. Discussions with our Building Team have confirmed that a 10m + 1m height limit is sufficient for catering for 3 storeys, but not allowing 4 storey developments.
- 2.21 Current comprehensive residential development standards in the Hastings District Plan allow for a maximum building height of 10 metres. To differentiate between the existing General Residential Zone where the height limit is set to a maximum of 8 metres it is considered that a 10m maximum height limit (plus 1m for a gable pitched roof) within the proposed Medium Density Residential Zone is appropriate. As a result of the lower proposed height of 10m, the submission points in opposition to the maximum height have been considered to some degree, but as a three-storey dwelling is possible within the 10m limit.
- 2.22 By imposing a lower building height maximum, along with the imposition of the other Medium Density Residential Zone standards, it is considered that the height of the building will blend in with adjacent General Residential environments effectively. The recommended standard will read as follows:
- a. Buildings and structures (excluding fences and standalone walls) must not exceed a height above ground level of ~~44m~~. **10m**
  - b. Except that buildings that have a pitched or gable roof may have a maximum height above ground level of up to ~~42m~~. **11m** (see figure 1 and 2 below)

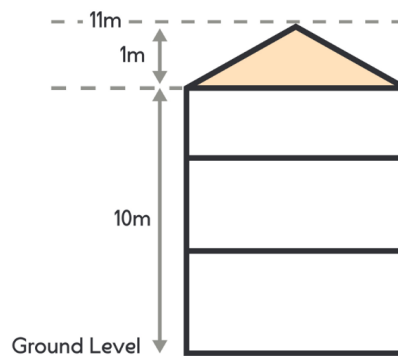


Figure 1: Diagram illustrating maximum height for a Gable roof

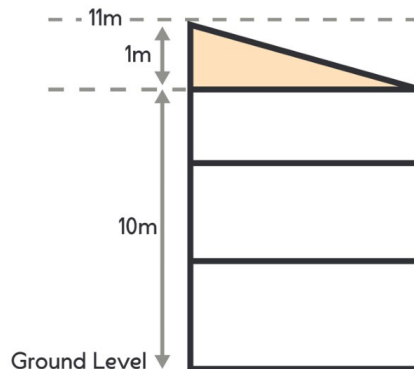


Figure 2: Diagram illustrating maximum height for a pitched roof

- 2.23 Submission point from **A Galloway (034.2)** and further submission **Residents of Kaiapo Road etc (FS19.14)** are accepted.
- 2.24 Submission point **050.129 (Kāinga Ora)** is rejected, further submission point from **Development Nous (FS11.135)** is rejected, and further submission point from **Residents of Kaiapo Road etc (FS19.155)** is accepted.
- 2.25 The Submission point **100.4 (Te Kāhui Whaihanga)** is accepted in part.
- 2.26 The submission point **135.1 (J McIntosh)** is rejected.

#### Height in General Residential Zone

- 2.27 Submission point from **V van Kampen (147.3)** opposes the maximum height requesting that buildings are limited in height around Windsor Park. Submission point from **J Barnden (130.2)** objects to high density intensification in General Residential zone. Submission points **147.3 (V van Kampen)** and **130.2 (J Barnden)** are accepted.



- 2.28 Submission point in relation to height by **K List (056.2)** opposes maximum height requirements, with K List not wanting three storey dwellings in the Parkvale and Raureka suburbs. Submission point from **K List (056.2)** is accepted.
- 2.29 Submission point **050.57 (Kāinga Ora)**, and further submissions from **Development Nous (FS11.63)**, and **Residents of Kaiapo Road etc (FS19.83)** relating to increasing the building height standard 8.2.5B to allow for an additional 1m for roofing pitch in the Havelock North Residential Zone are rejected.
- 2.30 Submission point **050.98 (Kāinga Ora)** and further submissions from **Development Nous (FS11.104)** and **Residents of Kaiapo Road etc (FS19.124)** relating to increasing the building height standard 8.2.5B to allow for an additional 1m for roofing pitch in the Flaxmere Residential Zone are rejected.
- 2.31 The direction of Plan Change 5 is to refine the extent of the MDRZ generally to 400m from the urban core and key transport routes in Hastings, Havelock North and Flaxmere and limit medium density development in General Residential Zones. This has been discussed as part of the general approach to PC5 as recommended under Section 5 'Preferred Scenario for the MDRZ' discussed as part of the Introductory Report of the Section 42A report. As a result, it is recommended the General Residential Zone will no longer provide for Comprehensive Residential Development (apart from in specified existing urban development areas), and the rules and standards allowing for this will be removed. Notwithstanding, development proposals that seek higher densities can still be considered through a full discretionary activity status in the General Residential Zone.
- 2.32 The development outcomes sought in the General Residential Zone are distinct from those sought in the Medium Density Residential zone. Therefore, the bulk and location provisions will be different. The concentration and height of dwellings in the General Residential zones will therefore be lower than the medium density residential zone. It is considered that the current operative 8m height limit provides sufficient flexibility to allow one and two storey dwellings to be built and that this is appropriate in these environments. Therefore, the operative 8m height limit is recommended to be retained in all General Residential Zones for Hastings, Havelock North and Flaxmere as provided in the partially Operative Hastings District Plan.
- 2.33 Submission point from **Terra Nova Group (103.2)** supports with amendment the MDRZ-S3 standard as notified. They request amendments to the Medium Density Residential Zone to provide greater design flexibility and clarity, particularly on larger sites that potentially accommodate greater density and height. Primarily, the submitter has requested that their site be considered within the MDRZ, and that the rules relating to their site reflect the additional flexibility afforded by the Medium Density provisions.
- 2.34 As discussed as part of both the Introductory Report and Methodology Report (Appendix 4), the MDRZ has been refined to generally align with being 400m from the main commercial core and key transport routes. As part of the refined methodology the submitters site at 221 Wolseley is now recommended to be included within the MDRZ.
- 2.35 By creating a specific Medium Density Residential Zone within a 400m catchment around the Hastings, Flaxmere and Havelock North central business districts, it will create a cohesive and walkable catchment and align with the intent of the National Policy Statement for Urban Development. In allowing a 10m building height

maximum (plus 1m for gable pitched roof) it will allow developers flexibility in design. This is consistent with the recommended philosophy, and considered a more appropriate approach than providing larger land holders with specific flexibility even though they may not be in highly accessible areas.

- 2.36 Accordingly, submission point from **Terra Nova Group (103.2)** is accepted in part.

#### **Fire Service Exemptions**

- 2.37 Submission points **Fire and Emergency New Zealand (FENZ) (028.16, 028.20, 028.26, 028.32)** support with amendment the building height standards within the proposed Medium Density, Hastings, Havelock North and Flaxmere residential environments.

- 2.38 FENZ have requested an exclusion for emergency service facilities within the building height standard that states the following:

*Exemption: Emergency service facilities up to 9m in height and hose drying towers up to 15m in height.*

- 2.39 As discussed in the introductory report, the direction of Plan Change 5 is now to direct medium density housing to the MDRZ and retain the general residential zones for relatively lower density residential development. Therefore, the proposed amendment should only apply to the Medium Density Residential Zone. Consequently, the submission points from **Fire and Emergency New Zealand (FENZ) (028.16)** for the Medium Density Residential Zone will be considered and the submissions relating to the Hastings, Havelock North and Flaxmere residential zones by **Fire and Emergency New Zealand (028.20, 028.26, 028.32)** are rejected.
- 2.40 Fire station buildings and hose drying towers provide for the health and safety of the community. The proposed exemption will enable FENZ to efficiently establish, function and operate fire stations within the Medium Density Residential Zone. The exemption for hose drying towers already exist under MRZ-S1 C. vii, and 9m for emergency facilities is already within the height requirements for the zone (this may have occurred as part of re-notification). Therefore, while submission point 028.16 from **Fire and Emergency New Zealand (FENZ)** is accepted, no changes to the Plan are required.

#### **Property Specific Submission**

- 2.41 Submission points **124.1, 124.2, and 124.3 (J Corban)** supported the maximum height rules with amendments specifically related to a property. The district plan is not the appropriate instrument for site specific rules, which are more appropriately dealt with through the resource consent process.
- 2.42 The addition of site specific standards to the District Plan, if given effect to throughout the document would lead to a highly complex and unwieldy District Plan. As a result, the submission points from **J Corban (124.1, 124.2, 124.3)** are rejected.

#### **Howard St Urban Development Area**

- 2.43 Submission points **031.2 (A Fyfe)** and **032.1 (B Fyfe)** both oppose the maximum height within the Howard Street (Parkvale) area and request that buildings be limited to single storey.
- 2.44 Further submissions by **J M Bradshaw (FS04.1)**, **L F Watson (FS07.1)**, **S Eustace (FS12.1)**, **J Davies (FS14.1)**, **Parkvale Community Group (FS15.1)**, **S Davies (FS20.1)**, **M Ireland (FS21.1)**, **R N Sanko (FS22.1)**, **J Christieson (FS23.1)**, **J Barclay (FS24.1)**, **T M Vennell (FS25.1)**, **C Davis (FS26.1)** all support B Fyfe (032.1) submission point.
- 2.45 The CRD provisions, were incorporated into the Howard Street Development Area as part of the Variation to the Plan that led to its General Residential Zoning. As part of the variation CRD developments were provided for to allow flexibility in development and design, including allowing for developments of up to 10m in height, provided the design criteria around CRD could be met. These provisions were not opposed through the hearing. Plan Change 5 has not proposed to amend these standards, nor has the recommended approach altered these as they were specifically considered through the structure plan process.
- 2.46 It is considered appropriate for the Comprehensive Residential Development height limit to align with the Medium Density Residential Zone standards at 10m height maximum (plus 1m for gable pitched roof), as the outcome for Comprehensive Residential Development is similar to what Plan Change 5 is trying to achieve for the Medium Density Residential Zone.
- 2.47 As discussed previously the submission points from **A Fyfe (031.2)** and **B Fyfe (032.1)** and further submissions have been considered and it is considered that an additional 1 metre height for the roof gable is not expected to have a significant difference in effects than that of a 10 metre building. The height of 10m and 1m for gable differentiates between the existing General Residential Zone and Comprehensive Residential Development. Accordingly, **A Fyfe (031.2)** and **B Fyfe (032.1)** and further submissions **J M Bradshaw (FS04.1)**, **L F Watson (FS07.1)**, **S Eustace (FS12.1)**, **J Davies (FS14.1)**, **Parkvale Community Group (FS15.1)**, **S Davies (FS20.1)**, **M Ireland (FS21.1)**, **R N Sanko (FS22.1)**, **J Christieson (FS23.1)**, **J Barclay (FS24.1)**, **T M Vennell (FS25.1)**, **C Davis (FS26.1)** are **rejected**.

#### **Height in Relation to Boundary (HIRB)**

- 2.48 Submission point from **Bay Planning (007.9)** supports the height in relation to boundary (HIRB) standard within the Medium Density Residential Zone. As the submission is in support of the notified standard it is recommended to retain the standard as notified, and submission point **Bay Planning (007.9)** is **accepted**.
- 2.49 Submission points from **A Galloway (034.14)** and **Te Kāhui Whaihanga (100.6)** oppose the MRZ-S3 height in relation to boundary standard. **A Galloway (034.14)** states that it was not clear how the standard would be achieved, and Appendix 60 didn't show HIRB for the MDRZ. It was also suggested that it would be more appropriate to use minimum sunshine hours (e.g. in New South Wales), where designs must ensure a minimum of four hours sunshine in winter, to neighbouring sites as well as the subject properties. **Te Kāhui Whaihanga (100.6)** also touched on this matter and suggested using minimum sunshine hours rather than recession planes to ensure a minimum amount of light and sun for property.

- 2.50 Further submission from **Residents of Kaiapo Road etc (FS19.26)** are in support of A Galloway (034.14) submission and further submission from **Kāinga Ora (FS13.32)** opposes submission Te Kāhui Whaihanga (100.6).
- 2.51 The height in relation to boundary standards were omitted from the first notification of the plan due to technical issues with the software programme used to convert sections of the e-plan. It is considered that the re-notified standards are appropriate to ensure maximum solar gains and setbacks for higher density living and the standards are consistent with the recession plane methods used in other residential areas within the Hastings District Plan. It is considered that the minimum sunshine hours method would cause confusion for users of the plan and therefore is not considered to be an effective and efficient method.
- 2.52 Therefore, submission point from **A Galloway (034.14)** and further submission from **Residents of Kaiapo Road etc (FS19.26)** are rejected. Submission point from **Kāinga Ora (FS13.32)** is accepted.
- Submission point from **Kāinga Ora (050.131)** and further submission from **Development Nours (FS11.137)** opposing the height in relation to boundary standard in the Medium Density Residential Zone are rejected.
- 2.59 The submission of Kainga Ora has requested that the recession plane requirements be increase from 3m to 4m above the boundary and change the angle to 60° from all boundaries. Notwithstanding the need to provide for greater opportunities to provide for greater densities within the MDRZ, it is also considered that the need to provide for neighbouring amenity is critical for achieving a well-functioning environment which can be enjoyed by all. It is considered that the HIRB requirements as proposed by Kainga Ora will not afford neighbouring properties sufficient access to daylight, particularly on southern facing boundaries. Therefore, it is not considered effective in achieving the outcome of providing a minimum level of daylight access by restricting overly tall obtrusive structures and buildings close to the boundary. The standard as notified, is considered a more effective measure of ensuring neighbouring amenity and ensuring the Zone can still be open and well-functioning, even though some efficiencies maybe lost in providing for taller buildings on narrow sites.
- Comparisons on height in relation to boundary shading scenarios have been undertaken by Brent Scott, Citrus Studio Architecture. This has been provided for information in appendix 13.
- 2.60 Therefore, the submission from **Residents of Kaiapo Road etc (FS19.17)** is accepted.
- 2.61 Submission point from **TW Property (146.6)** supports the height in relation to boundary standard with amendments. The amendment requested was for a more lenient recession plane on the road boundary. The outcome "*access to a minimum level of daylight within the living environment will be provided restricting overly tall obtrusive structures or buildings close to boundaries*" primarily relates to the need to protect neighbouring properties from being overly shaded by tall adjoining structures. It is agreed that the shading on the road boundaries will have little to no impact on the neighbouring properties, however there should be some protection on road boundaries to prevent building domination. It is considered that the lenient recession plane of 55° should apply to all road boundaries (regardless of northern boundaries or not). This should help provide flexibility while still achieving the overall outcome. The amendment is suggested below:

On any boundary (excluding the road or front boundary) of a site, buildings and structures shall be contained within a building envelope constructed by recession planes from points 3m above the boundary. The angle of such recession planes shall be 45° for all **front Boundaries** **and all** boundaries facing the southern half of a compass and 55° for all boundaries facing the northern half of the compass. (Refer Appendix 60 Figure 2 for a diagram explaining this recession plane).

- 2.62 It is considered that the standard should be amended, and the submission point **TW Property (146.6)** is **accepted**.
- 2.63 Further submission to TW Property (146.6) by **McFlynn Surveying and Planning (FS029.6)** opposed the submission. As a consequence of submission point by TW Property (146.6) being rejected, **McFlynn Surveying and Planning (FS029.6)** is **rejected**.

#### **HIRB for CRD in General Residential Zones**

- 2.53 Submission points from **Bay Planning (007.22, 007.23)** support and support with amendment the height in relation to boundary standard in the Hastings General Residential Zone.
- 2.54 Submission points from **Kāinga Ora (050.58)** and further submissions from **Development Nours (FS11.104)**, and **Residents of Kaiapo Road etc (FS19.84)** relating to the height in relation to boundary standard 8.2.5C in the Havelock North Residential Zone are **rejected**.
- 2.55 Submission point from **Kāinga Ora (050.99)** and further submissions from **Development Nours (FS11.105)** and **Residents of Kaiapo Road etc (FS19.125)** relating to the building height standard 9.2.5C in the Flaxmere Residential Zone are **rejected**.
- 2.56 As discussed by the Introductory Report, the direction of Plan Change 5 is now to direct medium density housing to the MDRZ and retain the General Residential Zones for relatively lower density residential development. Therefore, it is recommended that the height in relation to boundary standards will remain as provided for in the Operative District Plan for each General Residential Zone.
- 2.57 As a consequence, it is recommended submission points from **Bay Planning (007.22, 007.23)** are **rejected**.
- 2.58

### **3. RECOMMENDATIONS**

- 3.1 That submission point **A Galloway (034.2)** and further submission **Residents of Kaiapo Road etc (FS19)** are **accepted**, and the MRZ-S1 be amended as below:
- Buildings** and **structures** (excluding **fences** and standalone walls) must not exceed a height above **ground level** of ~~44m~~ **10m**
  - Except that **buildings** that have a pitched or gable roof may have a maximum height above **ground level** of up to ~~42m~~ **11m** (see figure 1 and 2 below)

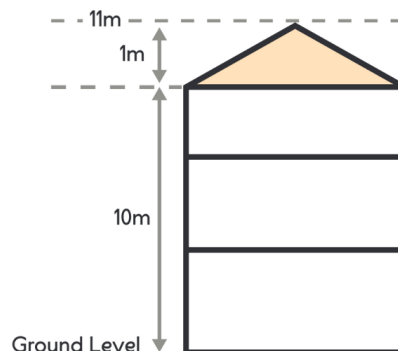


Figure 1: Diagram illustrating maximum height for a Gable roof

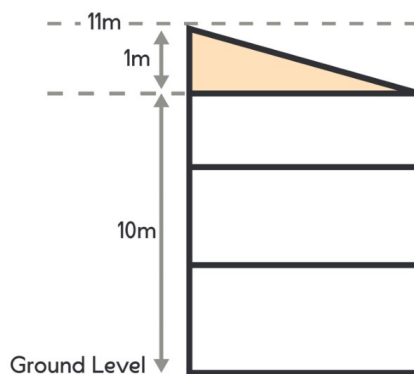


Figure 2: Diagram illustrating maximum height for a pitched roof

- 3.2 Submissions from **K Senior (141.1)**, **B Taylor (114.2)**, **P Tucker (145.1)**, **S Campbell (013.9)**, **J Cowman (020.2)**, **D McIntyre (062.1)**, **E Millar (064.2)**, **R & J Piper (077.3)**, **J Price (078.3)** and **J Jackson (133.4)**, **McFlynn Surveying and Planning (134.19)**, **P Rawle (138.4)**, **D Sankey (139.2)**, **B Wilkinson (150.4)**, **T Tully (105.2)**, **J J Wolfenden (115.3)**, **AM & A Wilson (114.1)**, **L Williams & A Calder (113.1)**, **D Walsh (110.1)** **C G Shall (092.2)**, **M Reid (080.4)**, **L Pallesen (076.1)**, **RI Lyndon (057.1)**, **C Hames (036.2)**, **B Gardner (035.1)**, **L Hocquard (045.1)**, **A Foy (030.1)**, **McFlynn Surveying and Planning Ltd (134.19, 134.28, 134.37, 134.45)**, **J McIntosh (135.1)** and the further submissions to McFlynn's submissions (134.19 and 134.28) by **Surveying the Bay, A Taylor (FS031.3)**, **J.Jackson (FS027.28, 027.37, 027.45)** and **P. Rawle (FS030.18)** opposing the maximum height, are **rejected** Insofar as they are requesting height limits lower to what is being recommended.
- 3.3 Submission point **J McIntosh (135.1)** opposes the maximum height and seeks for it to be lowered to one storey buildings is **rejected**.

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- 3.4 Submission point from **Kāinga Ora (050.129)** seeking to retain the height standard as notified is **rejected**.
- 3.5 As a consequence, further submission from **Development Nous (FS11.135)** is **rejected**. And further submission from **Residents of Kaiapo Road etc (FS19.155)** is **accepted**.
- 3.6 Submission point from **Te Kāhui Whaihanga (100.4)** who raised concerns that the notified height standard allowed for 4 storey dwellings is **accepted in part**.
- 3.7 Reasons:
- a. It is considered that a 10m maximum height limit (plus 1m for a gable pitched roof) is effective and efficient for a medium residential density zone and is in keeping with the national medium density residential standards.
  - b. The NPS-UD recognises that changes in amenity within identified medium density areas should be provided for and or not in itself an adverse effect.
  - c. The 1m reduction should ensure that 4 storey dwellings can not be constructed, which will provide a more gradual transition with the surrounding General Residential Zone.
  - d. Current Hastings District Plan Comprehensive Residential Development standards state a 10m height maximum.
- 3.8 That the submission points **V van Kampen (147.3)** and **J Barnden (130.2)** opposing Medium Density Residential housing around Windsor Park and within the General Residential Zone, be **accepted**.
- 3.9 Reason:
- a. The direction of Plan Change 5 is now to direct medium density housing to the MDRZ which is proposed to be located generally within 400m of the CBDs and main transport routes of Hastings, Flaxmere and Havelock North. The General Residential Zone will be retained for relatively lower density residential development. The area around Windsor Park will be unaffected by the change in height.
- 3.10 **Fire and Emergency New Zealand (FENZ) (028.16)** supporting with amendment the height standards within the Medium Density Residential Zone is **accepted**.
- 3.11 Reason:
- a. In that the exemption for hose drying towers within the MDRZ already exists under MRZ-S1 c. vii
- 3.12 Submissions from **Fire and Emergency New Zealand (FENZ) (028.20, 028.26, 028.32)** supporting with amendment the height standards within the Hastings, Havelock North and Flaxmere Residential Zones are **rejected**.
- 3.13 Reason:
- a. As it is recommended that medium density development is no longer permitted in the General Residential Zones under the general approach.
- 3.14 Submission point from **Kāinga Ora (050.57)** and further submissions from **Development Nous (FS11.63)**, and **Residents of Kaiapo Road etc (FS19.83)**



relating to the building height standard 8.2.5B in the Havelock North Residential Zone is **rejected**.

- 3.15 Submission point from **Kāinga Ora (050.98)** and further submissions from **Development Nours (FS11.104)** and **Residents of Kaiapo Road etc (FS19.124)** relating to the building height standard 9.2.5B in the Flaxmere Residential Zone is **rejected**.
- 3.16 Reason (for 3.14 and 3.15):
- a. The direction of Plan Change 5 is now to direct medium density housing to the MDRZ and retain the General Residential Zones for relatively lower density residential development. Therefore, the maximum height limit will remain as notified in the Operative District Plan for each General Residential Zone.
- 3.17 Submission points from **J Corban (124.1, 124.2, 124.3)** requesting specific provisions to apply to neighbour properties along adjoining the submitters property are **rejected**.
- 3.18 Reason:
- a. The District Plan is not the appropriate instrument for site specific rules, which are more appropriately dealt with through the resource consent process.
- 3.19 Submission points from **A Fyfe (031.2)** and **B Fyfe (032.1)** and further submissions from **J M Bradshaw (FS04.1)**, **L F Watson (FS07.1)**, **S Eustace (FS12.1)**, **J Davies (FS14.1)**, **Parkvale Community Group (FS15.1)**, **S Davies (FS20.1)**, **M Ireland (FS21.1)**, **R N Sanko (FS22.1)**, **J Christieson (FS23.1)**, **J Barclay (FS24.1)**, **T M Vennell (FS25.1)**, **C Davis (FS26.1)** are **rejected**.
- 3.20 Reasons:
- a. The provision for CRD developments and corresponding 10m height limit was previously assessed as part of Variation 3 to the Hastings District Plan.
  - b. The height of 10m and 1m for gable differentiates between the existing General Residential Zone and Comprehensive Residential Development.
- 3.21 Submission point from **Terra Nova Group (103.2)** in relation to building height is **accepted in part**.
- 3.22 Reasons:
- a. A MDRZ is proposed to be created within a 400m catchment around the Hastings, Flaxmere and Havelock North CBDs, creating a cohesive and walkable catchment that will align with the intent of the National Policy Statement for Urban Development. The proposed building height maximum (plus 1m for gable pitched roof) will allow developments to have flexibility in design.
  - b. The submitters site will be included within the recommended MDRZ, allowing for additional flexibility in design.
  - c. It is not considered that additional flexibility should apply to all large sites within Hastings and should be refined to the general 400m catchment outlined under the methodology report (Appendix 4).



**Height in relation to boundary (HIRB)**

- 3.23 That submission point from **Bay Planning (007.9)** in support of the notified height in relation to boundary standards for the Medium Density Residential Zone **be accepted**.
- 3.24 Reason:
- a. The submissions are supportive of the notified standard.
- 3.25 That submission points from **Bay Planning (007.22)** and **(007.23)** **be rejected**.
- 3.26 Submission point from **Kāinga Ora (050.57)** and further submissions from **Development Nours (FS11.63)**, and **Residents of Kaiapo Road etc (FS19.83)** relating to the building height standard 8.2.5B in the Havelock North Residential Zone is **rejected**.
- 3.27 Submission point from **Kāinga Ora (050.98)** and further submissions from **Development Nours (FS11.104)** and **Residents of Kaiapo Road etc (FS19.124)** relating to the building height standard 9.2.5B in the Flaxmere Residential Zone **is rejected**.
- 3.28 Reason:
- a. The direction of Plan Change 5 is now to direct medium density housing to the MDRZ and retain the General Residential Zones for relatively lower density residential development. Therefore, the height in relation to boundary standards will remain as notified in the Operative District Plan for each General Residential Zone.
- 3.29 That submission points from **A Galloway (034.14)** and **Te Kāhui Whaihangā (100.6)** and further submission from **Residents of Kaiapo Road etc (FS19.26)** **are rejected**. Further submission from **Kāinga Ora (FS13.32)** **is accepted**.
- 3.30 Reason:
- a. The renotified standards are appropriate to ensure maximum solar gains and setbacks for higher density living and are consistent with the recession plane methods used in other residential areas. The minimum sunshine hours method would cause confusion for users of the plan.
- 3.31 That the submission point from **TW Property (146.6)** who requested a more lenient height in relation to boundary requirement on the road boundary is **accepted**. As a consequence, further submission to TW Property (146.6) by **McFlynn Surveying and Planning (FS029.6)** opposed the submission is **rejected**. Insofar as MRZ-S3 is amended below:
- On any boundary (excluding the road or front boundary) of a site, buildings and structures shall be contained with a building envelope constructed by recession planes from points 3m above the boundary. The angle of such recession planes shall be 45° for all **front Boundaries and all** boundaries facing the southern half of a compass and 55° for all boundaries facing the northern half of the compass. (Refer Appendix 60 Figure 2 for a diagram explaining this recession plane).
- 3.32 Reason:

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- a. it is agreed that a more lenient standard of the front (road) boundary will have limited impact on the daylight received by adjoining properties. The above amendment provides for additional flexibility while still providing sufficient amenity for surrounding properties.
- 3.33 That the submission point from **Kāinga Ora (050.131)** and further submission from **Development Nours (FS11.137)** opposing the height in relation to boundary standard in the Medium Density Residential Zone is **rejected**. Therefore, the further submission from **Residents of Kaiapo Road etc (FS19.17)** is **accepted**.
- 3.34 Reason:
  - a. Submission from **Kāinga Ora (050.131)** proposed height in relation to boundary standards that were not effective in achieving the outcome as it would lead to additional shading on neighbouring properties.

## TOPIC 4, KEY ISSUE 3 – MEDIUM DENSITY RESIDENTIAL ZONE – GENERAL PERFORMANCE STANDARDS

### 1. SUBMISSION POINTS

Sub point	Submitter / Further Submitter	Provision / Section of the Hastings District Plan	Position	Summary of Decision Requested	Recommendation
<b>MRZ-S2 – Fences and Standalone Walls</b>					
028.17	Fire and Emergency NZ	MRZ-S2 Fences and Standalone walls	Support in part	Amend as follows: <i>All fences and standalone walls must not ... Obscure emergency or safety signage or obstruct access to emergency panels, hydrants, shut-off valves, or other emergency response facilities.</i>	Reject
FS13.20	Kāinga Ora	Submission point 028.17	Oppose	Disallow submission.	Accept
034.9	A Galloway	MRZ-S2 Fences and standalone walls	Support	Support	Accept
FS19.21	Residents of Kaiapo Road etc	Submission point 034.9	Support	We seek the whole of the submission be allowed.	Accept
050.130	Kāinga Ora	Performance Standards Table – MRZ-S2	Support	Retain as notified.	Accept
FS11.136	Development Nous	Submission point 050.130	Support in part	Development Nous seeks the submission be allowed to the extent that those parts of the submission align with the points raised and relief sought in Development Nous' submission.	Accept in part
FS19.156	Residents of Kaiapo Road etc	Submission point 050.130	Oppose all	We seek the whole of the KO submission be disallowed, as the requests are far too broad and far reaching. Resulting in severely adversely affecting existing communities and residents.	Accept in part
100.5	Te Kāhui Whaihanga	MRZ-S2 Fences and standalone walls	Support with amendment	Support / retain	Accept

### 2. ANALYSIS

- 2.1 The submissions **A Galloway (034.9)**, **Kāinga Ora (050.130)** and **Te Kāhui Whaihanga (100.5)** relating to the Medium Density Residential Zone rule MRZ-S2 (Fences and Standalone Walls) are supportive of the standard as notified. Further

submissions have been received from **Residents of Kaiapo Road etc (FS19.21)** supporting A Galloway's submission and also from **Development Nous (FS11.136)** supporting Kāinga Ora (050.130).

- 2.2 The further submission from **Residents of Kaiapo Road etc (FS19.156)** opposed the submission from Kainga Ora (050.130) in its entirety however the Residents of Kaiapo Road supported the submission of **A Galloway (034.9)** which did not specifically reference the fence and wall standard but stated general support of the performance standards as notified. As both Kainga Ora and A Galloway are in support of the fencing and wall standard it is considered appropriate for this standard to be retained as notified. As a result the further submission from the **Residents of Kaiapo Road etc. (FS19.156)** opposing Kāinga Ora (050.130) is rejected and the further submission from the **Residents of Kaiapo Road etc. (FS19.21)** supporting **A. Galloway (034.9)** is accepted.
- 2.3 **Fire and Emergency NZ (FENZ) (028.17)** requested amendments to ensure additional safety requirements are met. Specifically, FENZ requested that 'all fences and standalone walls must not obscure emergency or safety signage or obstruct access to emergency panels, hydrants, shut-off valves, or other emergency response facilities.'
- 2.4 The requests of the Fire and Emergency NZ submission are considered to be impractical to include within the District Plan Standards as matters such as obscuring emergency facilities are addressed within the Hastings District Council Engineering Code of Practice 2020 and the Building Act 1991 which will ensure there are no obstructions or restrictions to access emergency service facilities both on private and public land. Within the residential environment, emergency infrastructure is predominantly located on publicly owned land or public space in which fences and walls are not located (for example, road reserve). If emergency service facilities are provided on private land, for instance as part of an apartment complex or other communal housing arrangement, fences and walls that may interfere with emergency response facilities, are better addressed through the Engineering Code of Practice and Building Act compliance measures rather than a District Plan standard. In this instance, it is considered that there is no reason to duplicate regulations.
- 2.5 The further submission of **Kainga Ora (FS13.20)** opposed the **FENZ (028.17)** submission as these matters are addressed through The Building Act. As the FENZ submission has been rejected the further information from **Kainga Ora (FS13.20)** is accepted.

### **3. RECOMMENDATIONS**

- 3.1 That the submission point **Fire and Emergency New Zealand (028.17)** requesting amendments to include additional safety requirements be rejected.
- 3.1.1 That as a consequence of the above recommendation, the further submission of **Kāinga Ora FS13.20** opposing Fire and Emergency New Zealand (028.17) is accepted.
- 3.1.2 Reason:
- a. Matters such as obscuring emergency facilities are addressed within the Hastings District Council Engineering Code of Practice 2020 and the Building

Act 1991 which will ensure that there are no obstructions or restrictions to access emergency service facilities both on private and public land.

3.2 That the submissions of **A Galloway (034.9)**, **Kāinga Ora (050.130)** and **Te Kāhui Whaihanga (100.5)** in support of the standard for Fences and stand-alone walls MRZ-S2 **be accepted**.

3.2.1 That as a consequence of the above recommendation, the further submission of **Development Nous (FS11.136)** **be accepted**.

3.2.2 That as a consequence of the above recommendation the further submission of the **Residents of Kaiapo Road etc (FS19.21)** supporting A. Galloway (034.9) **be accepted** and that of the **Residents of Kaiapo Road etc. (FS19.156)** opposing Kāinga Ora (050.130) **be rejected**.

3.2.3 Reason:

- a. The submissions are in support of the notified rule and no changes are recommended.

#### **4. MRZ-S4 – Garages**

Sub point	Submitter / Further Submitter	Provision / Section of the Hastings District Plan	Position	Summary of Decision Requested	Recommendation
<b>MRZ-S2 – Fences and Standalone Walls</b>					
034.10	A Galloway	MRZ-S4 Garages	Support	Support	Accept in part
FS19.22	Residents of Kaiapo Road etc	Submission point 034.10	Support	We seek the whole of the submission be allowed.	Accept in part
050.132	Kāinga Ora	Performance Standards Table – MRZ-S4a	Oppose in part	Delete standard MRZ-S4a.	Accept
FS11.138	Development Nous	Submission point 050.132	Support in part	Development Nous seeks the submission be allowed to the extent that those parts of the submission align with the points raised and relief sought in Development Nous' submission.	Accept
FS19.158	Residents of Kaiapo Road etc	Submission point 050.132	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
100.8	Te Kāhui Whaihanga	MRZ-S4 Garages	Support with amendment	We support these rules in principle but are concerned at what happens on narrow sites.	Accept in part
106.5	Tumu Development	MRZ-S4 Garages	Support with amendment	While we agree with the rule for single storey dwellings, we suggest this standard should not apply to 2 or 3 storey buildings where the dominance of the garage on the ground floor can be offset but the first or second floor.	Accept
146.7	TW Property	MRZ-S4(b)	Oppose	Delete standards relating to garage and accessory buildings.	Accept in part

FS029.7	McFlynn Surveying and Planning	Submission point 146.7	Oppose	Seek that the whole of the submission be disallowed.	Reject
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## 5. ANALYSIS

- 5.1 The submission by **A Galloway (034.10)** relating to the Medium Density Residential Zone rule MRZ-S4 (Garages and accessory buildings) is supportive of the standard as notified. A further submission received from the **Residents of Kaiapo Road etc (FS19.22)** are supportive of A. Galloway (034.10) submission.

### Garage Setbacks

- 5.2 The submission by **Kainga Ora (050.132)** relating to the Medium Density Residential Zone rule MRZ-S4 (Garages and accessory buildings) oppose in part the standard as notified. They have requested that standard MRZ-S4 (a) is removed from the standard as *"it has the potential to result in unnecessary design complications and rather the use of the front yard standards set out under MRZ-S5 should sufficiently address potential impacts of buildings/structures on the visual character of the site and relationship with the street."*
- 5.3 Further submission **Development Nous (FS11.138)** supports the submission by Kainga Ora (050.130) in relation to this standard and **Residents of Kaiapo Road etc (FS19.158)** oppose the submission **Kainga Ora (050.132)** in its entirety as they believe the requests are far too broad and far reaching.
- 5.4 Further submission **Development Nous (FS11.138)** supports the submission by Kainga Ora (050.130) in relation to this standard and **Residents of Kaiapo Road etc (FS19.158)** oppose the submission **Kainga Ora (050.132)** in its entirety as they believe the requests are far too broad and far reaching.
- 5.5 The restrictive nature of the standard in relation to garage setback reduces creative responses to onsite car parking which is required for more efficient land use in higher density environments. The Hastings Residential Design Framework encourages car parking to be located to the rear of the site and this is also replicated by the other standards in the notified plan.

### 50% Garage Standard

- 5.6 With regard to standard (b) *Garages, carports or accessory buildings shall occupy no more than 50% of the width of the front elevation of a building that fronts the road, or legal access will reduce dominance and bulk of garages along the streetscape.* It is considered that other notified standards such as Setbacks MRZ-S5 and Windows and connection to street/road MRZ-S9 will address the outcome that the standard is seeking to achieve by providing separation from the front boundary and requiring front access with a minimum of 20% glazing. This is considered to achieve the outcome:

*Garages, carports or accessory buildings will not dominate the street. The residential unit will be the primary built feature of the property frontage and streetscape.*

- 5.7 It is therefore considered that submission by **Kainga Ora (050.132)** and further submission by **Development Nous (FS11.138)** is **accepted** and the further submission by **Residents of Kaiapo Road etc (FS19.158)** is **rejected**.

- 5.8 As a result of this analysis the submission by **A Galloway (034.10)** and further submission **Residents of Kaiapo Road etc (FS19.22)** are **accept in part**.
- 5.9 The submission by **Te Kāhui Whaihanga (100.8)** relating to the Medium Density Residential Zone rule MRZ-S4 (Garages and accessory buildings) are supportive of these rules in principle but are concerned at what happens on narrow sites. It is considered that when developing narrow sites provisions could be made for garages to be located at the rear of the residential building which would still be able to achieve the outcome the notified standard seeks by reducing bulk and dominance of garage frontages on the streetscape. As a result submission **Te Kāhui Whaihanga (100.8)** is **accepted in part**.
- 5.10 The submission by **Tumu Development (106.5)** relating to the Medium Density Residential Zone rule MRZ-S4 (Garages and accessory buildings) agree with the rule for single story dwellings but suggest this standard should not apply to 2 or 3 storey buildings where the dominance of the garage on the ground floor can be offset by the first or second floor. It is considered that the dominance of a garage can be offset by a second floor, with windows overlooking, making it appear as part of the residential building. As a result submission point **Tumu Development (106.5)** is **accepted**.
- 5.11 The submission by **TW Property (146.7)** relating to the Medium Density Residential Zone rule MRZ-S4 (Garages and accessory buildings) have requested the standards relating to garage and accessory buildings are deleted. With one of the standards being proposed to be removed it is still considered that Standard (b) *Garages, carports or accessory buildings shall occupy no more than 50% of the width of the front elevation of a building that fronts the road, or legal access will reduce dominance and bulk of garages along the streetscape* is required to achieve the outcome. As result submission **TW Property (146.7)** is **accept in part**.

## **6. RECOMMENDATIONS**

- 6.1 That the submission point **Kainga Ora (050.132)** and further submission from **Development Nous (FS11.138)** requesting amendments to include remove MRZ S4 (a) **be accepted**.
- 6.1.1 That as a consequence of the above submission point being accepted, the further submission from **Residents of Kaiapo Road etc (FS19.158)** is **rejected**.
- 6.1.2 Reason:
- a. Other notified standards such as Setbacks MRZ-S5 and Windows and connection to street/road MRZ-S9 will address the outcome.
- 6.2 That the submission points **A Galloway (034.10)**, **Residents of Kaiapo Road etc (FS19.22)**, **Te Kāhui Whaihanga (100.8)** be **accepted in part**.
- 6.2.1 Reason:
- a. The submissions are rejected in part as they support the rule as notified but have some concerns in relation to narrow sites and 2 or 3 storey buildings. It is considered that other notified standards such as Setbacks MRZ-S5 and Windows and connection to street/road MRZ-S9 will address the outcome.
- 6.3 That the submission point **Tumu Development (106.5)** be **accepted**.
- 6.3.1 The recommended amendments to the MRZ-S4 are outlined as follows:

<b>MRZ-S4 Garages and Accessory Buildings</b>	
<ol style="list-style-type: none"> <li>1. Garages, carports or <u>accessory buildings</u> must be <u>setback</u> a minimum of 1m from the front elevation of the <u>residential building</u>.</li> <li>2. Garages, carports or <u>accessory buildings that form part of a single story building</u> shall occupy no more than 50% of the width of the front elevation of a <u>building</u> that fronts the <u>road</u>, or legal access.</li> </ol>	<b>Matters of Discretion if compliance not achieved:</b> <ol style="list-style-type: none"> <li>1. The Outcome of the Standard</li> <li>2. The extent (lineal metres) of blank walls facing the street</li> <li>3. Consider whether <u>existing</u> or proposed landscaping would mitigate the impacts of the <u>building</u> on the streetscape and property frontage;</li> <li>4. Consider whether an <u>alteration</u> to the design and/or the construction materials of the <u>building</u> could reduce dominance <u>effects</u> of the <u>building</u> on the streetscape</li> <li>5. Consider whether topographical or other <u>site</u> constraints make compliance with the standard impractical.</li> </ol>

**6.3.2 Reasons:**

- a. The dominance of a garage can be offset by a second floor, with windows overlooking, making it appear as part of the residential building.

6.4 That the submission point **TW Property (146.7)** be **accepted in part**.

6.4.1 As a consequence, submission **McFlynn Surveying and Planning (FS029.7)** is **rejected**.

**6.4.2 Reason:**

- a. It is considered that standard MRZ – S4 (b) is required to achieve the outcome to reduce dominance on the streetscape and achieving good urban design outcomes. However, MRZ – S4 (a) can be achieved through other notified standards.

**7. MRZ-S5 – Setbacks**

Sub point	Submitter / Further Submitter	Provision / Section of the Hastings District Plan	Position	Summary of Decision Requested	Recommendation
<b>MRZ-S5 - Setbacks</b>					
007.10	Bay Planning, A Francis	MRZ-S5 Setbacks	Support	Support these standards	Accept
012.8	G Campbell	MRZ-S5 Setbacks	Oppose	That the distance between one property boundary and a building is increased from 1m (and 2m in character zones) to no less than 2m for all single storey buildings and not less than 5m for multi storey buildings.	Reject
013.10	S Campbell	MRZ-S5	Oppose	Not stated	Reject
026.5	A Elgie	MRZ-S5	Support with amendment	This outcome should be amended to include amenity towards neighbours.	Reject
034.3	A Galloway	MRZ-S5 Setbacks	Oppose	Further rules to ensure protection of transition zones	Accept



**Plan Change 5 - "Right Homes, Right Place" - Medium Density Housing**  
**S42A Report - Topic 4 - Specific Controls and Performance Standards**

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				(properties immediately adjacent to MRZ). This includes overlooking, sunlight, shading, visual impact, impact of on-street parking. Clarification and strengthening of rules to minimise shading/overlook and ensure daylight penetration into dwellings.  Reduction of maximum height limit.  Establishment of a Design Panel to review all proposals before consent is granted, and before sign off as part of CCC.	
FS19.15	Residents of Kaiapo Road etc	Submission point 034.3	Support	We seek the whole of the submission be allowed.	Accept
050.133	Kāinga Ora	Performance Standards Table – MRZ-S5	Oppose in part	Amendment sought: a. Buildings must be setback from the relevant boundary by the minimum depth listed below: i. Front boundary: <del>32m</del> ii. Side boundary: 1m iii. Rear boundary: 1m b. This standard does not apply where two adjacent buildings have an existing or proposed common wall. c. All buildings must be setback 2m from any boundary with a Character Residential Zone.	Accept in part
FS11.139	Development Nous	Submission point 050.133	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
FS19.159	Residents of Kaiapo Road etc	Submission point 050.133	Oppose all	We seek the whole of the KO submission be disallowed, as the requests are far too broad and far reaching. Resulting in severely adversely affecting existing communities and residents.	Accept in part
066.1	N Morgan	MRZ-S5 Setbacks a)ii	Oppose in part	That the side boundary setback be increased to a minimum of 2m, ideally for single storey homes or alternatively if the boundary is with a pre-1950 home.	Reject
077.4	R & J Piper	MRZ-S5 Side and rear boundaries setback	Oppose	Concern around the 1m distance for rear and side boundaries.	Reject
100.9	Te Kāhui Whaihangā	MRZ-S5 Setbacks	Support with amendment	We would encourage outcomes where the front yard remains consistent with existing front yards, to preserve the character of the area.	Accept
146.8	TW Property	MRZ-S5	Oppose	Reduce front yard setback to 2m, retain 3m by allowing up to	Reject

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				30% of the road frontage to infringe this to a maximum of 1m.	
FS029.8	McFlynn Surveying and Planning	Submission point 146.8	Oppose	Seek that the whole of the submission be disallowed.	Accept in part

## 8. ANALYSIS

- 8.1 The submission by **Bay Planning, A Francis (007.10)** in relation to the Medium Density Residential Zone rule MRZ-S5 (Setbacks) is supportive of the standards as notified and is **accepted**.
- 8.2 The submission by **G Campbell (012.8)** relating to the Medium Density Residential Zone rule MRZ-S5 (Setbacks) opposes the standard as notified. They have indicated that *"to be able to build 1m from the boundary even with a single level home is too close but to have 3 storey buildings 1 m away does not make for a healthy environment. Some sections could have this occur right along all but the front boundary."*
- 8.3 The submission by **S Campbell (013.10)** also opposed the standard as notified. They believe *"it is concerning that Council cares more about street appeal that it does existing neighbours with these boundary requirements. 'Maintaining streetscape and residential area' is stated as the outcome yet 1m boundaries do not provide an outcome for 'residential area' only the 3m does for 'maintaining streetscape'. This demonstrates Councils priorities are wrong and need to be addressed and more balanced. Council should not care more about a streetscape and it's aesthetics more than the people living in and beside such streetscapes."*
- 8.4 It has been considered that other standards within in the District Plan such as height, height in relation to boundary, outdoor living and variety in building design and visual appearance will address the concerns raised within these two submissions. The height in relation to boundary (HIRB) standard will ensure that the higher the buildings height is the further the building will be required to be setback from the boundary. This HIRB standard is throughout the Hastings District residential zone rules and is not proposed to change. Standards around minimum outdoor living areas and required sizes will also ensure appropriate separation and privacy between dwellings. Therefore, the submissions from **G Campbell (021.8)** and **S Campbell (013.10)** are **rejected**.
- 8.5 The submission by **A Elgie (026.5)** relating to the Medium Density Residential Zone rule MRZ-S5 (Setbacks) has requested that the *"outcome should be amended to include amenity towards neighbours."*
- 8.6 The matters of discretion for any infringement on the side yard setback addresses the amenity effects on adjoining parties. The outcome discusses maintaining the amenity of the residential area. The submission point is already addressed by the outcome and the matters of discretion and the submission from **A Elgie (026.5)** is to be **rejected**.
- 8.7 The submission from **A Galloway (034.3)** in relation to the Medium Density Residential Zone rule MRZ-S5 (Setbacks) opposes the standard as notified and further submission from **Residents of Kaiapo Road etc (FS19.159)** support A

Galloway's submission. Submission point **Te Kāhui Whaihanga (100.9)** supports the standard with amendments.

- 8.8 The notified standard MRZ-S5 c. states that all buildings must be setback 2m from any boundary with a character residential zone. This standard is unclear given that it is not intended to reduce the front yard setback when adjoining a character zone. This standard should be amended to the following:
- c. All buildings must be setback 2m from any **side** boundary **adjacent to** ~~with~~ a character residential zone.
- 8.9 Therefore, the submission point from **A Galloway (034.3)**, **Te Kāhui Whaihanga (100.9)** and further submission from the **Residents of Kaiapo Road etc (FS19.159)** is to **be accepted**.
- 8.10 The submission from **Kāinga Ora (050.133)** relating to the Medium Density Residential Zone rule MRZ-S5 (Setbacks) supports the side and rear boundary yard setbacks but opposes the standard of a 3m setback for the front boundary. A further submission from **Development Nous (FS11.139)** supports Kāinga Ora's submission and a further submission from **Residents of Kaiapo Road etc (FS19.159)** opposes Kāinga Ora's submission.
- 8.11 It is considered that a 2m setback would be too close to the front boundary and would be inconsistent with the outcome that states "*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*" It is not envisaged that a two-metre setback would provide a sense of space between the streetscape and residential area. It could potentially cause the building bulk of a residential building to appear more dominant and would also make privacy design techniques harder to achieve.
- 8.12 Therefore, the submission from **Kāinga Ora (050.133)** with regards to the 2m setback be **accepted in part** and the further submission from **Development Nous (FS11.139)** be **rejected** and the further submission from **Residents of Kaiapo Road etc (FS19.159)** be **accepted in part**.
- 8.13 The submission from **N Morgan (066.1)** relating to the Medium Density Residential Zone rule MRZ-S5 (Setbacks) opposes in part the standard as notified.
- 8.14 N Morgan's concern was that the current Character Residential setback standards are 1.5 metres for side boundaries (rear boundaries 1m) and with the proposed setback for MDRZ being 1 metre would maintain the character of the area. Under Plan Change 5 the Character Residential Zones are recommended to be retained. As a result the setbacks within the MDRZ zone are not expected to affect N Morgan's property and surrounding character area.
- 8.15 Therefore, the submission point **N Morgan (066.1)** is **rejected**.
- 8.16 **R & J Piper (077.4)** relating to the Medium Density Residential Zone rule MRZ-S5 (Setbacks) opposes the 1 metre distance for rear and side boundaries standard as notified.
- 8.17 Current residential standards within the Hastings and Havelock North General Residential Zone require residential buildings to be setback 1m from "other boundaries" which is inclusive of side and rear boundaries. The proposed Medium

Density Residential Zone standard requiring buildings to be set back 1m from the side boundary is consistent with this existing approach, which is considered to be an efficient method of the objectives and policies of the zone.

- 8.18 Therefore **R & J Piper (077.4)** submission point is **rejected**.
- 8.19 **TW Property (146.8)** submission relating to the Medium Density Residential Zone rule MRZ-S5 (Setbacks) oppose the standard as notified. A further submission from **McFlynn Surveying and Planning (FS029.8)** opposes the **TW Property (146.8)** submission and seek that the whole submission be disallowed.
- 8.20 TW Property considers that a 3m front yard setback may be overly onerous and remove flexibility for optimal site layouts. We therefore request this be reduced to a 2m front yard. Together with other design standards and criteria, this will still enable an appropriate streetscape amenity while improving flexibility in terms of site orientation and layout. Alternatively, retain a 3m front yard but allow up to 30% of the road frontage to infringe this to a maximum of 1m, to provide for architectural variation along the street frontage while retaining the overall openness of suburban streetscapes.
- 8.21 It is not considered that the alternative front yard setback suggested by **TW Property (146.8)** is sufficient to provide for architectural variation, which the submitter is seeking. The 3 metre setback notified is considered appropriate to provide for the maintenance of the streetscape amenity while still allowing sufficient space for development on site.
- 8.22 As a result, submission point **TW Property (146.8)** is **rejected** and further submission **McFlynn Surveying and Planning (FS029.8)** is **accepted in part**.

## **9. RECOMMENDATIONS**

- 9.1 That the submission point **Bay Planning, A Francis (007.10)** supporting the standard as notified be **accepted**.
- 9.1.1 Reason:
- a. The submission is in support of the notified rule.
- 9.2 That the submission points **G Campbell (012.8)**, **S Campbell (013.10)** opposing the setback standard for side boundaries as notified be **rejected**.
- 9.2.1 Reason:
- a. Matters such as maintaining the streetscape and ensuring a healthy residential environment are addressed by other standards within in the District Plan which will address the concerns raised.
- 9.3 That the submission point **A Elgie (026.5)** requesting the outcome be amended to include amenity towards neighbours is **rejected**.
- 9.3.1 Reason:
- a. The submission point is already addressed by the outcome and the matters of discretion as notified.

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- 9.4 That the submission point **A Galloway (034.3)** opposing the setback standard as notified **be accepted** and the further submission from **Residents of Kaiapo Road etc (FS19.159)** **be accepted**.
- 9.4.1 Reason:
- a. This standard is unclear given that it is not intended to reduce the front yard setback when adjoining a character zone. This standard should be amended to the following:
  - c. All buildings must be setback 2m from any **side** boundary **adjacent to with**—a character residential zone.
- 9.5 That the submission point **Kāinga Ora (050.133)** and further submission from **Development Nous (FS11.138)** supporting the side and rear boundary setback standard but opposing the front yard setback be **accepted in part**.
- 9.5.1 Consequently, the further submission from **Residents of Kaiapo Road etc (FS19.159)** be **accepted in part**.
- 9.5.2 Reason:
- a. A 2-metre setback is considered too close to the front boundary to enable a sense of space between the streetscape and residential area and be inconsistent with the notified outcome.
- 9.6 The submission **N Morgan (066.1)** opposing the 1 metre distance for rear and side boundaries standard be **rejected**.
- 9.6.1 Reason:
- a. Under Plan Change 5 the Character Residential Zones are recommended to be retained and setbacks within the MDRZ zone are not expected to affect existing character areas.
- 9.7 Submission **R & J Piper (077.4)** opposing the 1 metre distance for rear and side boundaries standard be **rejected**.
- 9.7.1 Reason:
- a. Current residential standards within the Hastings and Havelock North General Residential Zone require residential buildings to be setback 1m from “other boundaries” which is inclusive of side and rear boundaries. The MDRZ standard is consistent with this approach and considered an efficient method of the objectives and policies of the zone.
- 9.8 Submission **Te Kāhui Whaihanga (100.9)** requesting existing front yard standards for Character Residential be retained is **accepted**.
- 9.8.1 Reason:
- a. Many of the existing zones have a 3-metre front yard setback requirement unless they are adjoining an arterial or collector road where a 5 metre setback is then required. The notified front yard setback is consistent with all other residential zones and considered appropriate for the MDRZ.
- 9.9 Submission **TW Property (146.8)** opposing the setback standard as notified be **rejected**.

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9.9.1 That as a consequence, the further submission from **McFlynn Surveying and Planning (FS029.8)** opposing submission **TW Property (146.8)** be accepted in part.

9.9.2 Reason:

- a. The 3-metre front yard setback as notified is considered appropriate to provide maintenance of the streetscape amenity while still allowing sufficient space for development on site.

## 10. **MRZ-S6 – BUILDING COVERAGE**

Sub point	Submitter / Further Submitter	Provision / Section of the Hastings District Plan	Position	Summary of Decision Requested	Recommendation
<b>MRZ-S6 – Building Coverage</b>					
007.11	Bay Planning, A Francis	MRZ-S6 Building Coverage	Support with amendment	Amend to change the title of this performance standard to 'Building Coverage'.	Accept
007.12	Bay Planning, A Francis	MRZ-S6 Building Coverage	Support	Support	Accept
007.13	Bay Planning, A Francis	MRZ-S6 (b) (viii)	Oppose	Amend / Remove MRZ-S6(b)(viii)	Accept
034.11	A Galloway	MRZ-S6 – Building Coverage	Support	Support	Accept
FS19.23	Residents of Kaiapo Road etc	Submission point 034.11	Support	We seek the whole of the submission be allowed.	Accept
026.4	A Elgie	MRZ-S6	Support with amendment	I also note that a pool does not seem to be classes as a building, yet MRZ-S6 for building coverage includes an exemption for pools. I am seeking changes be made to provide more clarity around how pools are to be assessed in the MDRZ	Accept
050.134	Kāinga Ora	Performance Standards Table – MRZ-S6	Support	Retain as notified	Accept
FS11.140	Development Nous	Submission point 050.134	Support in part	Development Nous seeks the submission be allowed to the extent that those parts of the submission align with the points raised and relief sought in Development Nous' submission.	Accept in part
FS19.160	Residents of Kaiapo Road etc	Submission point 050.134	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
146.9	TW Property	MRZ-S6 – Building Coverage Standard	Support with amendment	Ensure wording of the standard applies to net site area of nominal boundaries at the CRD land use consent stage.	Reject

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FS029.9	McFlynn Surveying and Planning	Submission point 146.9	Oppose	Seek that the whole of the submission be disallowed.	Accept in part
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## 11. ANALYSIS

- 11.1 The submission point **Bay Planning, A Francis (007.12)** was supportive of the building coverage standard MRZ-S6 of 50%. Submission point **Bay Planning, A Francis (007.11)**, requested amendments to the standard. The submission point seeks to amend the name of the standard to Building Coverage. As this appears to be a typo in the notified version, due to the fact it is later referred to as Building Coverage in the standard itself and to be consistent with other chapters in the District Plan, it is considered appropriate to change the standard name to Building coverage. The submission point from **Bay Planning, A Francis (007.11)** is accepted.
- 11.2 Submission point **Bay Planning, A Francis (007.13)** requested Standard MRZ-S6(b)(viii) be removed. This standard states that building coverage does not apply to Artificial crop protection structures and crop support structures within the Medium Density residential environment. The submission point states that they cannot think of a time that a CRD would incorporate artificial crop protection structures and crop support structures and suggested that this be removed. As this zone is for Medium Density Housing, it is not expected that there will be artificial crop protection structures and crop support structures within the zone and this makes the standard longer and more complicated for little benefit. It is considered appropriate to remove this part of the standard within this zone and accept submission point **Bay Planning, A Francis (007.13)**
- 11.3 Submission point **A Galloway (034.11)** was supportive of the standard for building coverage and further submission **Residents of Kaiapo Road etc (FS19.23)** supported **A Galloway (034.11)** submission. As the submission points were supportive of the building coverage standard, it is considered appropriate for the standard of 50% site coverage to remain as this standard, along with open space, yard setbacks, height and height in relation to boundary all work together as a package to ensure a certain standard of development for those on site and control scale and dominance of the built form. As a result the submission point **A Galloway (034.11)** and further submission **Residents of Kaiapo Road etc (FS19.23)** are accepted.
- 11.4 Submission point **A. Elgie (026.4)** requested that how swimming pools are assessed as part of Building Coverage, is clarified.
- 11.5 It is considered reasonable to remove the exclusion of swimming pools as they will not be considered a building unless they are partially or fully roofed.
- 11.6 The national planning standards definition of a building is outlined below:
- Building means a temporary or permanent, moveable or immovable physical construction that is:*
1. *Partially or fully roofed; and*
  1. *Is fixed or located on or in land, but*
  1. *Excludes any motorised vehicle or other mode of transport that could be moved under its own power.*



- 11.7 Given that most swimming pools are not likely to be covered or partially covered by a roof structure, they would not be considered a building under this definition. Therefore, in these cases, swimming pools need not be considered under the building coverage rule as they would not contribute to the scale or bulk of building development. Where swimming pools are partially or fully roofed, they will be defined as a building and therefore would need to be included in any calculations of building coverage on the site. Removal of this exclusion makes sense to ensure there is no confusion and that swimming pools that are roofed are included in any building coverage calculations.
- 11.8 Therefore, submission point by **A. Elgie (026.4)** is accepted.
- 11.9 **Kāinga Ora 050.134** submitted to retain the standard as notified in regards to the 50% building coverage. Further submission by **Development Noun FS11.140** supported this part of Kāinga Ora's submission. For the same reasons as stated above, both the submission point by **Kāinga Ora 050.134** and the further submission by **Development Noun FS11.140** are accepted in part.
- 11.10 Further submission from **Residents of Kaiapo Road etc (FS19.160)** seek to disallow **Kāinga Ora (050.134)** submission as the requests are far too broad and far reaching. As the **Kāinga Ora (050.134)** submission point for site coverage was supportive and did not propose any request for the rule to be changed from that which was notified, it is not considered that this part of the submission was too broad or far reaching and the difference between the current site coverage in the Hastings General Residential Zone of 45% and the proposed 50% for the Medium Density Zone will not be discernible from the surrounding environment. It is therefore considered that the further submission from **Residents of Kaiapo Road etc (FS19.160)** is rejected.
- 11.11 Submission Point **TW Property (146.9)** supports the proposed building coverage of 50% of net site area; however, request that the wording of the standard ensures that the building coverage requirement applies to net site area of nominal boundaries at the CRD land use consent stage to avoid reassessing building coverage in subdivision consents, as this adds additional complexity, time and cost.
- 11.12 The wording of the standard is the maximum building coverage must not exceed 50% of the net site area. Net site area is defined as:
- Net Site Area (in the Medium Density Residential Zone): means the total area of the site but excludes:*  
*a. any part of the site that provides legal access to another site;*  
*b. any part of a rear site that provides legal access to that site;*  
*c. any part of the site subject to a designation that may be taken or acquired under the Public Works Act 1981.*
- 11.13 It is considered that the wording should remain the same, as there is no guarantee that further subdivisions will occur. Calculating the site coverage of both the net site area (if no subdivision is proposed) and the further lots remains the responsibility of the designer to ensure compliance with any future subdivision plans can be met.
- 11.14 The submission point **TW Property 146.9** is rejected.
- 11.15 The further submission **McFlynn Surveying and Planning (FS029.9)** seeks that the whole of the submission by TW Property 146.9 is disallowed. As the submission point relating to the Building Coverage standard has been rejected, the further



submission by **McFlynn Surveying and Planning (FS029.9)** is accepted in part, in relation to this point.

## **12. RECOMMENDATIONS**

12.1 That the submission points **Bay Planning, A Francis (007.11, 007.12 and 007.13)** in support of the standard MRZ-S6 for Building Coverage but requesting changes to the be accepted.

### 12.1.1 Reasons:

- a. The standard should be changed from Buildings Coverage to Building Coverage for consistency throughout the District Plan.
- b. Artificial crop protection structures and crop support structures are not found within the medium density zone and should be removed from the building coverage exemption.

12.2 That the submissions point **A Galloway (034.11)** and further submission **Residents of Kaiapo Road etc (FS19.23), Kāinga Ora (050.134)** and further submission **Development Nous (FS11.140)** in support of the standard MRZ-S6 be accepted.

### 12.2.1 Reason:

- a. It is considered appropriate for the standard of 50% site coverage to remain as this standard, along with open space, yard setbacks, height and height in relation to boundary all work together as a package to ensure a certain standard of development for those on site and control scale and dominance of the built form.

12.2.2 That as a consequence of the above recommendation, the further submission of **Residents of Kaiapo Road etc (FS19.160)** be rejected.

### 12.2.3 Reason:

- a. It is not considered that this part of the submission was too broad or far reaching with the difference between the current site coverage in the Hastings General Residential Zone of 45% and the notified standard for MRZ of 50% will not be discernible from the surrounding environment.

12.3 That the submission point **A. Elgie (026.4)** to clarify how swimming pools are assessed as part of building coverage is accepted.

### 12.3.1 Reason:

- a. Removing the exclusion of swimming pools from the building coverage standard will ensure that there is no confusion and swimming pools that are partially or fully covered will be part of the building coverage calculation.

12.4 That the submission point **TW Property (146.9)** in support of the standard but requesting changes to assess site coverage based on future subdivisions is rejected.

### 12.4.1 Reason:

- a. A standard cannot be based on future subdivision plans and this remains the responsibility of the designer to ensure site coverage will work with future planned boundaries.

12.4.2 That as a consequence of the above recommendation, the further submission of **McFlynn Surveying and Planning (FS029.9)** is **accepted in part** as it relates to the building coverage standard in submission point **TW Property (146.9)**.

12.4.3 The recommended amendments to the MRZ-S6 will look as follows:

MRZ-S6	Buildings Coverage	Matters of Discretion if compliance not achieved:
	<p>a. The maximum <a href="#">building coverage</a> must not exceed 50% of net <a href="#">site</a> area</p> <p>b. This standard does not apply to:</p> <ul style="list-style-type: none"> <li>i. That part of eaves and/or spouting or bay windows projecting 600mm or less horizontally from any exterior wall;</li> <li>ii. Pergola <a href="#">structures</a> that are not covered by a roof;</li> <li>iii. Underground carparking with landscaping above;</li> <li>iv. Earthen terracing 1 metre or less in height with landscaping above of sufficient depth to allow drainage;</li> <li>v. Uncovered decks that are no more than 1m in height above <a href="#">ground level</a>.</li> <li>vi. <del>Uncovered outdoor swimming pools or tanks:</del> <ul style="list-style-type: none"> <li>o <del>not exceeding 25,000 capacity and supported directly by the ground, or</del></li> <li>o <del>not exceeding 2,000 litres capacity and supported not more than 2 metres above the supporting ground, or</del></li> </ul> </li> <li>vii. Satellite dishes; or</li> <li>viii. <del>Artificial crop protection structures and crop support structures.</del></li> </ul>	<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 to which the excess <a href="#">building coverage</a> creates a scale and dominance of built form that is not consistent with the planned built <a href="#">environment</a>;</li> <li>3. Whether there is sufficient room left on the <a href="#">site</a> to meet the landscaping, <a href="#">outdoor living space</a> and outlook requirements which ensure a quality living <a href="#">environment</a>.</li> </ol>

### 13. **MRZ-S7 OUTDOOR LIVING SPACE**

Sub point	Submitter / Further Submitter	Provision / Section of the Hastings District Plan	Position	Summary of Decision Requested	Recommendation
<b>MRZ-S7 – Outdoor Living Space</b>					
007.14	Bay Planning, A Francis	MRZ-S7 Outdoor Living Space	Support	Support	Accept in part
007.15	Bay Planning, A Francis	MRZ-S7(d) Outdoor Living Space	Support	Amend by inserting a diagram.	Reject
013.11	S Campbell	MRZ-S7 Outdoor Living Space	Oppose	Outside areas are really too small for Hastings. People choose to live in Hastings as opposed to other cities for the outdoors lifestyles, the sunshine and being outdoors no matter the season. The sizes given are more akin to CBD high density areas than medium density residential.	Reject
026.6	A Elgie	MRZ-S7 Outdoor Living Space	Support with amendment	Point (e) of this rule states that outdoor living spaces must be clear of buildings. This does not	Accept

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				seem to be achievable when it is part of an upper level covered deck, which is defined as a building.	
026.7	A Elgie	MRZ-S7 Outdoor Living Space	Support with amendment	Amend this provision so the use of the words living space / living area / internal living space are changed to be consistent and have the same meaning. Then include a definition for the term used.	Accept in part
028.18	Fire and Emergency NZ	MRZ-S7 Outdoor Living Space	Support in part	Amend as follows: <b>Advice note:</b> <i>Site layout requirements are further controlled by the Building Code. This includes the provision of firefighter access to buildings and egress from buildings. Plan users should refer to the applicable controls within the Building Code to ensure compliance can be achieved at the building consent stage. Issuance of a resource consent does not imply that waivers of Building Code requirements will be considered/granted.</i>	Reject
FS13.21	Kāinga Ora	Submission point 028.1	Oppose	Disallow submission	Accept
039.2	Hastings District Council – Environmental Policy Team	MRZ-S7 Outdoor Living Space	Support with amendment	Consider including a standard that relates minimum ground floor outdoor living space to the proposed number of bedrooms within a unit to ensure that the minimum outdoor space provided is sufficient for the number of people living in the residential unit.  The following is suggested for consideration: Minimum ground floor outdoor living space shall be provided per residential unit in accordance with the following table: Studio / 1 bedroom – 30m <sup>2</sup> 2 bedroom – 40m <sup>2</sup> 3 bedroom – 50m <sup>2</sup>  Consider including a minimum requirement for communal outdoor living spaces for apartment complexes.	Reject
FS11.2	Development Nours	Submission point 039.2	Oppose	Disallow this submission in its entirety as it does not align with the substantive, or alternate relief sought by the original submission of Development Nours, disallowed.	Accept
FS13.7	Kāinga Ora	Submission point 039.2	Oppose	Disallow submission	Accept

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FS19.5	Residents of Kaiapo Road etc	Submission point 039.2	Support	We seek that all of the submission is allowed.	Reject
050.135	Kāinga Ora	Performance Standards Table – MRZ-S7	Oppose in part	Amendment sought.	Accept in part
FS11.141	Development Nous	Submission point 050.135	Support in part	Development Nous seeks the submission be allowed to the extent that those parts of the submission align with the points raised and relief sought in Development Nous' submission.	Accept in part
FS19.161	Residents of Kaiapo Road etc	Submission point 050.135	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
100.10	Te Kāhui Whaihangā	MRZ-S7 Outdoor Living Space	Support with amendment	Support these proposed rules however what happens with a south facing property?	Accept
130.3	B Harrison	Outdoor Living Space	Oppose	Homes need to have ample space for outdoor use and living, play and recreation.	Reject
134.20	McFlynn Surveying and Planning	Performance Standard MRZ-S7 Outdoor Living Space	Oppose	Amend to: a. <del>A</del> <u>Each</u> residential unit at ground floor must have <del>an</del> <u>private</u> outdoor living space that is at least 30m <sup>2</sup> , with a minimum 4m dimension. b. <del>A</del> <u>Each</u> residential unit above ground floor must have <del>an</del> <u>private</u> outdoor living space of at least 8m <sup>2</sup> , with a minimum 1.8m dimension. c. <u>Where any residential unit is provided with less than 50m<sup>2</sup> private outdoor living space, any shortfall must be provided for within a shared communal outdoor living space.</u>	Reject
FS27.20	J Jackson	Submission point 134.20	Support	Seek that the whole submission be allowed. Also including that onsite parking must be provided for each dwelling.	Reject
FS28.5	Kāinga Ora	Submission point 134.20	Oppose	Disallow submission	Accept
FS30.15	P Rawle	Submission point 134.20	Support	Seek these parts of the submission to be allowed.	Reject
146.10	TW Property	MRZ-S7 – Outdoor Living Space Standard	Support with amendment	Amend the standard to make it consistent with the Medium Density Residential Standards i.e. 20m <sup>2</sup> with a 3m minimum dimension for ground floor and 8m <sup>2</sup> , and 1.8m dimension for above ground floor units. Alternatively, if 30m <sup>2</sup> is to be retained then the minimum dimension should be reduced to	Reject

				2m while retaining requirement for a 4m diameter circle.	
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#### 14. ANALYSIS

- 14.1 The submission point **Bay Planning, A Francis (007.14)** was supportive of the outdoor living standards MRZ-S7. Submission point **Bay Planning, A Francis (007.15)** suggested a diagram showing how compliance with standard MRZ-S7 (d) can be met and be included as an appendix. It is not considered appropriate to change the standard to include a diagram showing the required outdoor living area as an appendix in the District Plan as the north facing aspect of the standard is recommended to be removed from the plan. The submission points from **Bay Planning, A Francis (007.14)** is accepted in part and **(007.15)** is rejected.
- 14.2 The submission **S Campbell (013.11)** states that *'outside areas are really too small for Hastings. People choose to live in Hastings as opposed to other cities for the outdoors lifestyles, the sunshine and being outdoors no matter the season. The sizes given are more akin to CBD high density areas than medium density residential.'*
- 14.3 The outdoor living areas notified are considered appropriate. Our 4m outdoor living requirement was adapted from the existing District Plan comprehensive residential development standards. The national medium density design guide's rule of thumb for outdoor living space and recommends a dimension of greater than 5m in diameter for communal space. A 4m outdoor living space for each residential unit is consistent with these national guidelines. Additionally, Napier City Council's outdoor living standard for medium density living requires a minimum of 3m depth with no circle requirement. The outdoor living standard is consistent with the outcome *"To ensure residents have adequate access to outdoor living space for their recreation and wellbeing and that this space is private, sunny and has direct access from an internal living area."*
- 14.4 The location of the medium density residential zone being close to public open space areas and 400m from the CBD can assist individuals to access the outdoors without the requirement of large outdoor areas located on their sites. It also provides for a variety in lifestyle choices while still providing a certain level of amenity and separation of residential buildings. The submission **S Campbell (013.11)** is rejected.
- 14.5 The submission point **A Elgie (026.6)** is in support of the standard with amendment which suggested making changes to standard MRDZ-S7 (e) to allow for upper-level decks to be covered, as covered decks would be considered a building by definition.
- 14.6 This is considered appropriate as covered open space can still be utilised as a recreational space to provide for the wellbeing of the occupants. The standard will be amended to only include ground floor open space areas to not be obstructed by buildings. The submission point **A Elgie (026.6)** is accepted, as shown below:
- All ground floor outdoor living spaces must be clear of buildings, parking spaces, servicing and manoeuvring areas.
- 14.7 The submission point **A Elgie (026.7)** is in support of the standard with amendment is accepted in part. The wording of the standard and the outcome are inconsistent, with the word 'main living area' and 'internal living area' being able to be interpreted

differently. It is recommended to change the wording of the outcome to ensure the outdoor living space is accessed off a main living area (rather than a bedroom). Therefore submission point **A Elgie (026.7)** is **accepted in part**.

- 14.8 The wording of the outcome will be as follows:

To ensure residents have adequate access to outdoor living space for their recreation and wellbeing and that this space is private, sunny and has direct access from ~~an internal living area~~ **the main living area**.

- 14.9 The submission point **Fire and Emergency New Zealand (028.18)** support the standard with amendment and requested the following advice note be added to the standard:

*Advice note: Site layout requirements are further controlled by the Building Code. This includes the provision of firefighter access to buildings and egress from buildings. Plan users should refer to the applicable controls within the Building Code to ensure compliance can be achieved at the building consent stage. Issuance of a resource consent does not imply that waivers of Building Code requirements will be considered/granted.*

- 14.10 There is no need to replicate building consent requirements within the District Plan standards. All licensed building practitioners are aware of building code requirements in addition to District Plan requirements. The submission point from **Fire and Emergency New Zealand (028.18)** is **rejected**.

- 14.11 As a consequence of the above, further submission point **Kainga Ora (FS13.21)** which requested to disallow submission point **Fire and Emergency New Zealand (028.18)** shall be **accepted**.

- 14.12 The submission point **Hastings District Council Environmental Policy Team (039.2)** support the MDRZ-S7 standard with amendments and the further submission **Residents of Kaiapo Road etc (FS19.5)** are in support of the submission point. The amendments requested were as follows:

*Consider including a standard that relates minimum ground floor outdoor living space to the proposed number of bedrooms within a unit to ensure that the minimum outdoor space provided is sufficient for the number of people living in the residential unit.*

- 14.13 *The following is suggested for consideration:*

*Minimum ground floor outdoor living space shall be provided per residential unit in accordance with the following table:*

Studio / 1 bedroom	– 30m <sup>2</sup>
2 bedroom	– 40m <sup>2</sup>
3 bedroom	– 50m <sup>2</sup>

*Consider including a minimum requirement for communal outdoor living spaces for apartment complexes.*

- 14.14 Further submissions from **Kāinga Ora (FS13.7)** and **Development Nours (FS11.2)** oppose the additional standards for outdoor living spaces based on the number of bedrooms within a dwelling as they believe the standards are inflexible and do not necessarily provide for the delivery of a high-quality outdoor space.

- 14.15 It is considered that there is no need to have additional standards for outdoor living spaces based on the number of bedrooms. In theory this is maybe an effective way to provide for outdoor living space however it is not an efficient method to ensure that quality outdoor living space is provided. It is considered that increasing the outdoor living space in relation to bedrooms has potential to limit the variability of developments by making it more efficient to produce single dwelling units due to the additional outdoor living space required. A minimum communal outdoor living space for apartment complexes would not provide a quality open space and it is considered that a 30m<sup>2</sup> space per ground floor residential unit and 8m<sup>2</sup> space for any above ground unit will allow for more useable and private outdoor living space.
- 14.16 Taking this into consideration the submission point **Hastings District Council Environmental Policy Team (039.2)** is **rejected**.
- 14.17 As a consequence, further submissions from **Kāinga Ora (FS13.7)** and **Development Nours (FS11.2)** are **accepted** and further submission **Residents of Kaiapo Road etc (FS19.5)** is **rejected**.
- 14.18 The submission point **Kāinga Ora (050.135)** opposes MDRZ-S7 standard in part, requesting a smaller minimum outdoor area of 20m<sup>2</sup> and the removal of the north facing requirement.
- 14.19 It is not considered appropriate to reduce the minimum outdoor from 30m<sup>2</sup> to 20m<sup>2</sup> due to several submissions requesting the size of the outdoor living to be increased. The minimum outdoor living area of 30m<sup>2</sup> can sufficiently meet the outcome sought by providing for the recreation and wellbeing of occupants.
- 14.20 Regarding the north facing component not all sites will feasibly accommodate north-facing outdoor living areas due to their shape, topography, or existing structures. Allowing for flexibility in orientation ensures that outdoor living spaces can be integrated into a wider range of developments, enhancing overall accessibility to quality outdoor spaces for more residents.
- 14.21 The angle of the sun changes with the seasons, affecting the amount of sunlight different orientations receive. In some cases, east or west-facing outdoor living areas may be preferable to capture morning or afternoon sun, especially during winter months when the sun is lower in the sky.
- 14.22 In some locations, a north-facing orientation may expose outdoor living areas to prevailing winds, making them less comfortable to use. Allowing for alternative orientations can enable the design of outdoor spaces that are sheltered from adverse weather conditions, therefore being more usable year-round.
- 14.23 The orientation of an outdoor living area should also consider the availability of views and the relationship to the surrounding landscape. In many cases, the most desirable view or natural feature may not be to the north. Providing flexibility in orientation allows for the maximisation of scenic vistas and the integration of natural features into the design of outdoor living areas.
- 14.24 While north-facing orientations are often preferred for passive solar gain, in the Hawkes Bay's hotter months, this can lead to overheating and discomfort. Allowing for alternative orientations can contribute to more energy-efficient designs by balancing solar gain with natural shading and ventilation.

- 14.25 The orientation of outdoor living areas should also consider the need for privacy from neighbouring properties. In some instances, orienting these spaces away from the north may provide better privacy solutions.
- 14.26 If the outdoor living space is located on the southern side of the building it could in certain circumstances result undesirable outdoor living outcomes due to overshadowing. It is therefore recommended when the open space is located south of any building, the southern boundary of that space must be separate from any wall or building by at least 9 m for multiple storey buildings, and at least 6 m for single-storey buildings to reduce any potential shading effects.
- 14.27 The standard MRZ-S7 (d) is recommended to be changed to the following:
- Where open space is located south of any building located on the same site, the southern boundary of that space must be separate from any wall or building by at least 9 m for two-storey buildings, and at least 6 m for single-storey buildings.
- For the purpose of this standard, south is defined as between 135 and 225 degrees.
- 14.28 As a result, the submission **Kāinga Ora (050.135)** is **accepted in part**.
- 14.29 Consequently, further submission **Development Nours (FS11.141)** supporting in part the Kainga Ora submission is **accepted in part** and
- 14.30 **Residents of Kaiapo (FS19.161)** opposing the Kainga Ora submission is **rejected**.
- 14.31 **Te Kāhui Whaihangā (100.10)** support the standard but have concerns regarding what happens with south facing properties. As it is proposed to delete the north facing outdoor living space requirement this submission is **accepted**.
- 14.31 **B Harrison (130.3)** opposes the MDRZ-S7 standard as it does not provide sufficient outdoor living space. The proposed notified standard provides for sufficient outdoor living space and additionally with the zone located near parks and reserves the intent of this submission point is met. The submission is therefore **rejected**.
- 14.32 **McFlynn Surveying and Planning (134.20)** opposes the MDRZ-S7 standard and requested amendments to the standard. The suggested changes to points (a) and (b) of the standard are minor amendments and are not considered to add any benefit to the standard. Point (c) is also not considered necessary as it is reliant on more than one site to be developed to allow room for a communal space. Public open space is also within close proximity to the identified MDRZ and a communal space can bring social irritations if that is the only outdoor space provided for use. Therefore, submission point **McFlynn Surveying and Planning (134.20)** is **rejected**.
- 14.33 As a consequence of this further submission point **Kāinga Ora (FS028.5)** opposing submission **McFlynn Surveying and Planning (134.20)** is **accepted**.
- 14.34 Further submissions from **J Jackson (FS027.20)** and **P Rawle (FS030.15)** are in support of submission point **McFlynn Surveying and Planning (134.20)**. Submission **J Jackson (FS027.20)** also requests that onsite parking must be provided for each dwelling. The National Policy Statement on Urban Development removed minimum car parking rates from the district plans of tier 1, 2 and 3 territorial authorities. Which enabled more housing and commercial developments, particularly



in higher density areas where people do not necessarily need to own or use a car to access jobs, services, or amenities. It also enables urban space to be used for higher value purposes other than car parking and removes a significant cost for higher density developments. Developers may still choose to provide car parking in many areas, but the number of car parks will be driven by market demand. Therefore, further submission point **J Jackson (FS027.20)** is **rejected** and submission point **P Rawle (FS030.15)** who support submission point **McFlynn Surveying and Planning (134.20)** is also **rejected**.

14.35 Submission point **TW Property (146.10)** oppose the outdoor living space standards. They would like to make the standard consistent with the medium density residential standards (a guide for territorial authorities). It has been considered that the outdoor living space standards within this guide are more aligned to a tier 1 territorial authority and would not align with the current residential living environment set aside for medium density living. Therefore, submission point **TW Property 146.10** is **rejected**.

14.36 As a consequence, submission point **McFlynn Surveying and Planning FS029.10** opposing this submission is **accepted**.

## **15. RECOMMENDATIONS**

15.1 That the submission points **Bay Planning, A Francis (007.14)** in support of the standard MRZ-S7 for outdoor living be **accept in part**.

### **15.1.1 Reason:**

- a. The submission is in support of the notified rule.

15.2 That the submission **Bay Planning, A Francis (007.15)** suggesting that a diagram showing how compliance with standard MRZ-S7 (d) can be met should be included as an appendix be **rejected**.

### **15.2.1 Reason:**

- a. The north facing aspect is being proposed to be removed from the standard and therefore no diagram is needed to be provided.

15.3 That the submission **S Campbell (013.11)** opposing the outdoor living standard MRZ-S7 be **rejected**.

### **15.3.1 Reason:**

- a. A 4m outdoor living space for each residential unit is consistent with national guidelines. Napier City Council's outdoor living standard for medium density living requires a minimum of 3m depth with no circle requirement. The outdoor living standard is considered consistent with the outcome *"To ensure residents have adequate access to outdoor living space for their recreation and wellbeing and that this space is private, sunny and has direct access from an internal living area."*

15.4 The submission point **A Elgie (026.6)** in support of the standard with amendment to include ground floor open space areas to not be obstructed by buildings is **accepted**.

### **15.4.1 Reason:**

- a. It was suggested to make changes to standard MRDZ-S7 (e) to allow for upper-level decks to be covered, as covered decks would be classified as a building by definition. This is considered appropriate as covered open space can still be utilised as a recreational space to provide for the wellbeing of the occupants. The standard will be amended to only include ground floor open space areas to not be obstructed by buildings.
- 15.5 The submission point **A Elgie (026.7)** requesting that the use of the words living space / living area / internal living space are changed to be consistent be **accepted in part**.
- 15.5.1 Reason:
- a. The wording of the standard and the outcome are inconsistent, with the word 'main living area' and 'internal living area' being able to be interpreted differently. It is recommended to change the wording of the outcome to ensure the outdoor living space is accessed off a main living area (rather than a bedroom). Therefore submission point A Elgie (026.7) is accepted in part.
- b. The wording of the outcome will be as follows:
- To ensure residents have adequate access to outdoor living space for their recreation and wellbeing and that this space is private, sunny and has direct access from ~~an internal living area~~  
**the main living area**.
- 15.6 **Fire and Emergency New Zealand (028.18)** in support the standard with amendment to include an advice note is **rejected**.
- 15.6.1 As a consequence, the further submission point **Kainga Ora (FS13.21)** which requested to disallow submission point **Fire and Emergency New Zealand (028.18)** shall be **accepted**.
- 15.6.2 Reason:
- a. There is no need to replicate building consent requirements within the District Plan standards. All licensed building practitioners are aware of building code requirements addition to District Plan requirements.
- 15.7 The submission point **Hastings District Council Environmental Policy Team (039.2)** which support standard MDRZ-S7 with amendments to include a minimum ground floor outdoor living space per residential unit shall be **rejected**.
- 15.7.1 Consequently, the further submission from **Kāinga Ora (FS13.7)** and **Development Nours (FS11.2)** opposing the additional standards for outdoor living spaces based on the number of bedrooms within a dwelling shall be **accepted**.
- 15.7.2 There is no need to have additional standards for outdoor living spaces based on the number of bedrooms it is not an efficient method to ensure that quality outdoor living space is provided. It can have the alternate effect and limit the variability of developments by making it more efficient to produce single dwelling units due to the additional outdoor living space required.
- 15.7.3 Further submission from **Residents of Kaiapo Road etc (FS19.5)** supporting **Hastings District Council Environmental Policy Team (039.2)** is **rejected**.

15.7.4 Reason:

- a. There is no need to have additional standards for outdoor living spaces based on the number of bedrooms a residential unit contains, it is not an efficient method to ensure that quality outdoor living space is provided.

15.8 The submission point **Kāinga Ora (050.135)** opposing the MDRZ-S7 standard in part, has requested a smaller minimum outdoor area of 20m<sup>2</sup> and the removal of the north facing requirement which is **accepted in part**.

15.8.1 As a result the MRZ-S7 (d) is recommended to be changed to the following:

~~d. All outdoor living spaces must be north facing i.e. orientated north of east or west.~~

Where open space is located south of any building located on the same site, the southern boundary of that space must be separate from any wall or building by at least 9 m for two or more storey buildings, and at least 6 m for single-storey buildings.

For the purpose of this standard, south is defined as between 135 and 225 degrees.

15.8.2 Consequently, the further submission from **Development Nous (FS11.141)** is **accepted** in part and further submission from **Residents of Kaiapo Road etc (FS19.5)** is **rejected**.

15.8.3 Reasons:

- a. It is not considered appropriate to reduce the minimum outdoor from 30m<sup>2</sup> to 20m<sup>2</sup> due to several submissions requesting the size of the outdoor living to be increased. The minimum outdoor living area of 30m<sup>2</sup> sufficiently meets the outcome sought by providing for the recreation and wellbeing of occupants.
- b. Not all sites will feasibly accommodate north-facing outdoor living areas due to their shape, topography, or existing structures. The angle of the sun changes with the seasons affecting the amount of sunlight different orientations receive. Alternative orientations enable the design of outdoor spaces that are sheltered from adverse weather conditions which allows the space to be usable year-round. The orientation of an outdoor living area should also consider the availability of views and the relationship to the surrounding landscape. At times the most desirable view or natural feature may not be to the north. Providing flexibility in orientation allows for the maximisation of scenic vistas and the integration of natural features into the design of outdoor living areas. While north-facing orientations are often preferred for passive solar gain, in the Hawkes Bay's hotter months this can lead to overheating and discomfort. Allowing for alternative orientations can contribute to more energy-efficient designs by balancing solar gain with natural shading and ventilation. The orientation of outdoor living areas should also consider the need for privacy from neighbouring properties.
- c. To avoid undesirable outdoor living outcomes and overshading a greater distance between any wall or building is recommended on the southern outdoor living area.

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15.9 The submission point **Te Kāhui Whaihanga (100.10)** supporting the MDRZ-S7 standard whilst having concerns regarding what happens with south facing properties is **accepted**.

15.9.1 **Reason:**

- a. It is proposed to delete the north facing outdoor living space requirement from the standard.

15.10 That submission point **B Harrison (130.3)** stating homes need to have ample space for outdoor use and living, play and recreation be **rejected**.

15.10.1 **Reason:**

- a. The notified standard provides for sufficient outdoor living space and additionally with the zone located near the CBD, parks and reserves the intent of this submission point is met.

15.11 The submission point **McFlynn Surveying and Planning (134.20)** opposing the MDRZ-S7 standard and requested amendments to the standard be **rejected**.

15.11.1 Therefore, further submission point **Kāinga Ora (FS028.5)** opposing submission McFlynn Surveying and Planning (134.20) is **accepted**.

15.11.2 Consequently, further submissions from **J Jackson (FS027.20)** and **P Rawle (FS030.15)** in support of submission point McFlynn Surveying and Planning (134.20) are **rejected**.

15.11.3 **Reason**

- a. The proposed changes to points (a) and (b) of the standard are minor amendments and are not considered to add additional value. Point (c) is reliant on more than one site to be developed to allow room for a communal space. Public open spaces are located within close proximity to the identified MDRZ, and a communal space can cause social issues if that is the only outdoor space provided for use.

15.12 Submission point **TW Property (146.10)** stating that the medium density residential standards shall be consistent with the medium density residential standards (a guide for territorial authorities) be **rejected**.

15.12.1 Consequently, further submission from **McFlynn Surveying and Planning FS029.10** opposing this submission is **accepted**.

15.12.2 **Reason:**

- a. Outdoor living space standards within this guide are more aligned to a tier 1 territorial authority and would not intersperse with the current residential living environment earmarked for medium density living in the Hastings District.

15.12.3 The recommended amendments to the standard are outlined below:

- a. A residential unit at ground floor must have an outdoor living space that is at least 30m<sup>2</sup>, with a minimum 4m dimension
- b. A residential unit above ground floor must have an outdoor living space of at least 8m<sup>2</sup>, with a minimum 1.8m dimension
- ~~c.~~ All outdoor living spaces must be accessible from the main living area of the residential unit; and

d. All outdoor living spaces must be north facing i.e. north of east or west.

(d) Where open space is located south of any building located on the same site, the southern boundary of that space must be separate from any wall or building by at least 9 m for two or more storey buildings, and at least 6 m for single-storey buildings.

e. All ground floor outdoor living spaces must be clear of buildings, parking space, servicing and manoeuvring areas.

Note: For the purpose of this standard, south is defined as between 135 and 225 degrees.

Outcome: To ensure residents have adequate access to outdoor living space for their recreation and wellbeing and that this space is private, sunny and has direct access from the ~~internal living area~~ main living area.

## 16. **MRZ-S8 LANDSCAPED AREAS**

Sub point	Submitter / Further Submitter	Provision / Section of the Hastings District Plan	Position	Summary of Decision Requested	Recommendation
<b>MRZ-S8 – Landscaped Areas</b>					
013.12	S Campbell	MRZ-S8 Landscaped Areas	Oppose	Amend outcome statement. The outcome is to look after 'streetscape' aesthetics over the residents new and existing to the area. Development plans of vegetation need to more adequately ensure softened vistas for existing neighbours	Reject
050.136	Kāinga Ora	Performance Standards Table – MRZ-S8	Oppose in part	Replace proposed outcome with: <u>Developments include areas of vegetation or garden areas that positively contribute to the setting of the development and the interaction with the public environment.</u>	Reject
FS11.142	Development Nous	Submission point 050.136	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
FS19.162	Residents of Kaiapo Road etc	Submission point 050.136	Oppose all	We seek the whole of the KO submission be disallowed, as the requests are far too broad and far reaching. Resulting in severely adversely affecting existing communities and residents.	Accept in part
106.9	Tumu Development	MRZ-S8 Landscaped Areas	Support with amendment	We suggest this rule should be amended to 20% of the outdoor living space provided for the	Accept in part

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				exclusive use of each residential unit.	
FS13.34	Kāinga Ora	Submission point 106.9	Oppose	Disallow submission	Accept in part
146.11	TW Property	MRZ-S8 – Landscaping Standards	Support with amendment	Wording of the standard should ensure that the landscaped area requirement applies to net site area of nominal boundaries at the CRD land use consent stage to avoid reassessing building coverage in subdivision consent.	Reject
FS029.11	McFlynn Surveying and Planning	Submission point 146.11	Oppose	Seek that the whole of the submission be disallowed.	Accept in part

## 17. ANALYSIS

- 17.1 The submission point **S Campbell (013.12)** is opposed to the standard MRZ-S8 and states that *“the outcome is to look after ‘streetscape’ aesthetics over the residents new and existing to the area. Development plans of vegetation need to more adequately ensure softened vistas for existing neighbours”*. Currently there is no standard required to lock in the location and types of landscaping in order to achieve a certain standard of landscaping near adjoining property boundaries. What adjoining neighbours may see as looking after the aesthetics of residents in terms of land scaping is subjective and cannot be controlled by a standard of the District Plan. Bulk and location requirements of buildings, along with separation between building rules and open space will help to protect amenity of adjoining sites. The notified standard requiring 20% of the exclusive use area to be landscaped is considered to meet the outcome, which as notified, not only looks after streetscape but also improve outlook, privacy and softens building form, which contributes to mitigating effects on adjoining properties as well as streetscape.
- 17.2 It is therefore considered that submission point **S Campbell (013.12)** shall be **rejected**.
- 17.3 Submission point **Kāinga Ora 050.136** opposes the landscape standard MRZ-S8 in part as they do not believe landscaping should be a requirement of development to soften or screen the built form within the urban environment and therefore put forward a suggested change of outcome to the following:
- Developments include areas of vegetation or garden areas that positively contribute to the setting of the development and the interaction with the public environment.*
- 17.4 Vegetation naturally softens and screens the built form, without any specific requirement to do so. The standard only states that a minimum of 20% landscaping is required and this must consist of a combination of grassed lawn, garden beds, shrubs and/or trees. This standard will result in buildings being softened and therefore the outcome is considered to be relevant to the standard.
- 17.5 The submission point from **Kāinga Ora 050.136** is **rejected**.
- 17.6 As a result, the further submission from **Development Nous (FS11.142)** who support **Kāinga Ora 050.136** is also **rejected**. Further submission from **Residents of Kaiapo Road etc (FS19.162)** opposed the submission by **Kāinga Ora 050.136**, and although

they had no specific points about landscaping, the further submission is **accepted in part**.

- 17.7 Submission point by **Tumu Development (106.9)** requested amendments to standard MRZ-S8 stating that *a residential unit at ground floor must have a landscaped area of a minimum of 20% of the “exclusive use area” of the unit. It is not clear what the exclusive use area is. There are several references to “exclusive use” within the section 33.1 definitions however there is no specific definition for exclusive use area. We suggest this rule should be amended to 20% of the Outdoor Living Space provided for the exclusive use of each residential unit.*

- 17.8 As the intent of the standard is to have 20% of the total site to be landscaped and this is not clear by the notified wording of the standard, it is considered that ‘net site area’ would be a more appropriate description. Net site area is defined as:

***Net Site Area (in the Medium Density Residential Zone): means the total area of the site but excludes:***

- a. any part of the site that provides legal access to another site;*
- b. any part of a rear site that provides legal access to that site;*
- c. any part of the site subject to a designation that may be taken or acquired under the Public Works Act 1981.*

- 17.9 The MRZ-S8 standard (Landscaping) is recommended to be modified to the following:

- a. A residential unit at ground floor level must have a landscaped area of a minimum of 20% of the ~~exclusive use~~ **net site** area of the unit with a combination of grassed lawn, garden beds, shrubs and/or trees;
- b. The landscaped area must be located within the specific site or exclusive use area associated with each residential unit.

- 17.10 The standard is not clear as exclusive use area is not defined in the District Plan, however it is not considered to be the intent of the standard to only landscape the outdoor living space, but rather 20% of the net site area. As a result the submission point (**Tumu Development (106.9)**) is **accepted in part**.

- 17.11 As a result further submission by **Kāinga Ora FS13.34** opposing the whole submission by **Tumu Development (106.9)** is **accepted in part**.

- 17.12 Submission point by **TW Property (146.11)** supports the standard MRZ-S8 with amendments as they believe the wording of the standard should ensure that the landscaped area requirement applies to net site area of nominal boundaries at the CRD land use consent stage to avoid reassessing building coverage in subdivision consent. As discussed in Site coverage above, it is considered that the wording should remain the same, as there is no guarantee that further subdivisions will occur. Any calculations to allow for future subdivisions is the responsibility of the designer to ensure compliance with any future subdivision plans can be met. Topic 4, Key Issue 5 Section 30.1 Subdivision addresses this submission separately.

- 17.13 The submission point **TW Property (146.11)** is **rejected** and as a consequence of this, further submission by **McFlynn Surveying and Planning FS029.11** seeking that the whole submission be disallowed, is **accepted in part**.

## 18. RECOMMENDATIONS

*Section 42A Report for Plan Change 5: Right Homes, Right Place*  
*Topic 4, Key Issue 3 – Medium Density Residential Zone – General Performance Standards*

18.1 That the submission point **S Campbell (013.12)** and **Kāinga Ora 050.136** opposed to the standard MRZ-S8 shall be **rejected**.

18.1.1 **Reasons:**

- a. Bulk and location requirements of buildings, along with separation between building rules and open space will help to protect amenity of adjoining sites.
- b. Vegetation naturally softens and screens the built form.

18.1.2 As a consequence of above, the further submission from **Development Nous (FS11.142)** is **rejected**. Further submission from **Residents of Kaiapo Road etc (FS19.162)** is **accepted in part**.

18.1.3 **Reason:**

- a. The further submissions relate to submission point **Kāinga Ora (050.136)** to which it was recommended rejecting.

18.2 Submission point by **Tumu Development (106.9)** that requested amendments to standard MRZ-S8 is **accepted in part**.

18.2.1 The MRZ-S8 standard (Landscaping) will be modified to the following:

- a. A residential unit at ground floor level must have a landscaped area of a minimum of 20% of the ~~exclusive use~~ **net site** area of the unit with a combination of grassed lawn, garden beds, shrubs and/or trees;
- b. The landscaped area must be located within the specific site or exclusive use area associated with each residential unit.

18.2.2 As a result further submission by **Kāinga Ora (FS13.34)** opposing the whole submission by **Tumu Development (106.9)** is **accepted in part**.

18.2.3 **Reason:**

- a. The standard is not clear as exclusive use area is not defined in the District Plan, however it is not considered to be the intent of the standard to only landscape the outdoor living space, but rather 20% of the net site area.

18.3 Submission point by **TW Property (146.11)** supports the standard MRZ-S8 with amendments is **rejected** and as a consequence further submission by **McFlynn Surveying and Planning (FS029.11)** is **accepted in part**.

18.3.1 **Reason:**

- a. A standard cannot be based on future subdivision plans and this remains the responsibility of the designer to ensure landscaping will work with future planned boundaries.

## **19. MRZ-S9 WINDOWS AND CONNECTION TO STREET**

Sub point	Submitter / Further Submitter	Provision / Section of the Hastings District Plan	Position	Summary of Decision Requested	Recommendation
<b>MRZ-S9 – Windows and Connection to Street</b>					



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*Topic 4, Key Issue 3 – Medium Density Residential Zone – General Performance Standards*

007.16	Bay Planning, A Francis	MRZ-S9 Windows and Connection Street/Road	Support with amendment	Clarification sought	Reject
050.137	Kāinga Ora	Performance Standards Table – MRZ-S9	Oppose in part	Delete MRZ-S9 b	Reject
FS11.143	Development Nous	Submission point 050.137	Support in part	Development Nous seeks the submission be allowed to the extent that those parts of the submission align with the points raised and relief sought in Development Nous' submission.	Accept in part
FS19.163	Residents of Kaiapo Road etc	Submission point 050.137	Oppose	We seek the whole of the KO submission be disallowed, as the requests are far too broad and far reaching. Resulting in severely adversely affecting existing communities and residents.	Accept in part
100.11	Te Kāhui Whaihanga	MRZ-S9 Windows and Connection to Street/Road	Oppose	This should be a recommendation depending on the orientation of the site.	Accept in part
106.13	Tumu Development	MRZ-S9 Windows and Connection to the Street/Road	Support with amendment	We suggest consideration is given to a dispensation to this rule for the first and second floor of two or three storey dwellings. In some instances where there is a legal access lot between the units and the neighbouring property this rule may result in additional (and potentially undesired) glazing overlooking neighbouring properties.	Accept in part
FS13.36	Kāinga Ora	Submission point 106.13	Oppose	Disallow submission	Accept
146.12	TW Property	MRZ-S9 – Windows and Connections to Street	Support with amendment	Delete that part of the standard that applies to internal accessways.	Reject
FS29.12	McFlynn Surveying and Planning	Submission point 146.12	Oppose	Seek that the whole of the submission be disallowed	Accept

## 20. ANALYSIS

- 20.1 Submission point **Bay Planning, A Francis (007.16)** supports standard MRZ-S9 with amendments. Clarification was sought to determine if the standard for the 20% in glazing includes a garage and if a garage would meet the outcome that's trying to be achieved.
- 20.2 It is appropriate for the standard to also apply to garages to achieve the outcome "A clear visual connection between the street and each residential unit adds visual interest and improves passive surveillance which contributes to the safety of people and property". For multi storey buildings the windows can be located on the second story (also fronting the street or shared access), which has the same outcome and helps with passive surveillance. If there is a single storey building with

a garage facing the street, this standard is important to ensure variety in the building design, to avoid the blank bulk of a garage door dominating the streetscape.

- 20.3 It is considered that submission point **Bay Planning, A Francis (007.16)** be accepted in part, as the submitter has not requested a specific amendment, noting the notified version of the rules currently includes the "façade facing the front boundary", which includes any part of the building along the front façade.
- 20.4 **Kāinga Ora (050.137)** opposes standard MRZ-S9 in part, and request for MRZ-S9(b) be deleted as they state that *"it is a form of design guidance and is overly prescriptive thereby not enabling development to be responsive to specific site constraints"*.
- 20.5 MRZ-S9(b) as notified reads as follows:
- "any residential unit facing the front boundary must incorporate at ground level facing the front boundary or legal access:*
- i. a visible front door and main pedestrian entrance that is visible and accessible from the front boundary or legal access; and ii. a kitchen, living or dining room with glazing facing the front boundary or legal access;*
- 20.6 It is considered important for these design points to be included in the standard, as this is an important aspect to provide for passive surveillance and to create a positive relationship between the building and public spaces. Additionally, having windows from a living area facing the street can also maintain privacy between dwellings. It also helps break up the front façade to ensure visual variety which helps streetscape amenity.
- 20.7 Part (b) of this standard was previously a standard for CRD activities in the Operative District Plan (7.2.6E.7 Relationship of building to street) and is also a key design element outlined in the Hastings Medium Density Design Framework 2022. The intent of Plan Change 5 is to ensure good design outcomes are achieved and as such the notified standard works together with other notified standards to provide for a quality residential environment at a higher density of living. As a result, it is considered appropriate for the standard to remain to achieve the desired outcome "A clear visual connection between the street and each residential unit adds visual interest and improves passive surveillance which contributes to the safety of people and property".
- 20.8 Submission point **Kāinga Ora (050.137)** is rejected and as a consequence further submission to Kainga Ora 050.137 by **Development Nous (FS11.143)** which supports the submission in part but with no specific comment on this standard is accepted in part.
- 20.9 Further submission to Kainga Ora 050.037 by **Residents of Kaiapo Road etc (FS19.163)** opposes the whole submission as it is too broad and far reaching is accepted in part.
- 20.10 Submission point **Te Kāhui Whaihanga (100.11)** supports the standard MRZ-S9 in part but has concerns regarding southern oriented sites and the requirement for living/kitchen to be located facing the street or shared access.
- 20.11 In most circumstances, a living area, kitchen or dining area can be located on the street side, while also making use of light from other orientations. Not all of these rooms need to be located on the roadside of the house which will allow for design of

dwellings to include rooms with a northern orientation in most circumstances. Modern building standards also ensure that southern facing glazing is less problematic for insulation than historic building practices. In the event that this is not possible, and the outcome of the development would be compromised, a resource consent can be applied for, which will assess the specific circumstances of that particular site.

- 20.12 As a result the submission from **Te Kāhui Whaihanga (100.11)** is **accepted in part.**
- 20.13 Submission point **Tumu Development (106.13)** supports the standard MRZ-S9 with amendments to give dispensation of this standard for first and second floors of multi level buildings to avoid overlooking of adjoining properties.
- 20.14 Further submission points **Kainga Ora (FS13.35)** opposes Tumu Development's request commenting the scenario mentioned through Tumu Development's submission, would not alter the application or outcome of complying with the standard.
- 20.15 Kainga Ora's submission is valid in that granting dispensation would contravene the purpose of the performance standard. An element to this standard is to incorporate elements of CPTED (Crime Prevention Through Design) to ensure a balanced approach of safety through design. Any changes for consideration/dispensation would not achieve the outcome for *"A clear visual connection between the street and each residential unit adds visual interest and improves passive surveillance which contributes to the safety of people and property"*. Retaining this performance standard and having the ability to assess applications ensures the outcome is maintained.
- 20.16 For this reason, it is recommended to **reject** the submission of **Tumu Development (106.13)** and recommend that the further submission from **Kainga Ora (FS13.35)** be **accepted**.
- 20.17 Submission point **TW Property (146.12)** supports the standard MDRZ-S9 with amendment as they believe that *'depending on site layout, having substantial window outlook over the legal access may compromise the amenity (privacy and acoustic amenity) for residents within the development). This requirement combined with north facing outdoor living space areas creates a requirement for multiple outlook areas creating additional unnecessary complexity for internal building configuration, particularly for affordable housing options.'*
- 20.18 Internal accessways are treated in the same manner as a public street as they are common public areas within a development (even though they are privately owned) and serve a similar function to a public street. As previously mentioned, it is important for these design points to be included in the standard, as it provides for passive surveillance and to create a positive relationship between the building and public or common spaces. Windows from a living area facing the street can also maintain privacy between dwellings.
- 20.19 Part (b) of this standard was previously a standard for CRD activities in the Operative District Plan (7.2.6E.7 Relationship of building to street) and is also a key design element outlined in the Hastings Medium Density Design Framework 2022. The intent of Plan Change 5 is to ensure good design outcomes are achieved and as such the notified standard works together with other notified standards to provide for

a quality residential environment at a higher density of living. As a result, it is considered appropriate for the standard to remain to achieve the desired outcome “A clear visual connection between the street and each residential unit adds visual interest and improves passive surveillance which contributes to the safety of people and property”.

- 20.20 Therefore, the submission point **TW Property (146.12)** is **rejected** and further submission from **McFlynn Surveying and Planning (FS029.12)** opposing this submission point be **accepted**.

## **21. RECOMMENDATIONS**

- 21.1 That the submission point **Bay Planning, A Francis (007.16)** supporting standard MRZ-S9 with amendments shall be **rejected**.

### **21.1.1 Reason:**

- a. The notified version of the rules currently includes the “façade facing the front boundary”, which includes any part of the building along the front façade.

- 21.2 That submission **Kāinga Ora (050.137)** opposing standard MRZ-S9 in part and requesting standard MRZ-S9(b) be deleted shall be **rejected**.

- 21.2.1 Therefore, further submission **Development Nous (FS11.143)** which supports the submission in part but with no specific comment on this standard is **accepted in part**.

- 21.2.2 Consequently, further submission **Residents of Kaiapo Road etc (FS19.163)** opposing the whole submission is **accepted in part**.

### **21.2.3 Reason:**

- a. It is important for these specific design points to be included in the standard. It is an important aspect to provide for passive surveillance and to create a positive relationship between the building and public spaces. Additionally, having windows from a living area facing the street can also maintain privacy between dwellings. The standard achieves the District Plan outcome sought “A clear visual connection between the street and each residential unit adds visual interest and improves passive surveillance which contributes to the safety of people and property”.

- 21.3 Submission point **Te Kāhui Whaihangā (100.11)** supporting the standard MRZ-S9 in part, has concerns regarding southern oriented sites and the requirement for living/kitchen to be located facing the street or shared access shall be **accepted in part**.

### **21.3.1 Reason:**

- a. Living, dining and kitchen areas can be located on the street side of the site while obtaining light from other orientations. Not all of these rooms need to be located along the street which allows for differing designs of dwellings to include rooms with a northern orientation in most circumstances. In the event that this is not achievable, and the outcome of the development would be

compromised, a resource consent can be applied for, which will assess the specific environmental effects of the proposal.

21.4 Submission point **Tumu Development (106.13)** supporting the standard MRZ-S9 with amendments to give dispensation of this standard for first and second floors of multi-level buildings to avoid overlooking of adjoining properties shall be **rejected**.

21.4.1 Consequently, further submission **Kainga Ora (FS13.35)** shall be **accepted**.

21.4.2 **Reason:**

- a. Granting dispensation would contravene the purpose of the performance standard. An element to this standard is to incorporate elements of CPTED (Crime Prevention Through Design) to ensure a balanced approach of safety through design. Any changes for consideration/dispensation would not achieve the outcome for *"A clear visual connection between the street and each residential unit adds visual interest and improves passive surveillance which contributes to the safety of people and property"*. Retaining this performance standard and having the ability to assess applications ensures the outcome is maintained.

21.5 **TW Property (146.12)** supporting the standard MDRZ-S9 with amendment be **rejected**.

21.5.1 Therefore, further submission **McFlynn Surveying and Planning FS029.12** opposing submission from **TW Property (146.12)** be **accepted**.

21.6.2 **Reason:**

- a. The standard provides for passive surveillance to create a positive relationship between the building and public spaces. Windows from a living area facing the street can also maintain privacy between dwellings.
- b. Internal accessways are treated in the same manner as a public street as they are common public areas within a development (even though they are privately owned) and serve a similar function to a public street.
- c. The requested change to exclude internal accessways is not supported as windows provide passive surveillance over these common areas enhancing a feeling of safety within the development.

## **22. MRZ-S10 – OUTLOOK SPACE**

Sub point	Submitter / Further Submitter	Provision / Section of the Hastings District Plan	Position	Summary of Decision Requested	Recommendation
<b>MRZ-S10 – Outlook Space</b>					
007.17	Bay Planning, A Francis	MRZ-S10 Outlook Space	Support with amendment	Insertion of definition of 'Outlook Space'.	Reject
013.13	S Campbell	MRZ-S10 Outlook Space	Oppose	The sizes given are more akin to CBD high density areas than medium density residential. If these plans were targeting the CBD and retail areas of Hastings then it would make much more sense. In light of	Accept in part

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				what the Council wants to achieve it seems they would be better spent looking at residentially intensifying CBD and retail areas of Hastings rather than branching out such proposals into the suburbs.	
050.138	Kāinga Ora	Performance Standards Table – MRZ-S10	Support	Retain as notified	Accept
FS11.144	Development Nous	Submission point 050.138	Support in part	Development Nous seeks the submission be allowed to the extent that those parts of the submission align with the points raised and relief sought in Development Nous' submission.	Accept in part
FS19.164	Residents of Kaiapo Road etc	Submission point 050.138	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-
100.13	Te Kāhui Whaihangā	MRZ-S10 Outlook Space	Support	Support	Accept
146.13	TW Property	MRZ-S10	Support	Retain	Accept
FS29.13	McFlynn Surveying and Planning	Submission point 146.13	Oppose	Seek that the whole of the submission be disallowed.	Reject

### 23. ANALYSIS

- 23.1 Submission point **Bay Planning, A Francis (007.17)** supports with amendment the MDRZ-S10 outlook space standard and are seeking a definition of outlook space included in the standard.
- 23.2 The standard is also taken directly from the Medium Density Residential Standards applying to tier 1 and other specified territorial authorities under the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021. It is not considered that a definition is required for this standard as it is clear from the outcome and diagram what the standard is trying to achieve, which is space to ensure privacy and amenity of the living environment. Therefore, submission point **Bay Planning, A Francis (007.17)** is **rejected**.
- 23.3 Submission point **S Campbell (013.13)** opposes the MDRZ-S10 standard as they believe the size of the notified outlook spaces are similar to CBD high density areas rather than a medium residential environment and suggest that council look at residentially intensifying the CBD and retail areas of Hastings rather than branching into the suburbs.
- 23.4 S Campbell's submission is **accepted in part** as the location of the medium density residential zone is now proposed to be located close to public open space areas and 400m from the CBD as discussed as part of the Introductory Report, which will help prevent these developments branching out into the suburbs. Though it has not been

limited to the CBD, but rather within residential areas with high accessibility to the CBD and main transport areas, as directed through Policy 5 of the NPS-UD.

- 23.5 The outlook space standard as notified is consistent with the setbacks and open space standards and also supports the outcome by providing separation between glazing on opposing sites to ensure privacy and amenity between residential buildings, while also providing flexibility for developers to not be restricted in providing additional density. The provision is also consistent with Schedule 3A of the RMA.
- 23.6 The submission point **Kāinga Ora (050.138)** is supportive of the MDRZ-S10 standard as notified and is **accepted**.
- 23.7 Further submission point **Development Nous (FS11.144)** supporting in part the submission point **Kāinga Ora (050.138)** does not make a specific comment on this standard is **accepted** as it is supportive of the standard notified.
- 23.8 Further submission point **Residents of Kaiapo Road etc (FS19.164)** opposing the whole submission **Kāinga Ora (050.138)** as they consider it to be too broad and far reaching is **rejected**.
- 23.9 **Te Kāhui Whaihangā (100.11)** submission point is supportive of the MDRZ-S10 standard as notified and is **accepted**.
- 23.10 Submission **TW Property (146.13)** submission point is supportive of the MDRZ-S10 standard as notified and is **accepted**.
- 23.11 Further submission **McFlynn Surveying and Planning FS029.13** opposing the submission from **TW Property (146.13)** seeking the whole submission be disallowed is **rejected**.

#### **24. RECOMMENDATIONS**

- 24.1 That the submission point **Bay Planning, A Francis 007.17** requesting a definition of Outlook Space is **Rejected**.
- 24.1.2 Reason:
- a. It is not considered necessary to define this term.
- 24.2 The submission point **S Campbell (013.13)** is **accepted in part**.
- 24.2.1 Reasons:
- a. The location of the medium density residential zone is now proposed to be located close to public open space areas and 400m from the CBD which will help prevent these developments branching out into the suburbs.
- b. The outlook space standard as notified is consistent with the setbacks and open space standards and is also supported by the outcome which will ensure privacy and amenity between residential buildings.
- 24.3 The submission point **Kāinga Ora (050.138)** is **accepted**.
- 24.3.1 Consequently, the further submission **Development Nous (FS11.144)** shall be **accepted**.

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24.3.2 The further submission point **Residents of Kaiapo Road etc (FS19.164)** opposing submission point **Kāinga Ora (050.138)** is **rejected**.

24.3.3 **Reason:**

a. The submission is in support of the notified standard.

24.4 The submission **Te Kāhui Whaihangā (100.11)** is **accepted**.

24.4.1 **Reason:**

a. The submission is in support of the notified standard.

24.5 Submission point **TW Property (146.13)** is supportive of the standard as notified and is **accepted**.

24.5.1 Consequently, further submission **McFlynn Surveying and Planning (FS029.13)** opposing submission point **TW Property (146.13)** is **rejected**.

24.5.2 **Reason:**

a. The submission is in support of the notified standard.

## **25. MRZ-S11 – VARIETY IN BUILDING DESIGN**

Sub point	Submitter / Further Submitter	Provision / Section of the Hastings District Plan	Position	Summary of Decision Requested	Recommendation
<b>MRZ-S11 – Variety in Building Design</b>					
100.14	Te Kāhui Whaihangā	MRZ-S11 Variety in Building Design and Visual Appearance	Support	Support	Accept in part
146.14	TW Property	MRZ-S11	Oppose	Delete the standards relating to variety in building design and visual appearance.	Accept in part
FS029.14	McFlynn Surveying and Planning	Submission point 146.14	Oppose	Seek that the whole of the submission be disallowed.	Accept in part
050.139	Kāinga Ora	Performance Standards Table – MRZ-S11	Oppose	Delete MRZ-S11	Accept in part
FS11.145	Development Nous	Submission point 050.139	Support in part	Development Nous seeks the submission be allowed to the extent that those parts of the submission align with the points raised and relief sought in Development Nous' submission.	Accept in part
FS19.165	Residents of Kaiapo Road etc	Submission point 050.139	Oppose all	We seek the whole of the KO submission be disallowed, as the requests are far too broad and far reaching. Resulting in severely adversely affecting existing communities and residents.	Accept in part



## 26. ANALYSIS

- 26.1 Submission point **Te Kāhui Whaihanga (100.14)** supports the MDRZ-S11 variety in building design standard as notified.
- 26.2 Submission point **TW Property (146.14)** oppose the MDRZ-S11 standard and would like the standards relating to variety in building design and visual appearance to be removed from the standard.
- 26.3 Further submission **Mc Flynn Surveying and Planning (FS029.14)** opposes the submission from **TW Property (146.14)**.
- 26.4 Submission point **Kāinga Ora (050.139)** opposes the MDRZ-S11 standard relating to variety in building design in its entirety.
- 26.5 Further submission **Development Nous (FS11.145)** supports this submission point and further submission **Residents of Kaiapo Road etc (FS19.165)** oppose the whole submission from **Kāinga Ora (050.139)**.
- 26.6 The purpose of this standard is to reduce the visual effects of a uniformity of building design where the same floor plan is used for a number of residential units along a street. The District Plan currently includes a performance standard for CRD activities that allows the construction of only 3 dwellings (4 dwellings in new urban development areas) in a row or terrace configuration as part of any medium density housing development. The purpose of this standard is to reduce the effects of scale and bulk of buildings and also to reduce the repetitiveness of building structures. This rule was not carried forward into the PC5 performance standards to enable greater flexibility in house typology and building design. It was, however, effectively replaced with the variety in building design standard to enable more units in a terraced configuration while ensuring that any repetition of the floor plan design was offset through variety in roof forms, fenestration, building materials and architectural detailing.
- 26.7 Over the past few years as medium density housing typologies have increased in Hastings, there has been a greater awareness of the uniformity of building design, particularly in developments seeking to provide more affordable housing. As we transition from a predominantly low density, low height suburban residential environment to an urban environment of greater scale and concentration of dwellings, it is considered important to achieve visual interest and variety in these medium density neighbourhoods while maintaining a sense of visual continuity.
- 26.8 It has been considered that the MDRZ-S11 standard for variety in building design needs to be clearer and less subjective to ensure certainty in the outcome seeking to be achieved. In order to achieve the outcome: *to create visual interest in the streetscape and neighbourhood so that units of the same floor plan design are distinguishable and neighbourhoods are not characterised by a single format of unit design* clear and achievable standards must be established. Therefore, it is recommended to amend the MDRZ-S11 standard to the following:

<b>MRZ-S11 – Variety in Building Design and Visual Appearance</b>	
No more than two adjoining residential units <u>fronting a public road or legal access</u> shall <u>have</u> the same <u>floor plan</u> design <u>unless the building design includes:</u> <u>Either</u>	<b>Matters of discretion:</b> 1. The outcome of the standard 2. The extent to which the building design demonstrates use of a range of design features <u>commensurate</u>

<p>i. <u>a different roof form; or</u>  ii. <u>different front façade fenestration (window and door openings); or</u>  iii. <u>different exterior cladding materials;</u>  <u>and</u>  iv. <u>a front façade treatment that includes at least one of the following ancillary architectural elements</u>  i. <u>A porch or covered veranda; or</u>  ii. <u>a pergola over a door opening; or</u>  iii. <u>window shrouds around the front façade windows; or</u>  iv. <u>screens or louvres incorporated into the front façade design of the residential unit;</u></p> <p><u>This standard does not apply to apartment buildings or complexes where residential units are contained in one building.</u></p>	<p><u>with the number of units proposed, to distinguish between units with the same floor plan design. Design or architectural features include roof form, fenestration, window shrouds, louvres, pergolas, chimneys, verandah, porch or balcony details to achieve visual interest and variety while maintaining a sense of visual continuity along the public road or legal access.</u></p>
Outcome	To create visual interest in the streetscape and neighbourhood so that units of the same floor plan design are distinguishable and neighbourhoods are not characterised by a single format of unit design.

## 27. RECOMMENDATIONS

27.1 That the submission of **Te Kāhui Whaihanga (100.14)** in support of the standard for building design MRZ-S11 be **accepted in part**.

### 27.1.1 Reason:

- a. The submission is in support of the notified standard which is being amended while keeping a similar intent.

27.2 That the submission **TW Property (146.14)** opposing the MDRZ-S11 standard be **accepted in part**.

27.2.1 Accordingly further submission **Mc Flynn Surveying and Planning (FS029.14)** opposes the submission from **TW Property (146.14)** be **rejected**.

### 27.2.2 Reason:

- a. That the standard is amended to add clarity and aid understanding of the intent of the standard. The amendments will mean any assessment of compliance with the standard will be less subjective.

27.3 That submission **Kāinga Ora (050.139)** opposing the MDRZ-S11 standard relating to variety in building design in its entirety be **accepted in part**.

27.3.1 As a consequence, further submission **Development Nous (FS11.145)** supporting submission point **Kāinga Ora (050.139)** be accepted in part and further submission **Residents of Kaiapo Road etc (FS19.165)** opposing the whole submission from **Kāinga Ora (050.139)** be **rejected**.

### 27.3.2 Reasons:

- a. That the standard is amended to add clarity and aid understanding of the intent of the standard. The amendments will mean any assessment of compliance with the standard will be less subjective.

- b. The standard will ensure that any repetition of the floor plan design is offset through variety in roof forms, fenestration, building materials and architectural detailing reducing uniformity of design within a street or neighbourhood.
- c. In order to achieve the outcome to create visual interest in the streetscape and neighbourhood so that units of the same floor plan design are distinguishable and neighbourhoods are not characterised by a single format of unit design a standard must be established and it is recommended to change the MDRZ-S11 standard.

## 28. **MRZ-S12 – STORMWATER MANAGEMENT**

Sub point	Submitter / Further Submitter	Provision / Section of the Hastings District Plan	Position	Summary of Decision Requested	Recommendation
<b>MRZ-S12 – Stormwater Management</b>					
034.12	A Galloway	MRZ-S12	Support	Support	Accept
FS19.24	Residents of Kaiapo Road etc	Submission point 034.12	Support	We seek the whole of the submission be allowed.	Accept
100.15	Te Kāhui Whaihangā	MRZ-S12	Support	Support	Accept
134.21	McFlynn Surveying and Planning	MRZ-S12	Oppose in part	Amend to:  Where standards MRZ-S6 and/or MRZ-S8 are not complied with, the peak stormwater runoff from the site shall not exceed the following standards.	Reject
FS27.21	J Jackson	Submission point 134.21	Support	Seek that the whole submission be allowed. Also including that onsite parking must be provided for each dwelling.	Reject
FS28.6	Kāinga Ora	Submission point 134.21	Oppose in part	Disallow submission	Accept
061.18	McFlynn Surveying and Planning	MRZ-S12	Oppose in part	Amend to:— <del>Where standards MRZ-S6 and/or MRZ-S8 are not complied with, the peak stormwater runoff from the site shall not exceed the following standards.....[retain the remainder of the standard as notified]</del>	Submission withdrawn
FS13.20	Kāinga Ora	Submission point 061.18	Oppose in part	Disallow submission	

## 29. **ANALYSIS**

- 29.1 This analysis addresses submissions received with relation to stormwater management.
- 29.2 Submission point **A Galloway (034.12)** supports Standard MRZ-S12 Stormwater Management and further submission to **A Galloway (034.12)** by **Residents of Kaiapo Road etc (FS19.24)** is supportive of this submission.

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- 29.3 Submission point **Te Kāhui Whaihanga (100.15)** also support standard MRZ-S12
- 29.4 Submission point **McFlynn Surveying and Planning (134.21)** note that the performance standards should also include:
- **MRZ-S6** which relates to building coverage with the outcome of “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”.
  - **MRZ-S8** which relates to landscaping areas with the outcome of “every unit has views to vegetation or garden areas that improves outlook, privacy, softens building for and contributes to streetscape amenity”.
- 29.5 Stating that the building coverage and landscaping requirements should ensure that there is sufficient stormwater capacity and that stormwater management shall only be required should the development not comply with the site coverage and landscaping standards.
- 29.6 HDC’s stormwater manager has considered these submissions and responded as follows (See memo in Appendix 10):

*The stormwater management standard has been used as the main tool to control stormwater since the Proposed District Plan for Hastings was notified in 2015. This standard allows stormwater runoff in line with the respective type of development. It is important that development type is taken into account as the rate of run-off tends to increase the denser a development is. Therefore, medium density residential development will have a greater proportion of the site covered or in impermeable / paved surfaces creating a higher runoff rate than lower density residential development.*

*While building coverage and landscaping standards also assist to control impermeable and permeable surfaces they cannot control the addition of hardstanding or paved areas overtime, particularly as this type of work does not require a building consent. The District Plan standards therefore do not take into account impervious area included in the remaining 30% of the development area.*

*The increase in the coefficient for medium density housing development allowed through this stormwater management standard, however, does take into account increased runoff from the change in ratios for ‘coverage to total area’.*

*Permitted residential development in general is allowed for and controlled by the percentage of building coverage in the District Plan.*

*When a comprehensive residential development or substantial re-development of a site occurs, Council requires developers to manage and mitigate stormwater runoff effects in order to maintain runoff levels at the existing state prior to any new development of the site. This ensures that the stormwater network continues to operate efficiently.*

*Council policy still allows developers flexibility in the methods of management and mitigation of the stormwater through Low Impact Design (LID) measures, reduced building footprint and greater permeable / landscaped surfaces, or detention tanks”.*

- 29.7 While the submitter suggests combining both performance standards with the management of peak stormwater to be beneficial, it should be noted that both standards are not the same and should be assessed separately. MRZ-S8 for example relates to amenity values so makes no logic to combine amenity outcomes with peak stormwater management.
- 29.8 Being assessed separately is raised by further submission **Kainga Ora (FS028.6)** who oppose Angela McFlynn's submission points stating that the standard relating to peak stormwater runoff should sit on its own and the compliance of this should not be linked with standards relating to building coverage and landscaping. Building coverage should not be assessed with stormwater management as the effect of hardstand will be able to be calculated under the performance standard.
- 29.9 For these reasons covered, it is considered that the submission by **McFlynn Surveying and Planning (134.21)** is **rejected**, and that the performance standard is retained as notified. It also recommended that the further submission from **Kainga Ora (FS028.6)** is **accepted**.
- 29.10 Further submission **J Jackson (FS027.21)** request that the whole submission by **McFlynn Surveying and Planning (134.21)** be allowed, with the inclusion of onsite parking for each dwelling. Under the 2020 National Policy Statement for Urban Development (NPS-UD 2020) the requirement for onsite carparking has been removed. This cannot be included within the District Plan. As a result, this submission is **rejected**.

### **30. RECOMMENDATIONS**

- 30.1 Submission point **A Galloway (034.12)** and **Te Kāhui Whaihanga (100.15)** supports Standard MRZ-S12 Stormwater Management and further submission to A Galloway 034.12 by **Residents of Kaiapo Road etc (FS19.24)** is supportive of this submission. These submissions have been **accepted**.
- 30.1.1 Reason:
- a. It is considered appropriate to retain the standard as notified to ensure the potential for effects from stormwater runoff associated with land use will be avoided, remedies or mitigated.
- 30.2 That the submission point from **McFlynn Surveying and Planning (134.21)** to accept with amendment for the inclusion of reference to MRZ-S6 or MRZ-S8, be **rejected**.
- 30.2.1 That as a consequence the further submission from **Kainga Ora (FS028.6)** be **accepted**.
- 30.2.2 That the further submission from **Janet Jackson (FS027.21)** be **rejected**.
- 30.2.3 Reason:
- a. The effects that the building coverage and landscaping standards are seeking to manage are not the same as the stormwater standard and therefore these should not be assessed under the same performance standard.

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### 31. **MRZ-S13 – ROADING INFRASTRUCTURE AND VEHICLE ACCESS**

Sub point	Submitter / Further Submitter	Provision / Section of the Hastings District Plan	Position	Summary of Decision Requested	Recommendation
<b>MRZ-S13 – Roading Infrastructure and Vehicle Access</b>					
034.4	A Galloway	MRZ-S13	Support with amendment	Ensure location of vehicle crossing maximises available on street parking	Reject
FS19.16	Residents of Kaiapo Road etc	Submission point 034.4	Support	We seek the whole of the submission be allowed.	Reject
134.22	McFlynn Surveying and Planning	MRZ-S13	Oppose in part	Amend to: <u>Where on site parking is proposed to be provided on a site</u> , activities shall comply with the rules and standards for access outlined in Section 26.1 Transport and Parking of the District Plan.	Reject
FS027.22	J Jackson	Submission point 134.22	Support	Seek that the whole submission be allowed. Also including that onsite parking must be provided for each dwelling.	Reject
FS028.7	Kāinga Ora	Submission point 134.22	Support in part	Allow submission in part	Reject
061.22	McFlynn Surveying and Planning	MRZ-S13	Oppose in part	Amend to: <u>Where on site parking is proposed to be provided on a site</u> , activities shall comply with the rules and standards for access outlined in Section 26.1 Transport and Parking of the District Plan.	Submission withdrawn

### 32. **ANALYSIS**

- 32.1 Submission point **A Galloway (034.4)** supports with amendment the MDRZ-S13 roading infrastructure and vehicle access standard. They would like the standard to include that *the location of vehicle crossings maximises on street parking*. Further submission Residents of Kaiapo Road etc (FS19.16) support this submission point.
- 32.2 After consultation with the Hastings District Transportation team, it is understood that it is not Council's responsibility to provide on-street parking under any circumstances. The decision to provide on street carparking is the responsibility of the developer. Therefore, submission **A Galloway (034.4)** is **rejected** and as a consequence further submission from **Residents of Kaiapo Road etc (FS19.16)** is **rejected**.
- 32.3 **McFlynn Surveying and Planning (134.22)** opposes in part the MDRZ-S13 standard and would like the standard amended to: Where on site parking is proposed to be provided on a site, activities shall comply with the rules and standards for access outlined in Section 26.1 Transport and Parking of the District Plan. Further submission from **J Jackson (FS027.22)** support this submission and would also like to include onsite parking to be provided for each dwelling which is contradictory to the submission from McFlynn Surveying and Planning (134.2) as they are asking for the standards only to apply where on site carparking is proposed to be provided on site. Further submission from **Kāinga Ora (134.22)** supports in part the submission **McFlynn Surveying and Planning (134.22)**.

- 32.4 It has been considered that all residential sites still need to have access for emergency services primarily for Fire Emergency NZ and St John Ambulance services. While there appears to be some logic in this approach, the requirements of the NPS-UD did not remove the need to provide for access for fire fighting services, accessibility car parking and loading bay requirements. A full list of exemptions is discussed as part of the car parking fact sheet <https://environment.govt.nz/assets/Publications/Files/car-parking-factsheet.pdf> provided at the same time as the NPS-UD came into effect. The exemptions from the fact sheets are shown below:

32.4.1 ***Using a district plan to manage other car parking matters***

*The car parking policy requires territorial authorities to remove rules, assessment criteria, policies and objectives that have the effect of setting minimum parking rates. However, it does not impact the following:*

- *rules and engineering standards that set dimensions for vehicle manoeuvring and car parking spaces when a developer chooses to supply car parks*
- *parking for vehicles other than cars, such as bus and bike parking*
- *short term parking for service and utility spaces, such as loading bays and drop-off areas*
- *rules and other standards held under other statutes and regulations, such as the Building Code as it relates to access for car parks, accessible car parking and fire service vehicle access*
- *rules which set the minimum rates of accessible car parks*
- *rules which set maximum parking rates*
- *managing the physical effects of car parking such as visual impacts, stormwater effects from impervious areas, and impacts on adjacent uses. Local authorities can continue to manage the effects in ways such as avoiding or managing surface level or front yard parking, and screening parking areas from adjacent activities.*

- 32.5 Therefore it is considered that the standard shall remain as notified and the submission from **McFlynn Surveying and Planning (134.22)** be **rejected** and further submissions points from **J Jackson (FS027.22)** and **Kāinga Ora (134.22)** be **rejected**.

**33. RECOMMENDATIONS**

- 33.1 Submission point **A Galloway (034.4)** supporting with amendment the MDRZ-S13 standard roading infrastructure and vehicle access is **rejected**.

- 33.1.1 As a consequence, further submission **Residents of Kaiapo Road etc (FS19.16)** supportive of submission point **A Galloway (034.4)** submission is **rejected**.

33.1.2 **Reason:**

- a. It is not Council's responsibility to provide on-street parking under any circumstances. The decision to provide on street carparking is the responsibility of the developer.

- 33.2 Submission point **McFlynn Surveying and Planning (134.22)** opposing in part Standard MRZ-S13 roading infrastructure and vehicle is **rejected**.

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33.2.1 Accordingly further submissions **J Jackson (FS027.22)** and **Kāinga Ora (134.22)** supportive of submission point **McFlynn Surveying and Planning (134.22)** are **rejected**.

33.2.2 Reason:

- a. All residential sites still require access for emergency services primarily for Fire Emergency NZ and St John Ambulance services therefore it is considered that the standard shall remain as notified.

**34. MRZ-S14 – INFRASTRUCTURE – WATER SUPPLY, WASTEWATER AND STORMWATER**

Sub point	Submitter / Further Submitter	Provision / Section of the Hastings District Plan	Position	Summary of Decision Requested	Recommendation
<b>MRZ-S14 – Infrastructure – Water Supply, Wastewater and Stormwater</b>					
034.13	A Galloway	MRZ-S14 – Infrastructure – water, wastewater, and stormwater	Support	Support	Reject
FS19.25	Residents of Kaiapo Road etc	Submission point 034.12	Support	We seek the whole of the submission be allowed.	Accept in part
050.140	Kāinga Ora	Perforamnce Standards Table – MRZ-14	Oppose	Delete MRZ-S14	Accept
FS11.146	Development Nous	Submission point 050.140	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 Develop Nous' submission.	Accept
FS19.166	Residents of Kaiapo Road etc	Submission point 050.140	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
134.23	McFlynn Surveying and Planning	MRZ-S14	Oppose	In identifying the Medium Density Residential zone as suitable for comprehensive residential development, and essentially attempting to prohibit any other form of development in these areas, Council must have already confirmed that there is sufficient infrastructure capacity to service this type of development.	Accept in part
FS27.23	J Jackson	Submission point 134.23	Oppose	Seek that the whole submission be allowed. Also including that onsite parking must be provided for each dwelling.	Accept in part



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146.2	TW Property	Reduce Uncertainty in the Resource Consent Process – MRZ-S14	Support with amendment	Delete the infrastructure certification standards MRZ-S14 and publish non-statutory maps indicating areas of significant infrastructure capacity constraint. Provide opportunities for pre-application meetings to understand/resolve infrastructure issues. Should the certification be retained, introduce a clear process and timeframes and ensure the team is resourced. Provide discounts if agreed timeframes are not met. Make common resource consent conditions for comprehensive residential development, permitted standards, and/or through other methods.	Accept
FS29.2	McFlynn Surveying and Planning	Submission point 146.2	Oppose	Seek that the whole of the submission be disallowed.	Accept in part
061.26	McFlynn Surveying and Planning	MRZ S14 – Infrastructure – water, wastewater, and stormwater	Oppose	Not stated	Submission withdrawn

### 35. ANALYSIS

- 35.1 The following analysis looks at submissions and further submissions on the notified standard MRZ-S14 Infrastructure – Water supply, wastewater and stormwater.
- 35.2 Submission point **A Galloway (034.13)** supported standard MRZ-S14 and further submission to A Galloway by **Residents of Kaiapo Road etc (FS19.25)** requested to allow the whole submission.
- 35.3 **Kāinga Ora (050.140)** oppose standard MRZ-S14 and further submission by **Development Nous (FS11.146)** support the submission point by Kāinga Ora (050.140). Kāinga Ora request that the standard be deleted and state that “*Kāinga Ora oppose the inclusion of a specific standard relating to infrastructure capacity. This should be deleted and a matter of discretion relating to infrastructure capacity be added under the rule for a development of 4+ dwellings*”.
- 35.4 Further submission by **Residents of Kaiapo Road etc (FS19.166)** oppose the Kāinga Ora submission as they believe it is too broad and far reaching.
- 35.5 **McFlynn Surveying and Planning (134.23)** also opposes the standard with the following view “*In identifying the Medium Density Residential zone as suitable for comprehensive residential development, and essentially attempting to prohibit any other form of development in these areas, Council must have already confirmed that there is sufficient infrastructure capacity to service this type of development*”. Further submission **J Jackson (FS027.23)** seeks for the whole of McFlynn’s submission to be allowed.
- 35.6 Submission point by **TW Property (146.2)** opposed the standard MRZ-S14 with the following requests:

*Delete the infrastructure certification standards MRZ-S14 and publish non-statutory maps indicating areas of significant infrastructure capacity constraint.*

*Provide opportunities for pre-application meetings to understand/resolve infrastructure issues.*

*Should the certification be retained, introduce a clear process and timeframes and ensure the team is resourced. Provide discounts if agreed timeframes are not met.*

*Make common resource consent conditions for comprehensive residential development, permitted standards, and/or through other methods.*

- 35.7 At the time PC5 was notified, the Council were aware of infrastructure constraints across the network. As a consequence, the infrastructure standard was required to ensure there was sufficient infrastructure capacity for medium density residential development in both the MDRZ and General Residential zones prior to development occurring. The revised approach to PC5 now removes provision for CRD activities (medium density housing) in the General Residential Zone except for within existing urban development areas (where infrastructure provision has been provided based on the specific subdivision minimum sites sizes within these areas).
- 35.8 This change directs medium density residential development to the MDRZ and therefore allows for a more coordinated and planned approach to infrastructure provision, ensuring that capacity can be provided in the MDRZ without it being taken up in potentially less accessible areas of the General Residential zone.
- 35.9 Additionally the following information was provided to by Brett Chapman, Program Manager Growth Infrastructure in relation to Standard MRZ-S14 (refer memo in Appendix 10):

*The Infrastructure Constraints Report (May 2023) identifies significant wastewater capacity limitations across the Hastings urban area and Council is currently progressing with major capacity upgrade projects to address deficiencies at a network wide level.*

*This programme of works has also been prioritised to provide capacity to areas that Council has identified for intensification in a staged approach with an initial investment of \$40M over 3 years (2022 – 2025) as a growth ready package of works with a further \$180M identified in the 2024 LTP and beyond to support growth over the longer term and progressively unlock capacity in areas where further intensification is anticipated.*

*This programme has been developed to ensure that significant investment in wastewater can be implemented strategically over time to meet our immediate and future growth demands in a more planned and co-ordinated way. Increasing capacity in targeted residential zones in Hastings, Havelock North and Flaxmere ensures investment is aligned with Council's growth strategy rather than reacting in an ad-hoc and inefficient manner to growth pressures across all parts of the city.*

*The wastewater upgrades will support plan change 5 in terms of enabling residential intensification and assuring infrastructure capacity within the Medium Density Residential Zone areas. This will mean that in the Medium Density Residential Zone, the requirement to confirm*

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*infrastructure capacity through a certification process is not needed and infrastructure capacity can form part of the overall assessment of the application through the resource consent process.*

- 35.10 As a result capacity is now available to provide for the anticipated demand of medium density development in the MDRZ and it is recommended that Standard MRZ-S14 is deleted.
- 35.11 The removal of this standard does not mean that residential developments do not have to comply with infrastructure servicing requirements. These are still considered as part of the resource consent matters of discretion and assessment criteria for residential development in the MDRZ, as well as compliance with the Engineering Code of Practice and subdivision provisions of the District Plan
- 35.11 **Kāinga Ora (050.140), Development Nous (FS11.146), McFlynn Surveying and Planning (134.23), J Jackson (FS027.23) and TW Property (146.2)** all oppose the standard. As it is recommended that the standard be removed, all of these submissions have been accepted.
- 35.12 As a consequence, further submission on TW Property by **McFlynn Surveying and Planning (FS029.2)** opposing the submission in whole, is accepted in part.
- 35.13 **A Galloway (034.13)** and further submission to A Galloway by **Residents of Kaiapo Road etc (FS19.25), as well as** further submission **Residents of Kaiapo Road etc (FS19.166)** opposing the Kāinga Ora submission are rejected.

#### **36. RECOMMENDATIONS**

- 36.1 **Kāinga Ora (050.140)**, further submission **Development Nous (FS11.146)**, **McFlynn Surveying and Planning (134.23)**, further submission **J Jackson (FS027.23)** and **TW Property (146.2)** are accepted.
- 36.1.1 As a consequence, further submission on TW Property by **McFlynn Surveying and Planning (FS029.2)** opposing the submission in whole, is accepted in part.
- 36.1.2 Reasons:
- a. The recommended approach will allow for sufficient infrastructure within the MDRZ through the removal of the ability to undertake CRD within the General Residential Zones.
  - b. Planned upgrades to services will support plan change 5 in terms of enabling residential intensification and assuring infrastructure capacity within the Medium Density Residential Zone areas.
- 36.2 **A Galloway (034.13)** and further submission to A Galloway by **Residents of Kaiapo Road etc (FS19.25), as well as** further submission **Residents of Kaiapo Road etc (FS19.166)** opposing the Kāinga Ora submission are rejected.
- 36.2.1 Reason:
- a. The standard MRZ-S14 is recommended to be deleted due to planned upgrades enabling development in the Medium Density Residential Zone Areas.

### 37. **MRZ-S15 – SPECIFIC CONTROLS – KEY DEVELOPMENT SITE – 401 EASTBOURNE STREET EAST, HASTINGS**

Sub point	Submitter / Further Submitter	Provision / Section of the Hastings District Plan	Position	Summary of Decision Requested	Recommendation
<b>MRZ-S145– Specific Controls – Key Development Site – 401 Eastbourne Street East, Hastings</b>					
034.5	A Galloway	MRZ-S15	Support with amendment	Remove words 'incorporate elements of Art Deco or Spanish Mission architecture'.	Accept
FS19.17	Residents of Kaiapo Road etc	Submission point 034.5	Support	We seek the whole of the submission be allowed	Accept

### 38. ANALYSIS

- 38.1 Submission received from **A Galloway (034.5)** supported standard MRZ-S15 with amendments to remove the words 'incorporate elements of Art Deco or Spanish Mission architecture' from the standard.
- 38.2 Further submission **Residents of Kaiapo Road etc (FS19.17)** supports the submission **A Galloway (034.5)**.
- 38.3 A Galloway has informed by the submission (034.5) that fake or replica elements are not good urban design and developers should refer to the design guide when developing this site.

### 39. RECOMMENDATIONS

- 39.1 **A Galloway (034.5)**, further submission **Residents of Kaiapo Road etc (FS19.17)** are accepted. The standard will be amended as shown below:

*Note: The ~~building~~ can be of a contemporary design but can incorporate elements of Art Deco or Spanish Mission architecture as a way of complementing the architecture of the ~~existing buildings~~ located opposite the ~~site~~. In addition the ~~use~~ of architectural features or details (such as recessing or projecting bay windows, balconies, or the inclusion of details such as screens, verandas, parapet design or variation in roof form) will also help to create an interesting ~~building~~ façade.*

#### 39.1.1 Reason:

- a. Fake or replica elements are not good urban design and developers should refer to the design guide when developing this site.

### 40. **NEW STANDARDS REQUESTED BY SUBMITTERS**

Sub point	Submitter / Further Submitter	Provision / Section of the Hastings District Plan	Position	Summary of Decision Requested	Recommendation
<b>New Standards Requested by Submitters</b>					
039.1	Hastings District Council	New standard suggested for	Support with amendment	Include a standard to ensure a minimum gross floor area for	Reject

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	– Environmental Policy Team	minimum gross floor area		residential units in the Medium Density and General Residential Zones  Consider using the existing minimums in the Havelock North Village Centre or Central Commercial Zone to inform such a rule as outlined below: Minimum gross floor area: Studio / 1 bedroom 50m <sup>2</sup> 2 bedroom - 70m <sup>2</sup> 3 or more bedrooms 90m <sup>2</sup>	
FS11.1	Development Nous	Submission point 039.1	Oppose	Disallow this submission in its entirety as it does not align with the substantive, or alternate relief sought by the original submission of Development Nous, disallowed.	Accept
FS13.6	Kāinga Ora	Submission point 039.1	Oppose	Disallow submission	Accept
FS19.4	Residents of Kaiapo Road etc	Submission point 039.1	Support	We seek that all of the submission is allowed.	Reject

#### 41. ANALYSIS

- 41.1 Submission **Hastings District Council – Environmental Policy Team (039.1)** are seeking to include a standard to ensure a minimum gross floor area for residential units in the Medium Density Zone and the submission by **Residents of Kaiapo Road etc (FS19.4)** support this submission.
- 41.2 Requiring a minimum gross floor area is inflexible and does not necessarily provide for quality residential accommodation and housing choice. It is envisaged that many developers will want to achieve an efficient and effective use of the site to ensure maximum yield. There should be no requirement for a well-designed 68m<sup>2</sup> two-bedroom unit to meet a minimum of 70m<sup>2</sup> if the location and position of the proposed building is able to achieve the other standards in the District Plan such as outdoor living space, outlook space, variety in design, outlook and windows and connection to street. These standards may allow for a better outcome to be achieved with a slightly smaller floor area. The location of the land and the position of the proposed building on site have more of an impact on the quality of residential accommodation.
- 41.3 There are also potential unintended consequences of requiring minimum floor areas such as:
- Minimum floor areas could lead to unintended consequences, such as reduced green space or common areas within developments, as developers may prioritize meeting the floor area requirements over other design aspects. This could negatively impact the overall liveability and amenity of the development.
  - The proposed minimum sizes might not align with market demand or the need for a diverse range of housing types. Smaller households, such as singles and elderly residents, might prefer smaller, more affordable units that would not be feasible under the proposed standards.

- The proposed standard might not be suitable for all areas within the medium density residential zone, especially if there are historical buildings, or existing infrastructure constraints. A one-size-fits-all approach may not adequately respect the diversity of urban forms and community characteristics.
- 41.4 Therefore submission **Hastings District Council – Environmental Policy Team (039.1)** and further submission **Residents of Kaiapo Road etc (FS19.4)** is **rejected**.
- 41.5 Further submissions from **Development Nous (FS11.1)** and **Kāinga Ora (050.140)** oppose this submission and as a consequence of the above reasoning their submission points are **accepted**.

## **42. RECOMMENDATIONS**

- 42.1 Submission **Hastings District Council – Environmental Policy Team (039.1)** be **rejected**.
- 42.1.1 As a consequence, **Residents of Kaiapo Road etc (FS19.4)** **be rejected**.
- 42.1.2 Therefore, further submissions **Development Nous (FS11.1)** and **Kāinga Ora (050.140)** **be accepted**.
- 42.1.3 Reason:
- a. Requiring a minimum gross floor area can cause affordability concerns, flexibility and innovation limitations, incompatibility with existing urban fabric, potential for unintended consequences, hinders market demand and diversity and impacts on density targets within the MDRZ.

## **43. Noise Concerns**

Sub point	Submitter / Further Submitter	Provision / Section of the Hastings District Plan	Position	Summary of Decision Requested	Recommendation
<b>New standards to address noise concerns</b>					
039.3	Hastings District Council – Environmental Policy Team	Performance Standards in the MRZ	Support with amendment	Consider including an internal noise standard applicable to all comprehensive residential development activities that include housing typologies with common walls or floors in the Medium Density Residential Zone and the General Residential Zones of Hastings, Havelock North and Flaxmere.	Reject
FS11.3	Development Nous	Submission point 039.3	Oppose	Disallow this submission in its entirety as it does not align with the substantive, or alternate relief sought by the original submission of Development Nous, disallowed.	Accept
FS13.5	Kāinga Ora	Submission point 039.3	Oppose	Disallow submission	Accept

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FS19.6	Residents of Kaiapo Road etc	Submission point 039.3	Support	We seek that all of the submission is allowed.	Reject
110.3	D Walsh	Noise	Support in part	It is better to have garaging in between or sufficient sound proofing in adjoining walls [for attached dwellings].	Reject

#### 44. ANALYSIS

- 44.1 Submission **Hastings District Council Environmental Policy Team (039.3)** are seeking to include an internal noise standard applicable to all comprehensive residential development activities that include housing typologies with common walls or floors in the Medium Density Residential Zone and the General Residential Zones of Hastings, Havelock North and Flaxmere. Further submission **Residents of Kaiapo Road etc (FS19.6)** supports this submission.
- 44.2 Further submissions from **Development Nous (FS11.3)**, **Kainga Ora (FS13.5)** oppose this submission.
- 44.3 The Building Act requires a minimum requirement for building elements that are common between occupancies to be constructed to prevent undue noise transmission from other occupancies or common spaces in a household unit. Therefore, it is considered that this matter is better addressed through the Building Act and compliance measures rather than a District Plan standard. In this instance, it is considered that there is no reason to duplicate regulations.
- 44.4 Accordingly, submission **Hastings District Council Environmental Policy Team (039.3)** is **rejected** and further submissions from **Development Nous (FS11.3)**, **Kainga Ora (FS13.5)** are **accepted**.
- 44.5 Submission **D Walsh (110.3)** believes it is better to have garaging in between or sufficient sound proofing in adjoining walls. As previously discussed noise transmission between buildings is covered by the Building Act, therefore submission **D Walsh (110.3)** is **rejected**.

#### 45. RECOMMENDATIONS

- 45.1 Submission **Hastings District Council – Environmental Policy Team (039.3)** be **rejected**.
- 45.1.1 As a consequence, submission from **Residents of Kaiapo Road etc (FS19.6)** supporting submission 039.3 (Hastings District Council – Environmental Policy Team) **is rejected**.
- 45.1.2 Therefore, further submissions **Development Nous (FS11.1)** and **Kāinga Ora (050.140)** opposing submission 039.3 (Hastings District Council – Environmental Policy Team) are **accepted**.
- 45.2 Submission from **D Walsh (110.3)** is **rejected**.
- 45.2.1 Reason:

- a. These matters are addressed through The Building Act

#### 46. **New Performance Standards Requested**

Sub point	Submitter / Further Submitter	Provision / Section of the Hastings District Plan	Position	Summary of Decision Requested	Recommendation
<b>Additional Performance Standards requested for light, privacy and to control house types</b>					
080.2	M Reid	New Performance Standard	Support in part	Add a rule requiring developers to demonstrate to affected residents that their proposed development will not negatively impact their light or privacy.	Reject
133.1	J Jackson	House Types	Oppose	Oppose multiple (more than 3 units), duplex units, apartment blocks and terraced housing. This multiple housing does not promote happy healthy living. It is eroding the character of our city and impacting the social fabric of our existing community. Good design is not what we are seeing in the repetitive designs of the many KO developments	Reject
137.1	K M Naylor	House typologies	Support in part	No more than 3 houses joined together	Reject
110.5	D Walsh	General	Oppose	Internal guttering in adjoining dwelling is a bad idea and is prone to leaks.	Reject

#### 47. **ANALYSIS**

- 47.1 Submission point **M Reid (080.2)** seeks a rule requiring developers to demonstrate to affected residents that their proposed development will not negatively impact their light or privacy.
- 47.2 It is considered that the height in relation to boundary, yard setback, outlook space and maximum height standards all contribute to allowing separation between properties. These standards seek to ensure privacy and amenity between residential buildings.
- 47.3 This does not need to be replicated by another standard and therefore submission point **M Reid (080.2)** is **rejected**.
- 47.4 Submission points **J Jackson (133.1)** and **K M Naylor (137.1)** oppose more than 3 duplex apartment blocks and terraced housing. As they believe multiple housing does not promote happy healthy living and erodes the character of our city and impacts the social fabric of our existing community.
- 47.5 The recommended approach refines the areas within the urban footprint as to where medium density developments can occur. It has changed from PC5 as notified to a specific Medium Density Residential zone (MDRZ) rather than both the MDRZ and General Residential zones. This approach aims to provide greater certainty to landowners within specific zones as to the density levels of developments that can occur. Policy 6 (b) of the NPS-UD recognises that increased density within specific areas will lead to a change in the urban form, which may detract amenity for some,



but improve for others, however this in itself is not considered to be an adverse effect.

47.6 Additionally, it is considered that standard **MRZ-S11 – Variety in Building Design** will assist in providing variation in design to create visual interest in the streetscape and neighbourhood so that units of the same floor plan design are distinguishable and neighbourhoods are not characterised by a single format of unit design. This is considered to be an efficient way of addressing the above submission points and submission points **J Jackson (133.1)** and **K M Naylor (137.1)** are **rejected**.

47.7 Submission point **D Walsh (110.5)** states internal guttering in adjoining dwelling is a bad idea and is prone to leaks. It is considered that this submission is out of scope given it is a building consent matter. Therefore, submission point D Walsh (110.5) is **rejected**.

48. **RECOMMENDATIONS**

48.1 Submission point **M Reid (080.2)** is **rejected**.

48.1.1 **Reason:**

- a. The submission point is covered by other standards such as height in relation to boundary, setbacks, height and outlook space standards.

48.2 Submission point **D Walsh (110.5)** is **rejected**.

48.2.1 **Reason:**

- a. The submission point is out of scope.

48.3 Submission points **J Jackson (133.1)** and **K M Naylor (137.1)** are **rejected**.

48.3.3 **Reason:**

- a. As the medium density developments will be largely confined to a specified medium density residential zone, it will provide greater certainty to landowners as to the density levels of developments that could potentially occur. Standard **MRZ-S11 – Variety in Building Design** will also assist in providing variation in design so that units of the same floor plan design are distinguishable and neighbourhoods are not characterised by a single format of unit design.

## TOPIC 4, KEY ISSUE 4 – GENERAL RESIDENTIAL ZONE – PERFORMANCE STANDARDS

### Topic 4, Key Issue 4A – General Residential Zone – General Performance Standards 7.2.5 (Hastings), 8.2.5 (Havelock North), 9.2.5 (Flaxmere)

#### SUBMISSION POINTS TABLE

Sub Point	Submitter / Further Submitter	Provision / Section of Hastings District Plan	Position	Summary of Decision Requested	Recommendation
007.19	Bay Planning, A Francis	7.2.5 General Performance Standards and Terms	Support with amendment	The note under this first section still refers to the Hastings General Residential, Hastings Character Residential and City Living Zones. This should be updated.	Accept
050.55	Kāinga Ora	8.2.5 General Performance Standards - general	Oppose in part	Partial deletion sought the following General Performance Standards and Terms apply to all Permitted and Controlled Activities. <u>Comprehensive Residential Development need only comply with the specific performance standards in 8.2.6F and assessment criteria in 8.2.9.</u>	Reject
FS03.19	Oceania Healthcare Limited	Submission point 050.55	Oppose	Disallow the submission.	Accept
FS11.61	Development Nous	Submission point 050.55	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
FS19.81	Residents of Kaiapo Road etc	Submission point 050.55	Oppose all	We seek the whole of the KO submission be disallowed, as the requests are far too broad and far reaching. Resulting in severely adversely affecting existing communities and residents.	Accept
050.59	Kāinga Ora	8.2.5 General Performance Standards – 8.2.5Da	Oppose in part	Partial deletion sought: Front boundary: 3 metres <del>(with frontage to Access Roads)</del> .	Reject (Out of Scope)

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				5 metres (with frontage to Arterial or Collector Roads).	
FS11.65	Development Nous	Submission point 050.59	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 (Out of Scope)
FS19.85	Residents of Kaiapo Road etc	Submission point 050.59	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 out of scope)
050.60	Kāinga Ora	8.2.5 General Performance Standards – 8.2.5Dd	Oppose	Delete standard as this is included within the Regional Plan.	Reject (Out of Scope)
FS11.66	Development Nous	Submission point 050.60	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 (Out of Scope)
FS19.86	Residents of Kaiapo Road etc	Submission point 050.60	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 (Out of Scope)
050.61	Kāinga Ora	8.2.5 General Performance Standards – 8.2.5F	Support	Retain as notified	Accept
FS11.67	Development Nous	Submission point 050.61	Support in part	Development Nous seeks the submission be allowed to the extent that those parts of the submission align with the points raised and relief sought in Development Nous' submission	Accept
FS19.87	Residents of Kaiapo Road etc	Submission point 050.61	Oppose all	We seek the whole of the KO submission be disallowed, as the requests are far too broad and far reaching. Resulting in severely adversely affecting existing communities and residents.	Reject
050.62	Kāinga Ora	8.2.5 General Performance Standards 8.2.5H	Oppose in part	Amendment/Deletions sought:	Accept in part – removal of reference to CRD

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				<p>(Except for Comprehensive Residential Development on Sites Identified in Appendix 20 refer to 8.2.6C.4 and for sites within Appendix 13B, Figure 1 refer to 8.2.6M.6)</p> <p><b>Havelock North General Residential Zone</b></p> <p>Each Principal Residential Dwelling shall have an Outdoor Living Space which shall:</p> <p>a. Have a minimum area of 5020m<sup>2</sup> and</p> <p>b. <del>Include 1 area capable of containing a 6 metre diameter circle; with a dimension no less than 4m</del></p> <p>c. Be directly accessible from the principal residential building;</p> <p>d. <del>May comprise one or more area(s); but each area shall have a minimum width of 2 metres (so the space is useable); and</del></p> <p>e. May take the form of a deck, terrace or verandah, but must be unobstructed by buildings*, car parking areas, vehicle manoeuvring areas or notional garages.</p> <p><i>* Note: The definition of building in Section 33.1 of the Plan does not include structures such as awnings, canopies, verandahs or similar that are less than 3 metres in height and any platforms or decks less than 1 metre in height, therefore these can be included in the Outdoor Living Space.</i></p>	
FS11.68	Development Noun	Submission point 050.62	Support in part	Development Noun seeks the submission be allowed to the extent that those parts of the submission align with the points raised and relief sought in	Accept in part

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				Development Nous' submission	
FS16.10	M Reid	Submission point 050.62	Oppose	Revert to existing wording.	Accept in part
FS19.88	Residents of Kaiapo Road etc	Submission point 050.62	Oppose all	We seek the whole of the KO submission be disallowed, as the requests are far too broad and far reaching. Resulting in severely adversely affecting existing communities and residents.	Accept in part
050.63	Kāinga Ora	8.2.5 General Performance Standards – 8.2.6C	Support in part	Amendment sought:  c. Supplementary Residential Buildings shall comply with the General Performance Standards and Terms in Section 8.2.5 of the District Plan except that it need not comply with Standard 8.2.5A ( <del>Number of dwellings Maximum Density</del> ) and 8.2.5I (Outdoor Living Space).	Reject (Out of Scope)
FS11.69	Development Nous	Submission point 050.63	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 (Out of Scope)
FS19.89	Residents of Kaiapo Road etc	Submission point 050.63	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 (Out of Scope)
050.100	Kāinga Ora	9.2.5 General Performance Standards – 9.2.5E	Oppose in part	Amendments sought: <b>Front Yard</b> <del>Buildings fronting Access Roads – 3 metres</del> <del>Buildings fronting Collector or Arterial Roads – 5 metres</del> <del>(For Road Hierarchy see refer to the Road Hierarchy Maps in Appendix 60 and Section 2.5 in the District Plan Text).</del>	Reject (Out of Scope)
FS11.106	Development Nous	Submission point 050.100	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 (Out of Scope)

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FS19.126	Residents of Kaiapo Road etc	Submission point 050.100	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 (Out of Scope)
050.101	Kāinga Ora	9.2.5 General Performance Standards – 9.2.5F	Support	Retain as notified.	Reject (Out of Scope)
FS11.107	Development Nous	Submission point 050.101	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 (Out of Scope)
FS19.127	Residents of Kaiapo Road etc	Submission point 050.101	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 (Out of Scope)
050.102	Kāinga Ora	9.2.5 General Performance Standards – 9.2.5G	Oppose in part	<p>Amendments sought:</p> <p><b>OUTDOOR LIVING SPACE (EXCEPT FOR COMPREHENSIVE RESIDENTIAL DEVELOPMENT)</b></p> <p>a. Have a minimum area of 5020m<sup>2</sup> with a dimension no less than 4m and include one area capable of containing a 6 metre diameter circle;</p> <p>b. Be directly accessible from the principal residential building;</p> <p>c. May comprise one or more area(s); but each area shall have a minimum width of 2 metres (so the space is useable); and</p> <p>d. May take the form of a deck, terrace or veranda, but must be unobstructed by buildings*, car parking areas, vehicle</p>	Accept in part removal of reference to CRD

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				manoeuvring areas or notional garages.  Except that Standard 7.2.6E(5) applies when converting an existing residential building into 2 or more residential units	
FS11.108	Development Nous	Submission point 050.102	Support in part	Development Nous seeks the submission be allowed to the extent that those parts of the submission align with the points raised and relief sought in Development Nous' submission.	Accept in part
FS19.128	Residents of Kaiapo Road etc	Submission point 050.103	Oppose all	We seek the whole of the KO submission be disallowed, as the requests are far too broad and far reaching. Resulting in severely adversely affecting existing communities and residents	Accept in part
134.35	McFlynn Surveying and Planning	8.2.5A Density	Oppose in part	Amend to allow the construction of a new dwelling on an existing site less than 700m <sup>2</sup> / 1000m <sup>2</sup> as appropriate for the character area as a permitted activity.	Reject (out of scope)
FS27.35	J Jackson	Submission point 134.35	Support	Seek that the whole submission be allowed. Also including that onsite parking must be provided for each dwelling.	Reject (out of scope)
134.43	McFlynn Surveying and Planning	9.2.5A Density	Oppose in part	Amend to allow the construction of a new dwelling on an existing site less than 500m <sup>2</sup> as a permitted activity.	Reject
FS27.43	J Jackson	Submission point 134.43	Support	Seek that the whole submission be allowed. Also including that onsite parking must be provided for each dwelling.	Reject
FS28.10	Kāinga Ora	Submission point 134.43	Oppose	Disallow submission	Reject
146.3	TW Property	7.2.5L Fence Heights	Oppose	Allow up to 1.8m solid fences on collector or arterial roads.	Reject (standard already allows this)
FS29.3	McFlynn Surveying and Planning	Submission point 146.3	Oppose	Seek that the whole of the submission be allowed.	Accept

## **1. ANALYSIS**

- 1.1 13 Submissions and 26 further submissions were received in respect of the general performance standards of the general residential zones in Hastings, Havelock North and Flaxmere.
- 1.2 Responses to the submissions were grouped into three responses. Submissions accepted or accepted in part, submissions that were rejected due to being out of scope and submissions that were rejected.
- 1.3 **Submission points 007.19 Bay Planning** have submitted that the note under the heading 7.2.5 General Performance Standards and Terms in the Hastings General Residential Zone; still refers to the City Living Zones. This should be updated to remove reference to the City Living zone as this zone has been replaced by the Medium Density Residential Zone and is housed in a new chapter. For this reason, it is recommended that the submission point 007.19 from Bay Planning is accepted.
- 1.4 **Submission points 050.61, 050.62, 050.102 Kāinga Ora** have opposed general performance standards 8.2.5F, 8.2.5H, 9.2.5G and are in support of standard 8.2.5F (building coverage) and seeking this be retained as notified, in support with amendment of 8.2.5H and 9.2.5G Outdoor living space and seeking removal of the reference to CRD as well as other changes including a reduction in the size of the required outdoor living space.
- 1.5 The changes as notified to standard 8.2.5F were to remove CRD activities from this standard so that the building coverage standards specific to CRD activities were included in the set of specific performance standards for this particular activity. This was considered to provide clarity. The standard for residential activities in the general residential zone is to remain at 45% and no changes were made to the standard itself as part of PC5. Therefore, the retention of this standard is supported.
- 1.6 The submissions from Kāinga Ora requesting changes to 8.2.5H and 9.2.5G to reduce the size of the outdoor living space requirement are rejected on the grounds that PC5 did not seek to make changes to this operative provision for the General Residential zones. The only change requested that is considered appropriate is the need to remove reference to CRD from the title of the standard. Therefore, submission points 050.62 and 050.102 are recommended to be accepted in part.
- 1.7 **Submission point 050.55 from Kāinga Ora** requests the partial deletion of wording relating to CRD activities in the statement at 8.2.5 and is recommended to be rejected on the grounds that CRD activities will continue to be provided for in the Brookvale structure plan area and therefore it is important to retain reference to these activities and provide clarity on what standards and assessment criteria apply in these cases.
- 1.8 **Submission point 050.59, 050.60, 050.100 and 050.101 Kāinga Ora** requesting amendments to standards 8.2.5Da, 8.2.5Dd, 8.2.6C, 9.2.5E, 9.2.5F are also rejected on the grounds that PC5 as notified did not make changes to these standards and therefore these submissions are considered to be out of scope.
- 1.9 **Submission point 146.3 TW Property** - the submission points from TW Property and further submission in opposition from McFlynn Surveying and Planning relating to 7.2.5L Fences and requesting that this standard allow fencing on collector and arterial roads up to 1.8m. This existing provision already allows fencing of 1.8m on



Collector or Arterial Roads. The only change PC5 made to 7.2.5L was to remove the City Living Zone from the title of the standard given that PC5 would replace this zone with the Medium Density Residential zone. PC5 made no changes to the standard itself. Even so, the standard already provides for the relief sought in these submissions. On this basis these submissions are out of scope of PC5, and it is recommended that they be rejected.

- 1.10 **Submission point 134.35 (McFlynn Surveying and Planning)** has submitted requesting amendments to the density exemption standards in the Havelock North Character Residential Zone (HNCRRZ) density provision (8.2.5A) to allow dwellings to be built on existing sites that are less than 700m<sup>2</sup> in the HNCRRZ and less than 1000m<sup>2</sup> in the Toop Street special character area. Submission 134.35 is supported by J.Jackson (FS27.35) who also seeks that on-site parking be allowed for each dwelling. As stated previously, the Council cannot require on-site parking to be required and such requirements for on-site parking have been removed from the District Plan in accordance with the requirements of the NPS-UD.
- 1.11 The Havelock North Character Residential Zone is not subject to PC5 and as such the submission in respect of density provisions relating to this zone are considered to be out of scope of PC5 and is therefore rejected.
- 1.12 **Submission point 134.43 (McFlynn Surveying and Planning)** - the submission has requested changes to the Flaxmere General Residential zone density provision (9.2.5A) to allow residential dwellings to be built on existing site less than 500m<sup>2</sup> in size. This submission 134.43 is supported by J Jackson (FS027.43).
- 1.13 The submission relates to the exemption provisions in the density standard that were put in place as a result of the District Plan review. A change was made as part of PC5 to make clear the circumstances in which these exemptions applied, that is for sites less than 350m<sup>2</sup>.
- 1.14 It is considered that the as notified amendment to the density provision provides for the cases where exemptions should apply. Therefore, on this basis it is considered that the submissions from McFlynn Surveying and Planning should be rejected.
- 1.15 The further submission from Kāinga Ora (FS28.10) in opposition to the McFlynn submission as it relates to Flaxmere opposes the use of a density standard and states *"instead consider it appropriate to have a permitted number of dwellings (being two in this context), and to rely on building bulk and location standards as well as the rule framework to regulate the extent of development on a site"*.
- 1.16 The changes to the density provisions solely related to the exemption provisions and making it clear where these should apply. The further submission from Kāinga Ora in opposition to the density provisions as a whole is not supported. Therefore, density provisions in the Flaxmere General Residential zone are recommended to be retained as notified.

## **2 RECOMMENDATIONS**

- 2.1 **That submission point 007.19 (Bay Planning) is accepted.**
- 2.1.1 **Reasons:**
  - a) The recommended change ensures consistency with plan change 5.
- 2.2 **That submission points 050.55 ,050.59, 050.60, 050.63, 050.100, 050.101 from Kāinga Ora be rejected.**

- 2.2.1 That as a consequence of the above recommendation the further submissions of **FS03.19 (Oceania Healthcare Limited)** and **FS19.81 (the Residents of Kaiapo Road etc)** in opposition to Kāinga Ora (050.55) **be accepted** and the further submission in support **FS11.61 (Development Nous)** **be rejected**.
- 2.2.2 That as a consequence of the above recommendation the further submissions **FS11.65, FS11.66, FS11.69, FS11.106, FS11.107 (Development Nous)** in support of Kāinga Ora **be rejected**, **FS19.85, FS19.86, FS19.89, FS19.126, FS19.127, (Residents of Kaiapo Road etc)**, are also **rejected** given Kāinga Ora's submission is considered to be out of scope.
- 2.2.3 Reasons:
- a. The submission is out of scope in relation to submissions on the following general performance standards 8.2.5Da, 8.2.5Dd, 8.2.6C, 9.2.5E, 9.2.5F as Plan Change 5 did not proposed changes to these provisions.
  - b. The retention of the statement under 8.2.5 ensures that it is clear that CRD activities in Brookvale need to comply with specific performance standards and assessment criteria in 8.2.6F and 8.2.9.
- 2.3 **That the submission of Kāinga Ora (050.61)** requesting the retention as notified of standard 8.2.5F **be accepted**.
- 2.3.1 That the further submissions from **Development Nous (FS11.67)** in support of Kāinga Ora (050.61) **be accepted** and that from **the Residents of Kaiapo Road etc (FS19.87)** **be rejected**.
- 2.3.2 Reason:
- a. That the submission supports the standard as notified
- 2.4 **That the submissions of Kāinga Ora (050.62, 050.102)** seeking amendments to the outdoor living space standards in Flaxmere and Havelock North General Residential zones **be accepted in part** insofar as the reference to CRD activities is recommended to be removed.
- 2.4.1 That the further submissions of **Development Nous (FS11.68, FS11.108)** in support be **accepted in part** and those in opposition from the **M. Reid (FS16.10)** and the **Residents of Kaiapo Road etc (FS19.88, FS19.128)** also be **accepted in part**.
- 2.4.2 Reasons:
- a. The need to remove reference to CRD from the title of the standard is appropriate and aligns with the revised approach to PC5.
  - b. The amendments seeking to reduce the amount or size of outdoor living space in the general residential zone is not appropriate nor is it considered to be within scope given PC5 did not make changes to this provision.
- 2.4.3 **Recommended amendments:**
- 8.2.5H OUTDOOR LIVING SPACE** ~~(Except for Comprehensive Residential Development on Sites Identified in Appendix 20 refer to 8.2.6G.4 and for sites within Appendix 13B, Figure 1 refer to 8.2.6M.6)~~
- 9.2.5G OUTDOOR LIVING SPACE** ~~(EXCEPT FOR COMPREHENSIVE RESIDENTIAL DEVELOPMENT)~~

- 2.5 **That submission point 146.3 TW Property is rejected.**
- 2.5.1 That further submission point **FS29.3 (McFlynn Surveying and Planning)** in opposition to TW Property (146.3) is **accepted**.
- 2.5.2 Reason:
- a. The existing standard already provides for the relief sought by the submitter.
- 2.6 **That the submissions of 134.35 (McFlynn Surveying and Planning) seeking amendments to the density standards for Havelock North 8.2.5A be rejected as they are considered out of scope.**
- 2.6.1 That as a consequence of the above recommendation, the further submission points **FS27.35 (J Jackson)** in support of 134.35 McFlynn Surveying and Planning **be rejected**.
- 2.6.2 Reason:
- a. PC5 does not include changes to the Havelock North Character Residential Zone and therefore this request is considered to be out of scope.
- 2.6.3 That the submission of **134.43 (McFlynn Surveying and Planning)** seeking amendments to the density standards for Flaxmere 9.2.5A **be rejected**.
- 2.6.4 That as a consequence of the above recommendation, the further submission from **FS27.43 (J Jackson) in support** of 134.43 McFlynn Surveying and Planning **be rejected**, and that from **Kāinga Ora (FS28.10)** in opposition to 134.43 McFlynn Surveying and Planning also **be rejected** on the basis that the density standard is recommended to be retained as notified.
- 2.6.3 Reason:
- a. That the inclusion to the wording of these standards as notified provides clarity for the cases in which the exemptions provisions are to apply within the Flaxmere and Havelock North residential environments where vacant site sizes less than the density standards were created prior to the 2015 Proposed District Plan provisions becoming operative.

## **Topic 4, Key Issue 4B – General Residential Zone – Specific Performance Standards**

### **STANDARDS RELATING TO RELOCATED BUILDINGS IN THE HASTINGS, HAVELOCK NORTH AND FLAXMERE GENERAL RESIDENTIAL ZONES**

Sub Point	Submitter / Further Submitter	Provision / Section of the Hastings District Plan	Position	Summary of Decision Requested	Recommendation
007.30	Bay Planning, A Francis	7.2.6J - Relocated Buildings	Support with amendment	Amend.	Accept
050.65	Kāinga Ora	8.2.6 Specific Performance	Oppose	Delete standards under 8.2.6K	Reject Out of scope

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		Standards and Terms – 8.2.6K			
FS11.71	Development Nous	Submission point 050.65	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 Out of scope
FS19.91	Residents of Kaiapo Road etc	Submission point 050.65	Oppose all	We seek the whole of the KO submission be disallowed, as the requests are far too broad and far reaching. Resulting in severely adversely affecting existing communities and residents.	Accept Out of scope
050.103	Kāinga Ora	9.2.6 Specific Performance Standards – 9.2.6H	Oppose	Delete 9.2.6H	Reject out of scope relocatable buildings
FS11.109	Development Nous	Submission point 050.103	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
FS19.129	Residents of Kaiapo Road etc	Submission point 050.103	Oppose all	We seek the whole of the KO submission be disallowed, as the requests are far too broad and far reaching. Resulting in severely adversely affecting existing communities and residents	Accept in part

### 3. SUBMISSIONS

- 3.1 007.30 (Bay Planning, A Francis) requests removing reference to "Hastings City Living Zone" from the secondary title to 7.2.6J RELOCATED BUILDINGS.
- 3.2 050.65 (KO) requests the deletion of 8.2.6K Relocated Buildings. FS11.71. (Development Nous) is in support and FS19.91 (Residents of Kaiapo Road etc) are in opposition.
- 3.3 050.103 (KO) request the deletion of 9.2.6H Relocated Buildings, in the Flaxmere General Residential Zone. FS11.109 (Development Nous) is in support and FS19.129 (Residents of Kaiapo Road etc) are in opposition.

### 4. ANALYSIS

- 4.1 The reference to the Hastings City Living Zone should be removed from 7.2.6J as through the changes proposed by PC5 this zone is recommended to be deleted from the Hastings Residential Environment and replaced by the Medium Density Residential zone chapter. This was an oversight and should have been removed as part of the notified version of PC5.
- 4.2 KO seek that Relocated buildings are not treated as a separate activity with separate Plan provisions, including performance standards in the General Residential Zones

and therefore seek that all provisions for relocated dwellings be deleted, with exception to Character Zones.

- 4.3 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.
- 4.4 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).
- 4.5 On this basis, it is considered these the requests relating to relocated buildings are out of scope of PC5.

## **5. RECOMMENDATIONS**

- 5.1 That the submission of **007.30 (Bay Planning, A Francis)** is **accepted**.
- 5.1.1 Reasons
- a. That the removal of this reference to the Hastings City Living Zone was an oversight and should have been included in the notified version of the plan change.
  - b. That the Hastings City Living Zone is no longer a zone and has been replaced by the Medium Density Residential Zone as per PC5.
- 5.2 That the submission **050.65 (KO)** and the **FS11.71 (Development Nours)** in support and **FS19.91 (Residents of Kaiapo Road etc)** in opposition **are rejected** because the request is out of scope of PC5.
- 5.3 That the submission **050.103 (KO)** and the **FS11.109 (Development Nours)** in support and **FS19.129 (Residents of Kaiapo Road etc)** in opposition **are rejected** because the request is out of scope of PC5.
- 5.4 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.

**SPECIFIC PERFORMANCE STANDARDS RELATING TO COMPREHENSIVE RESIDENTIAL DEVELOPEMENT ACROSS HASTINGS, HAVELOCK NORTH AND FLAXMERE GENERAL RESIDENTIAL ZONES**

Sub Point	Submitter / Further Submitter	Provision / Section of the Hastings District Plan	Position	Summary of Decision Requested	Recommendation
050.64	Kāinga Ora	8.2.6 Specific Performance Standards and Terms – 8.2.6F	Oppose	Delete standards under 8.2.6F.	Reject
FS11.70	Development Nous	Submission point 050.64	Support	Development Nous seeks the submission be allowed to the extent that those parts of the submission align with the points raised and relief sought in Development Nous' submission.	Reject
FS19.90	Residents of Kaiapo Road etc	Submission point 050.64	Oppose all	We seek the whole of the KO submission be disallowed, as the requests are far too broad and far reaching. Resulting in severely adversely affecting existing communities and residents.	Accept
071.4	Oceania Village Company	8.2 Havelock North Residential Environment – Specific Performance Standards	Support	Supports the removal of the requirement for 'Comprehensive Residential Developments' to comply with the 'General Performance Standards and Terms for all Activities' for the 'Havelock North General Residential Zone'	Accept in part request to retain CRD standard but refer to Topic 3, Key Issue 4 - Retirement Villages for specific provisions
071.5	Oceania Village Company	8.2 Havelock North Residential Environment – Specific Performance Standards	Support	Supports the introduction of the 'Specific Performance Standards and Terms' for 'Comprehensive Residential Developments' for the 'Havelock North General Residential Zone' (with the exception of Standard 8.2.6(F)(8)(d)).	Accept in part request to retain CRD standards but refer to Topic 3, Key Issue 4 Retirement Villages for specific provisions
050.104	Kāinga Ora	9.2.6 Specific Performance Standards – 9.2.6J	Oppose	Delete 9.2.6J	Accept
FS11.110	Development Nous	Submission point 050.104	Support in part	Development Nous seeks the submission be allowed to the extent that those parts of the submission align with the points raised and relief sought in Development Nous' submission.	Accept

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FS19.130	Residents of Kaiapo Road etc	Submission point 050.104	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
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## **6. SUBMISSIONS**

- 6.1 050.64 (KO) requests deleting standards under 8.2.6F CRD. FS11.70 (Development Nours) is in support. FS 19.90 (Residents of Kaiapo Road etc) is in opposition.
- 6.2 050.104 (KO) requests the deletion of 9.2.6J CRD. FS11.110 (Development Nours) is in support and FS19.130 (Residents of Kaiapo Road etc) are in opposition.
- 6.3 071.4 Oceania Village Company states support for the specific performance standards and terms for CRD for Havelock North Residential Zone (with the exception of standard 8.2.6(F)(8)(a)).
- 6.4 071.5 Oceania Village Company states support for the specific performance standards and terms for CRD for Havelock North Residential Zone (with the exception of standard 8.2.6(F)(8)(d)).

## **7. ANALYSIS**

- 7.1 The request from KO (050.2) to remove CRD activities from the General Residential Zones has been accepted in part. As outlined in the S42A introduction report the revised approach to PC5 seeks to focus the MDRZ around the main centres of Hastings, Havelock North and Flaxmere and uses a 400m walkable catchment to define the boundaries of zone.
- 7.2 This “centres based approach” is one that many local authorities have adopted to provide for urban intensification and is an approach that aligns with Objective 3 of the NPS-UD.
- 7.3 As part of the refinement of the extent and location of the MDRZ, changes are also recommended to the GRZ to ensure there is a clear distinction in the provisions and development outcomes sought in this zone. To that end, CRD activities are recommended to be removed from this zone except in the case of existing urban development areas.
- 7.4 Comprehensive residential development would still be provided for in the existing greenfield urban development areas of Howard St and Brookvale where structure plans and the construction of infrastructure have already been planned. Greenfield locations are also considered appropriate for medium density housing where commercial zones, public parks and transport networks are included in the integrated planning for these areas.
- 7.5 CRD activities in these locations (Hastings and Havelock North GRZ) will need to comply with specific performance standards and assessment criteria which will align with those performance standards and criteria of the Medium Density Residential Zone. There may be a need to retain some existing standards or criteria in relation to the context of these existing urban development areas to ensure that the proposed density and location of this type of housing within the greenfield area is appropriate

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and has suitable accessibility to commercial and community services, main transportation, walking and cycling, and public transport routes. The assessment criteria for CRD in existing new urban development areas is considered in Topic 5 Key Issue 3 of this S42A report.

- 7.6 KO request that specific performance standards 8.2.6F and 9.2.6J be deleted and that medium density residential development be subject to the general residential standards of the zone. In terms of CRD activities in the greenfield areas, the general residential standards are not considered appropriate as these relate to the lower density of housing development that is anticipated by the zone.
- 7.7 Therefore, it is recommended that the standards 8.2.6F for CRD activities in the Brookvale urban development area be retained but cross referenced to the Medium Density Residential zone standards as recommended. The standards as notified were identical except for the context standard 7.2.6E.1, 8.2.6F.1 and 9.2.6J.1 Site Context. Given that CRD activities have been limited to these specific existing structure plan areas in this zone, a context standard is not considered necessary. The consideration of context will occur through the resource consent process as specific applications are considered against the assessment criteria outlined in 7.2.8F and 8.2.9, and cross referenced to MRZ-MAT1.
- 7.8 The submissions from Oceania Village Company in respect of their support to retain 8.2.6F and specific performance standard provisions for CRD activities are therefore recommended to be accepted in part.
- 7.9 In terms of standard 9.2.6J in the Flaxmere General Residential Zone, it is considered that the CRD standards can be deleted in their entirety in this instance as there are no existing urban development or structure plan areas in Flaxmere.
- 7.10 Although KO did not submit on the Hastings GRZ standards (7.2.6E) as their approach was for this entire area to be rezoned MDRZ, it is considered appropriate that a consequential amendment be made to ensure that the standards and assessment criteria for the Howard Street urban development area in the Hastings General Residential zone are retained in the same manner as outlined above for the Brookvale structure plan area.

## **8. RECOMMENDATIONS**

- 8.1 That the submissions from **Oceania Village Company (071.4, 071.5)** be **accepted in part** insofar as standard 8.2.6F is retained for CRD activities in Brookvale.
- 8.2 That the submission **050.64 (KO)** requesting that 8.2.6F CRD performance standards be deleted **be rejected** and that the further submissions **FS11.70 (Development Nous)** in support **is also rejected** and **FS19.90 (Residents of Kaiapo Road etc)** in opposition to KO 050.64 **is accepted in part**.
- 8.3 That the submission of **050.104 (KO)** requesting that 9.2.6J CRD performance standards be deleted **be accepted** and the further submissions **FS11.110 (Development Nous)** in support **be accepted** and **FS19.130 (Residents of Kaiapo Road etc)** in opposition **be rejected**.
- 8.3.1 Reasons:



- a. The retention of the CRD standards for Howard Street and Brookvale urban development areas means that the specific performance standards for CRD need to be retained in the Hastings and Havelock North General Residential zone. In Flaxmere, where there are currently no existing greenfield or urban development areas, the performance standards in 9.2.6J can be removed.
- b. Removal of provision for and reference to Comprehensive Residential Development from all General Residential Zone provisions (except in the Howard Street and Brookvale structure plan areas) will assist to simplify the rule framework of the General Residential Zone and provide certainty for both the residents and the development community in terms of the expected development outcomes of the zone. Such a rule framework will ensure a suburban residential environment is retained in these general residential zoned areas.
- c. The removal of Comprehensive Residential Development activities from the General Residential Zone will create a more transparent and clear approach to the development outcomes sought in the General Residential Zone.
- d. The proposed amendments to the rule framework for the General Residential Zone will not undermine Council's ability to meet its obligations under the NPS-UD and NPS-HPL. This is because the Medium Density Residential Zone area is estimated (through modelling by Market Economics) to provide sufficient development capacity over the next 30-year period. In addition there will be additional development capacity from the implementation of Council's Local Area Plan Programme and also the Structure Planning work to be undertaken for identified greenfield growth areas.

**9. Recommended Amendments –**

**9.1 Havelock North General Residential Zone**

**8.2.6F COMPREHENSIVE RESIDENTIAL DEVELOPMENT ON LAND  
IN APPENDIX 13B FIGURE 1 (BROOKVALE URBAN DEVELOPMENT  
AREA)**

**Comprehensive Residential Developments on land within Appendix  
13B Figure 1 (Brookvale urban development area) shall comply with  
the standards of the Medium Density Residential Zone MRZ – S1-  
S13.**

- 9.1.1 The remainder of the as notified standards are recommended to be deleted given the cross reference to the medium density residential zone performance standards and their application to any CRD activities on land in Appendix 13B Figure 1.

**9.2 Consequential Amendments – Hastings General Residential Zone**

**7.2.6E COMPREHENSIVE RESIDENTIAL DEVELOPMENT ON LAND  
IN APPENDIX 80 FIGURE 1 (HOWARD STREET URBAN  
DEVELOPMENT AREA)**

**Comprehensive Residential Developments on land within Appendix  
80 Figure 1 (Howard Street urban development area) shall comply  
with the standards of the Medium Density Residential Zone MRZ –  
S1-S13.**

- 9.2.1 The remainder of the as notified standards are recommended to be deleted given the cross reference to the medium density residential zone performance standards and their application to any CRD activities on land in Appendix 80 Figure 1.

### 9.3 Recommended Amendments - Flaxmere Residential Zone

#### 9.2.6J COMPREHENSIVE RESIDENTIAL DEVELOPMENT

<p><b>1. Site Context</b>  <u>Comprehensive Residential Developments</u> that propose a density of development greater than 1 residential unit per 500m<sup>2</sup> <del>net site area</del> shall be located on <u>sites</u> in the General Residential Zone that are within or partially within a 400-600m radius of:</p> <ul style="list-style-type: none"> <li>a. <del>An existing</del> or proposed public transport bus stop; and</li> <li>b. <del>A existing</del> public park or proposed open space reserve, or a proposed <u>on-site</u> communal playground or open space area; and</li> <li>c. <del>A commercial zone</del></li> </ul>	<p><u>Outcome</u>  <u>Medium Density Housing is located on suitable Sites in the General Residential Zone</u></p>
<p><b>2. Height</b></p> <ul style="list-style-type: none"> <li>a. <u>Buildings and structures</u> (except <u>fences</u> and standalone walls) must not exceed a height above <u>ground level</u> of 11m except that <u>buildings</u> that have a pitched or gable roof may have a maximum height of up to 12m <u>above ground level</u>;</li> <li>b. <u>This standard does not apply to:</u> <ul style="list-style-type: none"> <li>i. <u>Solar panels provided these do not exceed the height by more than 500mm;</u></li> <li>ii. <u>Chimney structures not exceeding 1.1 metres in width on any elevation and provided these do not exceed the height by more than 1 metre;</u></li> <li>iii. <u>Antennas, <del>aerials</del>, and flues provided these do not exceed the height by more than 1 metre;</u></li> <li>iv. <u>Satellite dishes (less than 1 metre in diameter) and architectural features (e.g. finials, spires) provided these do not exceed the height by more than 1 metre;</u></li> <li>v. <u>Lift overruns provided these do not exceed the height by more than 1m; or</u></li> <li>vi. <u>Any scaffolding used in the construction process;</u></li> </ul> </li> </ul>	<p><u>Outcome:</u>  <u>Dominant and out of scale Buildings and Structures will not reduce access to daylight and sunlight for adjoining properties</u></p>
<p><b>3. Fences and Standalone Walls</b></p> <ul style="list-style-type: none"> <li>a. <u>All fences and standalone walls must not exceed a maximum height above ground level of:</u> <ul style="list-style-type: none"> <li>a. <u>1.2m where the fence is located between the residential unit and the front <del>road boundary</del> of the site or any private road, access lot or right of way that provides legal access to the site; or</u></li> <li>b. <u>1.2m where a site boundary adjoins a public reserve vested to the Hastings District Council under the Reserves Management Act</u></li> </ul> </li> <li>b. <u>Except that:</u></li> </ul>	<p><u>Outcome</u>  <u>Lower front Fence heights enable clear visibility providing for passive surveillance and visual connections between the RESIDENTIAL UNIT and the street improving safety</u></p>

<ul style="list-style-type: none"> <li>i. <u>1.5m if the fence is able to be seen through in the manner of a picket, trolly, or steel pool fence construction.</u></li> <li>ii. <u>1.8m for all other site boundaries</u></li> </ul>	
<p><b>4. Height in relation to Boundary</b></p> <ul style="list-style-type: none"> <li>a. <u>On any boundary (excluding the road or front boundary) of a site, buildings shall be contained with a building envelope constructed by recession planes from points 3m above the boundary. The angle of such recession planes shall be 45° for all boundaries facing the southern half of a compass and 55° for all boundaries facing the northern half of the compass. (Refer Appendix 60 Figure 2 for a diagram explaining this recession plane).</u></li> <li>b. <u>Except that:</u> <ul style="list-style-type: none"> <li>i. <u>Where two or more attached residential buildings on adjoining sites are connected along a common boundary the requirement for a recession plane will be dispensed with along that boundary.</u></li> <li>ii. <u>Where a boundary adjoins an entrance strip, access lot or private road, recession planes can be constructed from the side of the entrance strip, access lot or private road furthest from the site boundary.</u></li> </ul> </li> </ul>	<p><b>Outcome</b> <u>Access to a minimum level of daylight within the living ENVIRONMENT will be provided restricting overly tall obtrusive Structures or Buildings close to BOUNDARY</u></p>
<p><b>5. Garages and Accessory Buildings</b></p> <ul style="list-style-type: none"> <li>a. <u>Garages, carports or accessory buildings must be setback a minimum of 1m from the front elevation of the residential building.</u></li> <li>b. <u>Garages, carports or accessory buildings shall occupy no more than 50% of the width of the front elevation of buildings that front the road, or legal access</u></li> </ul>	<p><b>Outcome</b> <u>Garages or carports will not dominate the street. The RESIDENTIAL UNIT will be the primary built feature of the property frontage and streetscape</u></p>
<p><b>6. Setbacks</b></p> <ul style="list-style-type: none"> <li>a. <u>Buildings must be setback from the relevant boundary by the minimum depth listed below:</u> <ul style="list-style-type: none"> <li>i. <u>Front boundary: 3m</u></li> <li>ii. <u>Side boundary: 1m</u></li> <li>iii. <u>Rear boundary: 1m</u></li> </ul> </li> <li>b. <u>This standard does not apply where two adjacent buildings have an existing or proposed common wall.</u></li> </ul>	<p><b>Outcome</b> <u>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.</u></p>
<p><b>7. Building Coverage</b></p> <ul style="list-style-type: none"> <li>a. <u>The maximum building coverage must not exceed 50% of net site area</u></li> <li>b. <u>This standard does not apply to:</u> <ul style="list-style-type: none"> <li>i. <u>Eaves up to a maximum of 600mm in width and external gutters and downpipes (including their brackets) up to an additional width of 150mm;</u></li> <li>ii. <u>Pergola structures that are not covered by a roof;</u></li> </ul> </li> </ul>	<p><b>Outcome</b> <u>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</u></p>

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<ul style="list-style-type: none"> <li>iii. <del>Uncovered decks that are no more than 1m in height above ground level;</del></li> <li>iv. <del>Uncovered outdoor swimming pools or tanks: <ul style="list-style-type: none"> <li>▪ <del>not exceeding 25,000 capacity and supported directly by the ground, or</del></li> <li>▪ <del>not exceeding 2,000 litres capacity and supported not more than 2 metres above the supporting ground, or</del></li> </ul> </del></li> <li>v. <del>Underground carparking with landscaping above;</del></li> <li>vi. <del>Earthen terracing 1 metre or less in height with landscaping above of sufficient depth to allow drainage;</del></li> <li>vii. <del>Satellite dishes</del></li> <li>viii. <del>Artificial crop protection structures and crop support structures;</del></li> </ul>	
<p><b><u>8. Outdoor Living Space</u></b></p> <ul style="list-style-type: none"> <li>a. <del>A residential unit at ground floor must have an outdoor living space that is at least 30m<sup>2</sup>, with a minimum 4m dimension</del></li> <li>b. <del>A residential unit above ground floor must have an outdoor living space of at least 8m<sup>2</sup>, with a minimum 1.8m dimension</del></li> <li>c. <del>All outdoor living spaces must be accessible from the main living area of the residential unit; and</del></li> <li>d. <del>All outdoor living spaces must be north facing i.e. north of east or west.</del></li> <li>e. <del>All outdoor living spaces must be clear of buildings, parking spaces, servicing and manoeuvring areas.</del></li> </ul>	<p><b><u>Outcome</u></b>  <i><u>To ensure residents have adequate access to Outdoor Living Space for their recreation and wellbeing and that this space is private, sunny and has direct access from an internal living area</u></i></p>
<p><b><u>9. Landscaped Area</u></b></p> <ul style="list-style-type: none"> <li>a. <del>A residential unit at ground floor level must have a landscaped area of a minimum of 20% of the exclusive use area of the unit with a combination of grassed lawn, garden beds, shrubs and/or trees;</del></li> <li>b. <del>The landscaped area must be located within the specific site or exclusive use area associated with each residential unit.</del></li> </ul>	<p><b><u>Outcome</u></b>  <i><u>Every unit has views to vegetation or garden areas that improves outlook, privacy, softens BUILDING form and contributes to streetscape</u></i></p>
<p><b><u>10. Windows and Connections to Street / Road</u></b></p> <ul style="list-style-type: none"> <li>a. <del>Any residential unit facing the front boundary or legal access must have a minimum of 20% of the facade facing the front boundary or legal access in glazing. This can be windows or doors.</del></li> <li>b. <del>Any residential unit facing the front boundary or legal access must incorporate at ground level facing the front boundary or legal access: <ul style="list-style-type: none"> <li>i. <del>a visible front door and main pedestrian entrance that is visible and accessible from the road / legal access; and</del></li> <li>ii. <del>a kitchen, living or dining room with glazing facing the front boundary or legal access;</del></li> </ul> </del></li> </ul>	<p><b><u>Outcome</u></b>  <i><u>A clear visual connection between the street and each RESIDENTIAL UNIT adds visual interest and improves passive surveillance which contributes to the safety of people and property</u></i></p>

<p><b>11. Outlook Space</b> An outlook space must be provided for each residential unit as follows:</p> <ul style="list-style-type: none"> <li>a. A principal living room must have an outlook space of minimum dimensions of 4m depth, and 4m width, measured from the centre point of the largest window on the building face to which it applies.</li> <li>b. All other habitable rooms must have an outlook space with a minimum dimension of 1m width and 1m depth measured from the centre point of the largest window on the building face to which it applies.</li> <li>c. Outlook spaces must be clear and unobstructed by buildings, structures or vehicles.</li> </ul>	<p><b>Outcome</b> <u>To ensure HABITABLE ROOM windows have sufficient outlook space to ensure privacy and AMENITY of the living ENVIRONMENT.</u></p>																
<p><b>12. Variety in Building Design and Visual Appearance</b> No more than two adjoining residential units shall be exactly the same design, or have the same architectural features, exterior cladding materials and/or colour.</p>	<p><b>Outcome</b> <u>To create visual interest in the streetscape and neighbourhood so that units of the same floor plan design are distinguishable and neighbourhoods are not characterised by a single format of unit design. BUILDING design shall demonstrate USE of a range of design features commensurate with the number of units proposed, to distinguish units with the same floor plan design. Design or architectural features include roof form, fenestration, window shrouds, louvres, pergolas, chimneys, verandah, porch or balcony details</u></p>																
<p><b>13. Stormwater Management</b> The peak stormwater runoff from the site shall not exceed the following standards:</p> <table border="1" data-bbox="261 1077 868 1234"> <thead> <tr> <th><u>Average Recurrence Interval (ARI)</u></th><th><u>Runoff Coefficient</u></th></tr> </thead> <tbody> <tr> <td><u>5-year</u></td><td><u>0.72</u></td></tr> <tr> <td><u>50-year</u></td><td><u>0.82</u></td></tr> </tbody> </table> <p>The above base values shall then be adjusted using the slope adjustment table below to get a final runoff co-efficient that takes into account the topography of the subject site:</p> <table border="1" data-bbox="261 1357 868 1581"> <thead> <tr> <th><u>Ground Slope</u></th><th><u>Coefficient Adjustment</u></th></tr> </thead> <tbody> <tr> <td><u>0-5%</u></td><td><u>-0.05</u></td></tr> <tr> <td><u>5-10%</u></td><td><u>N/A</u></td></tr> <tr> <td><u>10-20%</u></td><td><u>+0.05</u></td></tr> <tr> <td><u>20% and greater</u></td><td><u>+0.10</u></td></tr> </tbody> </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>	<u>Average Recurrence Interval (ARI)</u>	<u>Runoff Coefficient</u>	<u>5-year</u>	<u>0.72</u>	<u>50-year</u>	<u>0.82</u>	<u>Ground Slope</u>	<u>Coefficient Adjustment</u>	<u>0-5%</u>	<u>-0.05</u>	<u>5-10%</u>	<u>N/A</u>	<u>10-20%</u>	<u>+0.05</u>	<u>20% and greater</u>	<u>+0.10</u>	<p><b>Outcome</b> <u>The potential for Effects from stormwater runoff associated with the land USE will be avoided, remedied or mitigated</u></p>
<u>Average Recurrence Interval (ARI)</u>	<u>Runoff Coefficient</u>																
<u>5-year</u>	<u>0.72</u>																
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<u>10-20%</u>	<u>+0.05</u>																
<u>20% and greater</u>	<u>+0.10</u>																

- <u>For information about stormwater management refer to the Hastings District Council Engineering Code of Practice 2020 and the Subdivision and Infrastructure Development in Hastings District Best Practice Design Guide and Hastings Medium Density Design Framework</u>	
<b>14. Roading and Vehicle Access</b> <u>Activities shall comply with the rules and standards for access outlined Section 26.1 Transport and Parking of the District Plan.</u>	<u>Outcome</u> <u>The outcomes of section 26.1 of the DISTRICT PLAN on transport and parking will be achieved</u>
<b>15. Infrastructure – Water, Wastewater and Stormwater</b> <u>Any application for comprehensive residential development shall include an infrastructure network assessment which has been certified by Council's Infrastructure Asset Management Team and which confirms that there is, or will be at the time of connection, sufficient infrastructure capacity to service the development.</u>	<u>Outcome</u> <u>Public health and environmental wellbeing is maintained</u>

## 17. Explanation of Remaining Submission Analysis

- 9.4.1 As outlined above, the specific performance standards for CRD in the General Residential Zones (Howard St and Brookvale Structure Plan Areas) are recommended to be amended and cross referenced to the as recommended performance standards in the Medium Density Residential Zone in the case of Hastings and Havelock North General Residential Zones and deleted in the case of Flaxmere.
- 9.4.2 The rationale for this is that one set of standards applying to both the Medium Density Residential Zone and CRD activities in the existing urban development areas of Howard St and Brookvale will reduce repetition and complexity of the District Plan. As a result, the analysis of the submissions below (those that have been received in respect of the notified specific performance standards for CRD in the General Residential Zones), has occurred in conjunction with the analysis of submissions to the Medium Density Residential Zone (MRZ) standards MRZ-S1 – MRZ-S14.

## 10. **SITE CONTEXT STANDARD – 7.2.6E.1 (HASTINGS), 8.2.6F (HAVELOCK NORTH) AND 9.2.6J (FLAXMERE)**

- 10.1 The as notified standards for CRD activities in the General Residential Zone were the same as those notified for the Medium Density Residential zone except for this standard 1. Site Context. Submissions in respect of this standard are considered in the section below.

### SUBMISSION POINTS TABLE

Sub Point	Submitter / Further Submitter	Provision / Section of the Hastings District Plan	Position	Summary of Decision Requested	Recommendation
007.20	Bay Planning, A Francis	7.2.6E.1 - Site Context Comprehensive Residential Development	Support with amendment	There are too many terms that apply to the same open space. Amend.	Reject

**Plan Change 5 - "Right Homes, Right Place" - Medium Density Housing**  
**S42A Report - Topic 4 - Specific Controls and Performance Standards**

Section 42A Report for Plan Change 5: Right Homes, Right Place  
Topic 4, Key Issue 4 – General Residential Zone – Performance Standards

039.5	Hastings District Council – Environmental Policy Team	7.2.6E.1 - Site Context Comprehensive Residential Development	Support with amendment	<p>Amend this provision so that the standard reads as follows:  Comprehensive Residential Developments that propose a density of development greater than 1 residential unit per 350m<sup>2</sup> net site area shall be located on sites in the General Residential zone that are within or partially within a <del>400-600m</del> <u>500m</u> radius of the following:</p> <ol style="list-style-type: none"> <li>An existing public transport bus stop; and</li> <li><del>An existing public park or proposed open space reserve zone or a proposed on-site communal playground or open space area;</del> and</li> <li><del>A commercial zone</del> <u>The Hastings Central Commercial Zone, Large Format Retail and Commercial Service Zones, the Havelock North Village Centre Retail, Business and Mixed Use Zones or the Flaxmere Village Centre Commercial and Commercial Service Zones.</u></li> </ol> <p>Consider whether a Discretionary Activity status is more appropriate if this standard is not met. Alternatively consider amending the matters of discretion to include the following:</p> <ul style="list-style-type: none"> <li>The degree to which the development site does not meet the standard;</li> <li>Consider the range of services and facilities within a 500m radius (to align with the suggested amendment to the standard) and whether these would offset concerns of accessibility and access to parks, public transport and commercial activities from the development site and thereby provide for sufficient amenities to anchor the medium density housing development</li> <li>Consider whether the distance to these facilities and services is easily walkable (considering</li> </ul>	Reject
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**Plan Change 5 - "Right Homes, Right Place" - Medium Density Housing**  
**S42A Report - Topic 4 - Specific Controls and Performance Standards**

Section 42A Report for Plan Change 5: Right Homes, Right Place  
 Topic 4, Key Issue 4 – General Residential Zone – Performance Standards

				topography, footpaths, cycle lanes, pedestrian crossings etc) • The frequency and type of public transport services in the particular location and the distance of the site from transit stops and whether this is walkable (ie within a 5-10 minute timeframe); • The location, size, shape and maintenance requirements of private on-site communal open spaces and playgrounds that are proposed.	
FS08.11	Waka Kotahi	Submission point 039.5	Support	Waka Kotahi seeks the submission be allowed.	Reject
FS11.5	Development Nours	Submission point 039.5	Oppose	Disallow this submission in its entirety as it does not align with the substantive, or alternate relief sought by the original submission of Development Nours, disallowed	Accept
FS19.8	Residents of Kaiapo Road etc	Submission point 039.5	Support	We seek that all of the submission is allowed.	Reject
106.2	Tumu Development, P Cooke	7.2.6E.1 - Site Context Comprehensive Residential Development	Support with amendment	Amend as follows: "Comprehensive Residential Developments that propose a density of development greater than 1 residential unit per 350m <sup>2</sup> net site area shall be located on sites in the General Residential Zone that are within or partially within a 400 to 600m radius of:...."	Reject
FS031.1	Surveying the Bay, A Taylor	Submission point 106.2	Support in part	Allow the submission	Reject
106.3	Tumu Development, P Cooke	8.2.6F.1 - Site Context Comprehensive Residential Development	Support with amendment	Amend as follows: "Comprehensive Residential Developments that propose a density of development greater than 1 residential unit per 350m <sup>2</sup> net site area shall be located on sites in the General Residential Zone that are within or partially within a 400 to 600m radius of:...."	Reject
FS031.1	Surveying the Bay, A Taylor	Submission point 106.3	Support in part	Allow the Submission	Reject
106.4	Tumu Development, P Cooke	9.2.6J.1 - Site Context Comprehensive Residential Development	Support with amendment	Amend as follows: "Comprehensive Residential Developments that propose a density of development greater than 1 residential unit per 350m <sup>2</sup> net site area shall be located on sites in the General Residential Zone that are within or partially within a 400 to 600m radius of:...."	Reject
FS031.1	Surveying the Bay, A Taylor	Submission point 106.4	Support in part	Allow the submission	Reject
134.27	McFlynn Surveying and Planning	7.2.6E.1. Site Context	Support in part	Amend to:	Reject



**Plan Change 5 - "Right Homes, Right Place" - Medium Density Housing**  
**S42A Report - Topic 4 - Specific Controls and Performance Standards**

Section 42A Report for Plan Change 5: Right Homes, Right Place  
Topic 4, Key Issue 4 – General Residential Zone – Performance Standards

				Comprehensive Residential Developments that propose a density of development greater than 1 residential unit per 350m <sup>2</sup> net site area shall be located on sites in the General Residential Zone or Hastings Character Residential Zone that are within or partially within a 400-600m radius walking distance of...	
FS27.27	J Jackson	Submission point 134.27	Support	Seek that the whole submission be allowed. Also including that onsite parking must be provided for each dwelling.	Reject
FS30.17	P Rawle	Submission point 134.27	Support	Seek these parts of the submission to be allowed.	Reject
134.36	McFlynn Surveying and Planning	8.2.6F.1 Site Context	Support in part	Amend to require sites to be within 400m-600m walking distance of all of the identified features.	Reject
FS27.36	J Jackson	Submission point 134.36	Support	Seek that the whole submission be allowed. Also including that onsite parking must be provided for each dwelling.	Reject
134.44	McFlynn Surveying and Planning	9.2.6J.1 Site Context	Support in part	Amend to require sites to be within 400m-600m walking distance of all of the identified features.	Reject
FS27.44	J Jackson	Submission point 134.44	Support	Seek that the whole submission be allowed. Also including that onsite parking must be provided for each dwelling.	Reject
138.10	P Rawle	600m radius from commercial areas	Oppose	Remove the ability to do medium density within 600m of commercial zone, park and bus stop.	Accept
143.6	A Smith, G Smith, and S Taylor	Specific Performance Standard 7.2.6E	Oppose	Amend 7.2.6E as follows:  7.2.6E COMPREHENSIVE RESIDENTIAL DEVELOPMENT 1. SITE CONTEXT – Comprehensive Residential Developments that propose a density of development greater than 1 residential unit per 350m <sup>2</sup> net site area shall be located on sites in the General Residential Zone that are within or partially within a 400-600m 400m radius of a. A An existing or proposed public transport bus stop, and c.An existing public park that is zoned Open Space and listed in Appendix 63 as a Sport and Recreation, Community, or Public Gardens Reserve or proposed open space	Reject

**Plan Change 5 - "Right Homes, Right Place" - Medium Density Housing**  
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Section 42A Report for Plan Change 5: Right Homes, Right Place  
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				<p>reserve, or a proposed onsite communal playground or open space area; and</p> <p>c.A commercial zone that comprises of three or more different retail or service shops...</p> <p>Seeks that in addition to any other amendments sought by this submission, any other amendments to the District Plan are requested to address concerns raised.</p>	
143.11	A Smith, G Smith, and S Taylor	Specific Performance Standard 8.2.6F CRD	Oppose	<p>Amend 8.2.6F as follows:</p> <p><b>8.2.6F COMPREHENSIVE RESIDENTIAL DEVELOPMENT</b></p> <p><b>1. SITE CONTEXT –</b></p> <p>Comprehensive Residential Developments that propose a density of development greater than 1 : 350m<sup>2</sup> net site area shall be located on sites in the General Residential Zone that are within or partially within a 400-600m 400m radius of:</p> <p>a. A An existing or proposed public transport bus stop; and</p> <p>b. An existing public park that is zoned Open Space and listed in Appendix 63 as a Sport &amp; Recreation, Community, or Public Gardens Reserve or proposed open space reserve, or a proposed onsite communal playground or open space area; and</p> <p>c.A commercial zone that comprises of three or more different retail or service shops...</p> <p>Seeks that in addition y other amendments sought by this submission, any other amendments to the District Plan are requested to address concerns raised.</p>	Reject
146.2	TW Property	Standards 7.2.6E(1), 8.2.6F(1) and 9.2.6J(1)	Support with amendment	Delete 400-600m locational standard and rely on 600m only. Supply a non-statutory map showing the areas that meet the 600m criteria.	Reject
FS29.2	McFlynn Surveying and Planning	Submission point 146.2	Oppose	Seek that the whole of the submission be disallowed.	Accept

**11. SUBMISSIONS**

- 11.1 007.20 (Bay Planning, A Francis) requests simplify terminology relating to “existing public park” or “proposed public park” to avoid confusion (7.2.6E.1).
- 11.2 039.5 (HDC) requests amending CRD to a 500m radius; a discretionary activity status if standards are not met; or alternatively alter the matters of discretion. FS08.11 (Waka Kotahi) is in support, FS19.8 (Residents of Kaiapo Road etc) is in support, and FS11.5 (Development Nous) is in opposition.
- 11.3 106.2, 106.3, 106.4 (Tumu Development) request amending CRD to a 600m radius in standards 7.2.6E.1, 8.2.6F.1, and 9.2.6J.1. FS031.1 (Surveying the Bay), FS031.1 (Surveying the Bay), and FS031.1 (Surveying the Bay) is in support of these changes.
- 11.4 Submission Point 134.27, 134.36 134.44 McFlynn Surveying and Planning Ltd. These submission points request amendments to “Comprehensive Residential Developments that propose a density of development greater than 1 residential unit per 350m<sup>2</sup> net site area shall be located on sites in the General Residential Zone or Hastings Character Residential Zone that are within or partially within a 400-600m ~~radius~~ walking distance of...”. FS27.27 (J Jackson) and FS30.17 (P Rawle) are in support of submission point 134.27. FS27.27 (J Jackson) also states that onsite parking must be provided for each dwelling. FS27.36 (J Jackson) is in support of submission point 134.36. FS27.44 (J Jackson) is in support of submission points 134.44
- 11.5 Submission Point 138.10 P.Rawle. This submission requests the removal of the ability to do medium density within 600m of commercial zone, park and bus stop.
- 11.6 Submission Point 146.2 TW Property. Delete 400-600m locational standard and rely on 600m only. Supply a non-statutory map showing the areas that meet the 600m criteria (Standards 7.2.6E(1), 8.2.6F(1) and 9.2.6J(1)). FS29.2 McFlynn Surveying and Planning oppose submission point 146.2.
- 11.7 Submission Point 143.6 and 143.11 A Smith, G Smith and S.Taylor. Specific Performance Standard 7.2.6E - Amend 7.2.6E and 8.2.6F as follows:

COMPREHENSIVE RESIDENTIAL DEVELOPMENT 1. SITE CONTEXT

Comprehensive Residential Developments that propose a density of development greater than 1 : 350m<sup>2</sup> net site area shall be located on sites in the General Residential Zone that are within or partially within a ~~400-600m~~ 400m radius of:

- (a) ~~A An existing or proposed~~ public transport bus stop; and
- (b) An existing public park that is zoned Open Space and listed in Appendix 63 as a Sport & Recreation, Community, or Public Gardens Reserve ~~or proposed open space reserve, or a proposed onsite communal playground or open space area;~~ and
- (c) A commercial zone that comprises of three or more different retail or service shops...

**12. ANALYSIS**

- 12.1 The requests for amendments to this standard outlined in the submissions above primarily seek to clarify the radius or walking distance within which CRD activities

could be developed, and the features or zones that the radius or walking distance catchment area should relate to.

- 12.2 Submission 134.27 from McFlynn Surveying and Planning requests that the Hastings Character Residential Zone be included in this standard to enable CRD in these areas.
- 12.3 P Rawle (138.10) is concerned that this standard would open up most of Hastings to medium density residential zoning and that given this scale far more rigorous consultation should have been undertaken. P Rawle requests that the ability to develop medium density housing within the 600m of a commercial zone, park or bus stop be removed.
- 12.4 As outlined in the S42A introduction report, the revised approach to PC5 seeks to focus the MDRZ around the main centres of Hastings, Havelock North and Flaxmere and uses a 400m walkable catchment to define the boundaries of zone.
- 12.5 As part of the refinement of the extent and location of the MDRZ, changes are also recommended to the GRZ to ensure there is a clear distinction in the provisions and development outcomes sought in this zone. To that end, CRD activities are recommended to be removed from this zone except where they are located within the existing urban development areas of Howard St (Appendix 80 of the District Plan) and Brookvale (Appendix 13B of the District Plan).
- 12.6 This approach means that there is no longer a need for this context standard. The recommended rule framework for the General Residential zone in Hastings and Havelock North specifies that CRD activities are provided for on land within the specific appendices that relate to Howard St and Brookvale greenfield urban development areas. There are no existing urban development areas in Flaxmere and therefore provision for CRD in the Flaxmere General Residential Zone is removed in its entirety. However a medium density residential zone is provided for within a 400m walkable catchment of the Flaxmere town centre.
- 12.7 It is noted that the removal of CRD provisions from the General Residential zones does not mean that no medium density residential development could occur in this zone. Applications to exceed the density standards of these zones are able to be made as discretionary activities.
- 12.8 On this basis, it is recommended to reject the submissions that seek to amend this standard.
- 12.9 The submission from McFlynn Surveying and Planning Ltd in relation to including provision for CRD activities within the Hastings Character Residential Zone areas is not supported given the purpose of these areas to retain existing character homes.
- 12.10 The submission from P Rawle is accepted in that it is recommended to delete this context standard.

### **13. RECOMMENDATIONS**

- 13.1 That the submission **007.20 (Bay Planning, A Francis)** that requests the simplification of terminology relating to “existing public park” or “proposed public park” to avoid confusion (standard 7.2.6E.1) **be rejected**.

- 13.2 That the submission **039.5 (HDC)** that requests amending CRD to a 500m radius; a discretionary activity status if standards are not met; or alternatively alter the matters of discretion and the **FS08.11 (Waka Kotahi)** in support, **FS19.8 (Residents of Kaiapo Road etc)** in support **be rejected**, and **FS11.5 (Development Nours)** in opposition **be accepted**.
- 13.3 That the submissions **106.2, 106.3, 106.4 (Tumu Development)** that requests amending CRD to a 600m radius in standards 7.2.6E.1, 8.2.6F.1, and 9.2.6J.1 and **FS031.1 (Surveying the Bay), FS031.1(Surveying the Bay), FS031.1 (Surveying the Bay)** is in support of these changes **be rejected**.
- 13.4 That the submissions from **McFlynn Surveying and Planning (134.27, 134.36 134.44)** in support with amendment **be rejected**.
- 13.5 That as a consequence of the above recommend, the further submissions in support of McFlynn Surveying and Planning Ltd from **FS27.27 (J Jackson)** and **FS30.17 (P Rawle)** are **rejected** and in support of submission point 134.36 the further submission from **FS27.36 (J Jackson)** is **rejected** in support of submission point 134.36 and in support of submission 134.44, the further submission from **FS27.44. J. Jackson** is also **rejected**.
- 13.6 That the submission from **P. Rawle (138.10)** in opposition to this standard **be accepted** insofar as the standard is recommended to be deleted.
- 13.7 That the submission from **TW Property (146.2)** in support with amendment **be rejected**.
- 13.8 That as a consequence of the above recommendation, the further submission in opposition to TW Property from **FS29.2 McFlynn Surveying and Planning be accepted**.
- 13.9 That the submission **143.6 and 143.11 A Smith, G Smith and S Taylor** in opposition but seeking amendments to the context standard **be rejected** insofar as the standard is recommended to be deleted.
- 13.10 Reason:
- a. That this standard is no longer necessary given the revised approach to PC5 to remove CRD activities from the General Residential Zones except for within the existing urban development areas of Howard St, (Appendix 80 of the District Plan) and Brookvale, Havelock North (Appendix 13B of the District Plan).
- n. **FENCES AND STANDALONE WALLS FOR CRD – 7.2.6E.3 (HASTINGS), 8.2.6F.3 (HAVELOCK NORTH), 9.2.6J.3 (FLAXMERE)**

**SUBMISSION POINTS TABLE**

Sub Point	Submitter / Further Submitter	Provision / Section of the Hastings District Plan	Position	Summary of Decision Requested	Recommendation
007.21	Bay Planning, A Francis	7.2.6E.3(a)(i) - Fences and	Support with amendment	Amend fence heights along collector and arterial roads	Reject

**Plan Change 5 - "Right Homes, Right Place" - Medium Density Housing**  
**S42A Report - Topic 4 - Specific Controls and Performance Standards**

Section 42A Report for Plan Change 5: Right Homes, Right Place  
Topic 4, Key Issue 4 – General Residential Zone – Performance Standards

		Standalone Walls		Suggest it would be appropriate to make consideration of the benefit of higher fences along these busy roads.	
FS31.4	Surveying the Bay, A Taylor	Submission point 007.21	Support in part	Allow submission but suggest a middle ground where fencing is limited to the max height for half the front boundary length allowing a fence up to 1.8m for the remaining half to allow areas of privacy to be created.	Reject
028.22 028.34 028.28	Fire and Emergency NZ	7.2.6E Fences and standalone walls 8.2.6F.3 9.2.6J.3 – Fences and Walls	Support in part	Amend as follows: <u>All fences and standalone walls must not obscure emergency or safety signage or obstruct access to emergency panels, hydrants, shut-off valves, or other emergency response facilities.</u>	Reject
FS13.24	Kāinga Ora	Submission 028.28	Oppose	Disallow submission	Accept
FS13.27	Kāinga Ora	Submission 028.34	Oppose	Disallow submission	Accept

#### SUBMISSIONS

- 14.1 007.21 (Bay Planning, A Francis) requests an amendment to change Standard 7.2.6E Comprehensive Residential Development (3) "Fences and Standalone Walls" (Hastings Residential Environment Section). This concerns an amendment to specify that fences along collector or arterial roads are permitted up to between 1.5m - 1.8m (incorporating some visual permeability). FS31.4 (Surveying the Bay - A Taylor) suggests a middle ground where fencing is allowed to 1.8m height for half the front boundary to cater for some more private area.
- 14.2 Lower front fence heights are preferable for passive surveillance and ensuring 'eyes on the street'. They enable provide for landscaping and build design to be the main contributors to streetscape rather than the blank walls of fences. It is considered that consideration of higher front boundary fencing can occur through the resource consent process for CRD activities where this may be warranted. For CRD activities in new greenfield areas there may be other considerations and provisions of the structure plan that need to be taken into account. These matters will be specific to development proposals and therefore are best considered at the time the consent application for the whole development is assessed rather than to create bespoke rules.

#### 15. RECOMMENDATION

- 15.1 That the submission **007.21 (Bay Planning, A Francis)** requesting amendments to the fencing standard to allow higher fences on arterial and collector roads is **rejected**
- 15.1.1 That the further submission **FS31.4 (Surveying the Bay - A Taylor)** is also **rejected**.
- 15.1.2 Reasons:
- That lower fence heights support greater passive surveillance and a feeling of safety.

- b. That exceptions to the rule are better considered through the consent resource process rather than providing a blanket allowance that does not achieve the urban design and CPTED principles of passive surveillance.

**16. ADD ADDITIONAL CLAUSE ABOUT PROTECTING FIRE AND EMERGENCY SIGNAGE/FACILITIES**

**SUBMISSIONS**

- 16.1 028.22, 028.28, 028.34 FENZ requests an amendment to “Fences and Standalone Walls” for Comprehensive Residential Development in the General Residential Zones of Hastings, Havelock North and Flaxmere.
  - 16.1.1 The amendment is to state:

*“All fences and standalone walls must not obscure emergency or safety signage or obstruct access to emergency panels, hydrants, shut-off valves, or other emergency response facilities.”*
- 16.2 FENZ states that it is important for fire and emergency that the erection of fences and walls will not obscure emergency or safety signage or obstruct access to emergency panels, hydrants, shut-off valves or other emergency response facilities. Therefore seek an amendment to provide for this.
- 16.3 FS13.24 and FS13.27 (Kāinga Ora) oppose the submission of 028.22, 028.28, 028.34 FENZ stating that these matters are addressed through the Building Act.

**ANALYSIS**

- 16.4 The requests of the Fire and Emergency NZ submission are considered to be impractical to include within the District Plan Standards as matters such as obscuring emergency facilities are addressed within the Hastings District Council Engineering Code of Practice 2020 and the Building Act 1991 which will ensure there are no obstructions or restrictions to access emergency service facilities both on private and public land. Within the residential environment, emergency infrastructure is predominantly located on publicly owned land or public space in which fences and walls are not located (for example, road reserve). If emergency service facilities are provided on private land, for instance as part of an apartment complex or other communal housing arrangement, fences and walls that may interfere with emergency response facilities, are better addressed through the Engineering Code of Practice and Building Act compliance measures rather than a District Plan standard. In this instance, it is considered that there is no reason to duplicate regulations.
- 16.5 Therefore, the submission from FENZ is recommended to be rejected and the further submission in opposition to FENZ from Kāinga Ora is recommended to be accepted.

**RECOMMENDATION**

- 16.6 That the submissions 028.22, 028.28, 028.34 FENZ are **rejected** and the further submissions FS13.24 and FS13.27 (Kāinga Ora) in opposition **are accepted**.
  - 16.6.1 Reason:

- a) Matters such as obscuring emergency facilities are addressed within the Hastings District Council Engineering Code of Practice 2020 and the Building Act 1991 which will ensure that there are no obstructions or restrictions to access emergency service facilities both on private and public land.

## **17. GARAGE STANDARD FOR CRD – HASTINGS, HAVELOCK NORTH AND FLAXMERE RESIDENTIAL ENVIRONMENT**

Sub Point	Submitter / Further Submitter	Provision / Section of the Hastings District Plan	Position	Summary of Decision Requested	Recommendation
106.6	Tumu Development, P Cooke	7.2.6.E(5) - Garages	Support with amendment	While we agree with the rule for single story dwellings, we suggest this standard should not apply to 2 or 3 story buildings where the dominance of the garage on the ground floor can be offset by the first or second floor.	Accept
106.7	Tumu Development, P Cooke	8.2.6F.5 - Garages	Support with amendment	While we agree with the rule for single story dwellings, we suggest this standard should not apply to 2 or 3 story buildings where the dominance of the garage on the ground floor can be offset by the first or second floor.	Accept
106.8	Tumu Development, P Cooke	9.2.6J.5 - Garages	Support with amendment	While we agree with the rule for single story dwellings, we suggest this standard should not apply to 2 or 3 story buildings where the dominance of the garage on the ground floor can be offset by the first or second floor.	Accept
146.7	TW Property	7.2.6E(5), 8.2.6F(5), and 9.2.6J(5) - Garage and Accessory Buildings	Oppose	Delete standards relating to garage and accessory buildings.	Accept in part
FS29.7	McFlynn Surveying and Planning	Submission point 146.7	Oppose	Seek that the whole of the submission be disallowed.	Reject

## **18. SUBMISSIONS**

- 18.1 106.6, 106.7, 106.8 Tumu requests an amendment to 7.2.6.E5, 8.2.6F.5, 9.2.6J.5 "Garages". This rule states that garages, carports and accessory buildings shall occupy no more than 50% of the width of the front elevation of the building.
- 18.2 The submitter states that this has the potential to be restrictive particularly in a terraced house setting where it wouldn't be possible to include a garage on a unit unless the lot was a minimum of approximately 7m wide – which is reasonably inefficient.



- 18.3 The submitter agrees to the rule for single story dwellings but suggests this standard should not apply to 2 or 3 story buildings where the dominance of the garage on the ground floor can be offset by the first or second floor.
- 18.4 Submission Point 146.7 TW Property requests the removal of standards 7.2.6E(5), 8.2.6F(5), and 9.2.6J(5) relating to garage and accessory buildings. FS29.7 McFlynn Surveying and Planning opposes submission point 146.7.

## **19. ANALYSIS**

- 19.1 The submission by **TW Property (146.7)** relating to the CRD specific performance standard for Garages and accessory buildings, has requested that these standards be deleted in their entirety.
- 19.2 Kāinga Ora (050.132) in their submission on this standard in the MDRZ have requested that part (a) of the standard be removed as *"it has the potential to result in unnecessary design complications and rather the use of the front yard standards set out under MRZ-S5 should sufficiently address potential impacts of buildings/structures on the visual character of the site and relationship with the street."*
- 19.3 This submission point has been accepted in the MDRZ given part (a) of the standard is considered restrictive and has the potential to reduce creative responses to carparking. The outcomes sought from the standard will also be achieved through the front setback standard and windows and connection to the street.
- 19.4 However, it is considered that part b of this standard is still necessary and important in reducing the dominance and blank walls of garages that facing the street. On that basis the submission from **TW Property (146.7)** is **accepted in part**.
- 19.5 Part (b) of the standard states:
- (b) Garages, carports or accessory buildings shall occupy no more than 50% of the width of the front elevation of a building that fronts the road, or legal access.*
- 19.6 The submissions from Tumu relate to that part of the garage standard that limits the width of the garage so that it does not account for more than 50% of the building frontage facing the public street or legal access. The purpose of the standard is to ensure that garages or carports do not dominate the street and to reduce the bulk of garages and blank walls along the streetscape.
- 19.7 The submission by **Tumu Development (106.6, 106.7, 106.8)** relating to the General Residential Zone CRD standard for Garages and accessory buildings (7.2.6.E5, 8.2.6F.5, 9.2.6J.5) agrees with the rule for single story dwellings but suggests this standard should not apply to 2 or 3 story buildings where the dominance of the garage on the ground floor can be offset by the first or second floor. This submission is accepted as second floor windows overlooking the frontage of the site, make the garage appear as part of the residential building. As a result, it is recommended the submission of **Tumu Development (106.6, 106.7, 106.8)** be accepted.

## **20. RECOMMENDATION:**

- 20.1 The submission points **106.6, 106.7 and 106.8 Tumu Development** in support with amendment be **accepted**.
- 20.2 That the submission from **146.7 TW Property** requesting the removal of the standard in its entirety **be accepted in part**.
- 20.3 **Reasons:**
- That part (a) of this standard is restrictive and there are other standards including setbacks and windows and connection to the street standards which will achieve the outcome sought.
  - The dominance of a garage can be offset by a second floor, with windows overlooking, making it appear as part of the residential building therefore this standard should only apply to single story buildings.
- 20.4 **Recommended Amendments**

MRZ-S4 Garages and Accessory Buildings	
<p><del>1. Garages, carports or accessory buildings must be setback a minimum of 1m from the front elevation of the residential building.</del></p> <p>2. Garages, carports or <u>accessory buildings that form part of a single story building</u> shall occupy no more than 50% of the width of the front elevation of a <u>building</u> that fronts the <u>road</u>, or legal access.</p>	<p><b>Matters of Discretion if compliance not achieved:</b></p> <ol style="list-style-type: none"> <li>The Outcome of the Standard</li> <li>The extent (lineal metres) of blank walls facing the street</li> <li>Consider whether <u>existing</u> or proposed landscaping would mitigate the impacts of the <u>building</u> on the streetscape and property frontage;</li> <li>Consider whether an <u>alteration</u> to the design and/or the construction materials of the <u>building</u> could reduce dominance <u>effects</u> of the <u>building</u> on the streetscape</li> <li>Consider whether topographical or other <u>site</u> constraints make compliance with the standard impractical.</li> </ol>

## 21. SETBACK STANDARDS FOR CRD IN THE HASTINGS, HAVELOCK NORTH AND FLAXMERE GENERAL RESIDENTIAL ZONE

Sub Point	Submitter / Further Submitter	Provision / Section of the Hastings District Plan	Position	Summary of Decision Requested	Recommendation
007.24	Bay Planning, A Francis	7.2.6E.6 - Setback	Support provision	Keep provision	Accept
134.29	McFlynn Surveying and Planning	7.2.6E.6 - Setbacks	Oppose in part	Revert to the front yard setbacks required by Rule 7.2.5F.	Reject
FS27.29	J Jackson	Submission point 134.29	Support	Seek that the whole submission be allowed. Also including that onsite parking	Reject

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				must be provided for each dwelling.	
FS30.19	P Rawle	Submission point 134.29	Support	Seek these parts of the submission to be allowed.	Reject
134.38	McFlynn Surveying and Planning	8.2.6F.6 Setbacks	Oppose in part	Revert to the front yard setbacks required by standard 8.2.5D.	Reject
FS27.38	J Jackson	Submission point 134.38	Support	Seek that the whole submission be allowed. Also including that onsite parking must be provided for each dwelling.	Reject
134.46	McFlynn Surveying and Planning	9.2.6J.6 Setbacks	Oppose	Revert to the front yard setbacks required by Rule 9.2.5E	Reject
FS27.46	J Jackson	Submission point 134.46	Support	Seek that the whole submission be allowed. Also including that onsite parking must be provided for each dwelling.	Reject
146.8	TW Property	7.2.2E(6), 8.2.6F(6), and 9.2.6J(6) - Front Yard Setback	Oppose	Reduce front yard setback to 2m, alternatively, retain 3m but allow up to 30% of the road frontage to infringe this to a maximum of 1m.	Reject
FS29.8	McFlynn Surveying and Planning	Submission point 146.8	Oppose	Seek that the whole of the submission be disallowed.	Accept

## 22. SUBMISSIONS

- 22.1 Submission 007.24 Bay Planning, A Francis states support for the standard 7.2.6E.6 Setback.
- 22.2 Submission Points 134.29, 134.38 and 134.46. These submissions request that setbacks for CRD activities revert to the front yard setbacks required by the general performance standards for the general residential zones of Hastings, Havelock North and Flaxmere. This request would mean that on collector and arterial roads front yard setbacks would be 5m and on local access roads front yard setbacks would be 3m. FS27.29 J Jackson and FS30.19 P Rawle are in support of submission point 134.29. FS27.38 and FS27.44 J. Jackson are also in support of submissions 134.37 and 134.44.
- 22.3 Submission Point 146.8 TW Property - request to reduce the front yard setback to 2m, alternatively, retain 3m but allow up to 30% of the road frontage to infringe this to a maximum of 1m (7.2.2E(6), 8.2.6F(6), and 9.2.6J(6) - Front Yard Setback). FS29.8 McFlynn Surveying and Planning oppose submission point 146.8.

## 23. ANALYSIS

- 23.1 Reverting to the operative general residential zone front yard setback rules is not considered appropriate for CRD or medium density housing activities. Feedback received during consultation was that the 5m front yard setback was too restrictive on the design and layout of dwellings.
- 23.2 Equally a 2-metre setback is considered too close to the front boundary to enable a sense of space between the streetscape and residential area and would be inconsistent with the outcome of the standard which states:

*"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".*

- 23.3 On this basis, the submissions from McFlynn Surveying and Planning Ltd and TW Property are not supported.

## **24. RECOMMENDATIONS**

- 24.1 That the submission of **007.24 Bay Planning, A Francis** in support **be accepted**.
- 24.2 That the submission of **McFlynn Surveying and Planning Ltd 134.29, 134.38 and 134.46** in opposing the standard **be rejected**.
- 24.2.1 That as a consequence of the above recommendation, the further submissions of **FS27.29 J Jackson and FS30.19 P Rawle** in support of submission point 134.29 McFlynn Surveying and Planning Ltd **be rejected** and those from **FS27.38 and FS27.44 J. Jackson** also in support of submissions 134.37 and 134.44 McFlynn Surveying and Planning Ltd also **be rejected**.
- 24.3 That the submission of **TW Property 146.8** in opposition **be rejected**.
- 24.3.1 That as a consequence of the above recommendation the further submissions in oppositions to TW Property 146.8 from **McFlynn Surveying and Planning Ltd FS29.8** **be accepted**
- 24.4 Reasons:
- That a 5m front yard setback is considered too onerous to achieve good design outcomes particularly private outdoor living space and carparking to the rear of the residential unit.
  - A 2-metre setback is considered too close to the front boundary to enable a sense of space between the streetscape and residential area and be inconsistent with the notified outcome.
  - The 3-metre front yard setback as notified is considered appropriate to provide maintenance of the streetscape amenity while still allowing sufficient space for development on site.

## **25. BUILDING COVERAGE STANDARDS FOR CRD IN THE HASTINGS, HAVELOCK NORTH AND FLAXMERE GENERAL RESIDENTIAL ZONE**

Sub Point	Submitter / Further Submitter	Provision / Section of the Hastings District Plan	Position	Summary of Decision Requested	Recommendation
007.25	Bay Planning, A Francis	7.2.6E.7 - Building Coverage	Support provision	Keep provision	Accept
007.26	Bay Planning, A Francis	7.2.6E.7(b)(viii) - Artificial crop protection structures and crop support structures	Oppose clause	Remove clause referring to artificial crop protection structures and crop support structures	Accept

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134.30	McFlynn Surveying and Planning	7.2.6E.7 - Building Coverage	Oppose	Amend to: a. The maximum building coverage must not exceed 45% of the net site area.	Reject
FS27.30	J Jackson	Submission point 134.30	Support	Seek that the whole submission be allowed. Also including that onsite parking must be provided for each dwelling.	Reject
FS30.20	P Rawle	Submission point 134.30	Support	Seek these parts of the submission to be allowed.	Reject
134.39	McFlynn Surveying and Planning	8.2.6F.7 Building Coverage	Oppose	Amend to: a. The maximum building coverage must not exceed 45% of the net site area.	Reject
FS27.39	J Jackson	Submission point 134.38	Support	Seek that the whole submission be allowed. Also including that onsite parking must be provided for each dwelling.	Reject
134.47	McFlynn Surveying and Planning	9.2.6J.7 Building Coverage	Oppose	Amend to: f. The maximum building coverage must not exceed 45% of the net site area.	Reject
FS27.47	J Jackson	Submission point 134.47	Support	Seek that the whole submission be allowed. Also including that onsite parking must be provided for each dwelling.	Reject
146.9	TW Property	7.2.6E(7), 8.2.6F(7), and 9.2.6J(7) - Building Coverage	Support with amendment	Ensure wording of the standard applies to net site area of nominal boundaries at the CRD land use consent stage.	Reject
FS29.9	McFlynn Surveying and Planning	Submission point 146.9	Oppose	Seek that the whole of the submission be disallowed.	Accept

## 26. SUBMISSIONS

- 26.1 Submission 007.25 Bay Planning, A Francis states support for the standard 7.2.6E.7 Building Coverage.
- 26.2 Submission 007.26 Bay Planning, A Francis opposes clause 7.2.6E.7(b)(viii) that states that building coverage does not apply to artificial crop protection structures and crop support structures. This clause is not supported as the question is when would CRD incorporate artificial crop protection structures and crop support structures? Therefore, the clause should be removed.
- 26.3 Submission Point 134.30, 134.39 and 134.47 - this submission requests amendments to "(a) The maximum building coverage must not exceed 45% of the net site area." FS27.30 J Jackson and FS30.20 P Rawle are in support of submission point 134.30.
- 26.4 Submission Point 146.9 TW Property - 7.2.6E(7), 8.2.6F(7), and 9.2.6J(7) - Building Coverage - Ensure wording of the standard applies to net site area of nominal

boundaries at the CRD land use consent stage FS29.9 McFlynn Surveying and Planning oppose submission point 146.9.

## 27. ANALYSIS

- 27.1 Submission 007.25 supports this standard for building coverage. Submission 007.26 requests that clause 7.2.6E.7(b)(viii) be removed. This standard states that building coverage does not apply to artificial crop protection structures and crop support structures within the Medium Density residential environment. The submission point states that they cannot think of a time that a CRD would incorporate artificial crop protection structures and crop support structures and suggested that this be removed. As this zone is for Medium Density Housing, it is not expected that there will be artificial crop protection structures and crop support structures within the zone and this makes the standard longer and more complicated for little benefit. It is considered appropriate to remove this part of the standard within this zone and accept submission point **Bay Planning, A Francis (007.26)**
- 27.2 TW Property 146.9 supports the standard with amendment to ensure the wording applies to net site area of nominal boundaries at the CRD land use consent stage o avoid reassessing building coverage in subdivision consents, as this adds additional complexity, time and cost.
- 27.3 The wording of the standard is the maximum building coverage must not exceed 50% of the net site area. Net site area is defined as:
- Net Site Area (in the Medium Density Residential Zone): means the total area of the site but excludes:*
- a. any part of the site that provides legal access to another site;*
- b. any part of a rear site that provides legal access to that site;*
- c. any part of the site subject to a designation that may be taken or acquired under the Public Works Act 1981.*
- 27.4 It is considered that the wording should remain the same, as there is no guarantee that further subdivisions will occur. Calculating the site coverage of both the net site area (if no subdivision is proposed) and the further lots remains the responsibility of the designer to ensure compliance with any future subdivision plans can be met. The submission of TW Property is therefore not supported.
- 27.5 McFlynn 134.30, 134.39 and 134.47 requests the CRD activities be subject to a lower building coverage standard. This is the same standard that applies across the General Residential zones. For medium density residential development this standard is considered restrictive and a potential barrier to development and therefore is not supported.

## 28. RECOMMENDATION

- 28.1 **That the submissions 007.25, 007.26 (Bay Planning, A Francis) in support and in support with amendment be accepted.**
- 28.1.1 Reason:

- a. Artificial crop protection structures and crop support structures are not found within the medium density zone and should be removed from the building coverage exemption.
- 28.2 **That the submission of TW Property (146.9) in support with amendment be rejected.**
- 28.2.1 That as a consequence of the above recommendation, the further submission of **McFlynn Surveying and Planning Ltd (FS29.9) be accepted.**
- 28.2.3 Reason:
- a. A standard cannot be based on future subdivision plans and this remains the responsibility of the designer to ensure site coverage will work with future planned boundaries.
- 28.3 **That the submission of McFlynn (134.30, 134.39, 134.47) in opposition be rejected.**
- 28.3.1 That as a consequence of the above recommendation, the further submissions in support of McFlynn (134.30, 134.39, 134.47) from **FS27.30 J.Jackson and FS030.20 P.Rawle also be rejected.**
- 28.3.2 Reason:
- a. That reducing the maximum building coverage for medium density housing developments to 45% is too restrictive and would be a barrier to development.
- 28.4 **Recommended Amendments** (including amendments accepted through the submissions on the MRZ standards).

7.2.6E.7	Building Coverage	
	<p>a. The maximum <u>building coverage</u> must not exceed 50% of net <u>site</u> 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 <u>structures</u> 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 drainage;</p> <p>v. Uncovered decks that are no more than 1m in height above <u>ground level</u>.</p> <p><del>vi. Uncovered outdoor swimming pools or tanks:-</del></p> <p><del>    - not exceeding 25,000 capacity and supported directly by the ground, or</del></p> <p><del>    - not exceeding 2,000 litres capacity and supported not more than 2 metres above the supporting ground, or</del></p> <p>vii. Satellite dishes; or</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 <u>building coverage</u> creates a scale and dominance of built form that is not consistent with the planned built <u>environment</u>;</p> <p>3. Whether there is sufficient room left on the <u>site</u> to meet the landscaping, <u>outdoor living space</u> and outlook requirements which ensure a quality living <u>environment</u>.</p>

	viii. <del>Artificial crop protection structures and crop support structures.</del>	
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**29. OUTDOOR LIVING SPACE STANDARD FOR CRD - 7.2.5E.7, 8.2.6F.7, 9.2.6J.7 HASTINGS, HAVELOCK NORTH AND FLAXMERE GENERAL RESIDENTIAL ZONES**

Sub Point	Submitter / Further Submitter	Provision / Section of the Hastings District Plan	Position	Summary of Decision Requested	Recommendation
007.27	Bay Planning, A Francis	7.2.6E.8 - Outdoor Living Space	Support	Keep this provision	Accept
007.28	Bay Planning, A Francis	7.2.6E.8(d) - Outdoor Living Space	Support with amendment	We suggest the inclusion of a diagram.	Reject
028.21	Fire and Emergency NZ	7.2.6E.8 - Outdoor Living Space	Support with amendment	Amend as follows: <b>Advice note:</b> <u>Site layout requirements are further controlled by the Building Code. This includes the provision for firefighter access to buildings and egress from buildings. Plan users should refer to the applicable controls within the Building Code to ensure compliance can be achieved at the building consent stage. Issuance of a resource consent does not imply that waivers of Building Code requirements will be considered/granted.</u>	Reject
028.27	Fire and Emergency NZ	8.2 Havelock North Residential Environment - Outdoor Living Space	Support with amendment	Amend as follows: <b>Advice note:</b> <u>Site layout requirements are further controlled by the Building Code. This includes the provision for firefighter access to buildings and egress from buildings. Plan users should refer to the applicable controls within the Building Code to ensure compliance can be achieved at the building consent stage. Issuance of a resource consent does not imply that waivers of Building Code requirements will be considered/granted.</u>	Reject
FS13.27	Kāinga Ora	Submission point 028.27	Oppose	Disallow submission.	Accept
028.33	Fire and Emergency NZ	9.2.6J.8 - Outdoor Living Spaces	Support with amendment	Amend as follows: <b>Advice note:</b> <u>Site layout requirements are further controlled by the Building Code. This includes the provision for firefighter</u>	Reject



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				<u>access to buildings and egress from buildings. Plan users should refer to the applicable controls within the Building Code to ensure compliance can be achieved at the building consent stage. Issuance of a resource consent does not imply that waivers of Building Code requirements will be considered/granted.</u>	
FS13.26	Kāinga Ora	Submission point 028.33	Oppose	Disallow submission.	Accept
039.2	Hastings District Council – Environmental Policy Team	7.2.6E.8 - outdoor Living Space	Support with amendment	Consider including a standard that relates minimum ground floor outdoor living space to the proposed number of bedrooms within a unit to ensure that the minimum outdoor space provided is sufficient for the number of people living in the residential unit.  The following is suggested for consideration: Minimum ground floor outdoor living space shall be provided per residential unit in accordance with the following table: Studio / 1 bedroom – 30m <sup>2</sup> 2 bedroom – 40m <sup>2</sup> 3 bedroom – 50m <sup>2</sup> Consider including a minimum requirement for communal outdoor living spaces for apartment complexes.	Reject
FS11.2	Development Nours	Submission point 039.2	Oppose	Reject as this amendment is contrary to the NPS UD and does not align with the intent of PC5	Accept
FS13.7	Kāinga Ora	Submission point 039.2	Oppose	Reject as these provisions will be inflexible and do not necessarily provide better quality outdoor space	Accept
FS19.5	Residents of Kaiapo Road etc	Submission point 039.2	Support	We seek support of the submission	Accept
071.6	Oceania Village Company	Standard 8.2.6F(8)	Support in part	To amend Standard 8.2.6F(8) 'Outdoor Living Space' 8. OUTDOOR LIVING SPACE 1. A residential unit at ground floor must have an outdoor living space that is at least 30m, with a minimum 4m dimension 2. A residential unit above ground floor must have an outdoor living space of at least 8m, with a minimum 1.8m dimension	Refer to Report on Retirement Villages – Topic 3, Key Issue 4

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				<p>3. All outdoor living spaces must be accessible from the main living area of the residential unit; and</p> <p>4. All outdoor living spaces must be north facing i.e. north of east or west.</p> <p>5. All outdoor living spaces must be clear of buildings, parking spaces, servicing and manoeuvring areas</p> <p>6. <u>A retirement village (independent living) unit at or above ground level must have an outdoor living space of at least 8m, with a minimum 1.8m dimension.</u></p>	
134.31	McFlynn Surveying and Planning	7.2.6E.8 Outdoor Living Space	Oppose	<p>Amend to:</p> <p>a. A Each residential unit at ground floor must have an private outdoor living space that is at least 30m<sup>2</sup>, with a minimum 4m dimension</p> <p>b. A Each residential unit above ground floor must have an private outdoor living space of at least 8m<sup>2</sup>, with a minimum 1.8m dimension</p> <p>c. Where any residential unit is provided with less than 50m<sup>2</sup> private outdoor living space, any shortfall must be provided for within a shared communal outdoor living space.</p>	Reject
FS27.31	J Jackson	Submission point 134.31	Support	Seek that the whole submission be allowed. Also including that onsite parking must be provided for each dwelling.	Reject
FS30.21	P Rawle	Submission point 134.31	Support	Seek these parts of the submission to be allowed.	Reject
134.40	McFlynn Surveying and Planning	8.2.6F.8 Outdoor Living Space	Oppose	<p>Amend to:</p> <p>a. A Each residential unit at ground floor must have an private outdoor living space that is at least 30m<sup>2</sup>, with a minimum 4m dimension.</p> <p>b. A Each residential unit above ground floor must have an private outdoor living space of at least 8m<sup>2</sup>, with a minimum 1.8m dimension.</p> <p>c. Where any residential unit is provided with less than 50m<sup>2</sup> private outdoor living space, any shortfall must be provided for within a</p>	Reject

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				shared communal outdoor living space.	
FS27.40	J Jackson	Submission point 134.40	Support	Seek that the whole submission be allowed. Also including that onsite parking must be provided for each dwelling.	Reject
134.48	McFlynn Surveying and Planning	9.2.6J.8 Outdoor Living Space	Oppose	Amend to: a. A Each residential unit at ground floor must have an private outdoor living space that is at least 30m <sup>2</sup> , with a minimum 4m dimension b. A Each residential unit above ground floor must have an private outdoor living space of at least 8m <sup>2</sup> , with a minimum 1.8m dimension. c. Where any residential unit is provided with less than 50m <sup>2</sup> private outdoor living space, any shortfall must be provided for within a shared communal outdoor living space.	Reject
FS27.48	J Jackson	Submission point 134.48	Support	Seek that the whole submission be allowed. Also including that onsite parking must be provided for each dwelling.	Reject
146.10	TW Property	7.2.6E(8), 8.2.6F(8), and 9.2.6J(8) - Outdoor Living	Oppose	Amend the standard to make it consistent with the Medium Density Residential Standards I.e., 20m <sup>2</sup> with a 3m minimum dimension for ground floor and 8m <sup>2</sup> , and 1.8m dimension for above ground floor units. Alternatively, if 30m <sup>2</sup> is to be retained than the minimum dimension should be reduced to 2m while retaining requirement for a 4m diameter circle.	Reject
FS29.10	McFlynn Surveying and Planning	Submission point 146.10	Oppose	Seek that the whole of the submission be disallowed.	Reject

### 30. SUBMISSIONS

30.1 Submission Point 134.31, 134.40 and 134.48 - this submission requests amendments to the standard as follows:

- a. Each residential unit at ground floor must have ~~an private~~ outdoor living space that is at least 30m<sup>2</sup>, with a minimum 4m dimension
- b. Each residential unit above ground floor must have ~~an private~~ outdoor living space of at least 8m<sup>2</sup>, with a minimum 1.8m dimension

- c. Where any residential unit is provided with less than 50m<sup>2</sup> private outdoor living space, any shortfall must be provided for within a shared communal outdoor living space.

- 30.2 FS27.31 J Jackson and FS30.21 P Rawle support submission point 134.30. FS27.40 J Jackson supports submission point 134.40. FS27.48 J Jackson supports submission point 134.48.
- 30.3 Submission Point 146.10 TW Property - 7.2.6E(8), 8.2.6F(8), and 9.2.6J(8) - Outdoor Living - Amend the standard to make it consistent with the Medium Density Residential Standards i.e., 20m<sup>2</sup> with a 3m minimum dimension for ground floor and 8m<sup>2</sup>, and 1.8m dimension for above ground floor units. Alternatively, if 30m<sup>2</sup> is to be retained then the minimum dimension should be reduced to 2m while retaining requirement for a 4m diameter circle. FS29.10 McFlynn Surveying and Planning oppose submission point 146.10.

### 31. ANALYSIS

- 31.1 McFlynn surveying and Planning Ltd (134.31, 134.40, 134.48) opposed the standard but sought additional amendments to the wording of the standard. The request and as notified standard are outlined below:

As notified	Submitters request
<p>a. <u>A residential unit at ground floor must have an outdoor living space that is at least 30m<sup>2</sup>, with a minimum 4m dimension</u></p> <p>b. <u>A residential unit above ground floor must have an outdoor living space of at least 8m<sup>2</sup>, with a minimum 1.8m dimension</u></p> <p>c. <u>All outdoor living spaces must be accessible from the main living area of the residential unit; and</u></p> <p>d. <u>All outdoor living spaces must be north facing i.e. north of east or west.</u></p> <p>e. <u>All outdoor living spaces must be clear of buildings, parking space, servicing and manoeuvring areas.</u></p>	<p>d. <u>Each residential unit at ground floor must have <del>a</del> private outdoor living space that is at least 30m<sup>2</sup>, with a minimum 4m dimension</u></p> <p>e. <u>Each residential unit above ground floor must have <del>a</del> private outdoor living space of at least 8m<sup>2</sup>, with a minimum 1.8m dimension</u></p> <p>f. <u>Where any residential unit is provided with less than 50m<sup>2</sup> private outdoor living space, any shortfall must be provided for within a shared communal outdoor living space.</u></p>

- 31.2 The suggested changes to points (a) and (b) of the standard are minor amendments and are not considered to add any benefit to the standard. Point (c) is also not considered necessary as it is reliant on more than one site to be developed to allow room for a communal space. Public open space is also within close proximity to the identified MDRZ and a communal space can bring social irritations if that is the only outdoor space provided for use. Therefore, submission point **McFlynn Surveying and Planning (134.31, 134.40, 134.48)** is **rejected**.
- 31.3 TW Property (146.10) oppose the outdoor living space standards and request that the standard be consistent with the medium density residential standards. This submission was opposed by McFlynn Surveying and Planning Ltd (FS29.10).
- 31.4 These standards were developed for Tier 1 territorial authorities such as Auckland, Wellington and Christchurch as opposed to a provincial city like Hastings where the concentration of dwellings and activities is much lower. These standards are not

considered appropriate for medium density residential development in Hastings and therefore this submission is recommended to be rejected.

**32. FENZ REQUEST FOR ADVICE NOTE ABOUT FIREFIGHTER ACCESS AND EGRESS**

**SUBMITTERS**

- 32.1 Submissions 028.21 FENZ, 028.27 FENZ, 028.33 FENZ requests the addition of an advice note to be added to the standards 7.2.6E.8, 8.2.6F.8, 9.2.6J.8 Outdoor Living Space as follows:

*Advice note:*

*Site layout requirements are further controlled by the Building Code. This includes the provision for firefighter access to buildings and egress from buildings. Plan users should refer to the applicable controls within the Building Code to ensure compliance can be achieved at the building consent stage. Issuance of a resource consent does not imply that waivers of Building Code requirements will be considered/granted.*

- 32.2 FS13.37 Kāinga Ora and FS 13.26 Kāinga Ora opposes the submission stating that although the intent of the submission is supported it is the Building Code that regulates this so making a reference in the district plan is not necessary.

**ANALYSIS**

- 32.3 The submission requests the inclusion of an advice note to this standard in relation to fire access and egress. It is considered that there is no need to replicate building consent requirements within the District Plan standards. All licensed building practitioners are aware of building code requirements in addition to District Plan requirements. This submission is not supported.

**33. PROVIDE GROUND FLOOR OUTDOOR LIVING SPACE ACCORDING TO NUMBER OF BEDROOMS**

**SUBMISSIONS**

- 33.1 007.27 (Bay Planning, A Francis) supports the Hastings Residential Environment Standard 7.2.6E.8 "Outdoor Living Space".
- 33.2 039.2 (HDC requests an amendment to the Hastings Residential Environment 7.2.6E.8 Outdoor living space standard that considers including a standard that links minimum ground floor outdoor living space to the proposed number of bedrooms within a unit to ensure that the minimum outdoor space provided is sufficient for the number of people living in the residential unit.
- 33.3 The following text is suggested for consideration:

*Minimum ground floor outdoor living space shall be provided per residential unit in accordance with the following table:*

Studio / 1 bedroom	– 30m <sup>2</sup>
2 bedroom	– 40m <sup>2</sup>
3 bedroom	– 50m <sup>2</sup>

*Consider including a minimum requirement for communal outdoor living spaces for apartment complexes to offset the smaller private outdoor spaces for upper floor apartments.*

- 33.4 FS11.2 (Development Nous) opposes the proposed amendment. FS11.2 states that this amendment would be contrary to the NPS UD and not align with the intent of PC5.
- 33.5 FS13.7 (Kāinga Ora) opposes additional standards for outdoor living spaces based on the number of bedrooms within a dwelling. They submit that these additional provisions will be inflexible and do not necessarily provide for the delivery of high quality outdoor space. FS19.5 (Residents Group) supports the proposed amendment.

#### **ANALYSIS**

- 33.6 It is considered that there is no need to have additional standards for outdoor living spaces based on the number of bedrooms. In theory this might be an effective way to provide for outdoor living space however it is not an efficient method to ensure that quality outdoor living space is provided. It is considered that increasing the outdoor living space in relation to bedrooms has potential to limit the variability of developments by making it more efficient to produce single dwelling units due to the additional outdoor living space required. A minimum communal outdoor living space for apartment complexes would not provide a quality open space and it is considered that a 30m<sup>2</sup> space per ground floor residential unit and 8m<sup>2</sup> space for any above ground unit will allow for more useable and private outdoor living space.
- 33.7 Diagram to provide clarity for achieving north-facing outdoor living spaces**
- 33.8 007.27 and 007.28 (Bay Planning, A Francis) supports the standard but requests an amendment for a diagram to be included to show how compliance with 7.2.6E.8 (d) "All outdoor living spaces must be north facing i.e. north of east or west" can be met. A diagram is not supported on the basis that this part of the standard is recommended to be removed as per the discussion below.
- 33.9 The report that considered submissions on the medium density residential zone performance standards (see Topic 4 Key issue 3) includes the analysis of a submission from Kāinga Ora (050.135) who opposed this outdoor living space standard and requested the removal of the north-facing requirement outlined in clause (d). The analysis of this submission in that report agreed that north facing outdoor living spaces were not always feasible due to the street orientation, the shape and topography of the site or the location of existing structures. It was agreed that flexibility in orientation ensures that outdoor living spaces can be integrated into a wider range of developments, enhancing overall accessibility to quality outdoor spaces for more residents. While the analysis recommended removal of the north-facing requirement, amendments were recommended to ensure south facing outdoor living spaces were of a greater distance from any wall or building to reduce the impacts of shading by adjacent buildings.
- 33.10 The inclusion of other recommended amendments that arose from the acceptance of submissions from A. Elgie (026.6 and 026.7) to the MDRZ standards are also outlined in the recommended standard below.
- 33.11 The recommended amendments to the standard are outlined below:

- a. A residential unit at ground floor must have an outdoor living space that is at least 30m<sup>2</sup>, with a minimum 4m dimension
- b. A residential unit above ground floor must have an outdoor living space of at least 8m<sup>2</sup>, with a minimum 1.8m dimension
- c. All outdoor living spaces must be accessible from the main living area of the residential unit; and
- ~~d. All outdoor living spaces must be north facing i.e. north of east or west.~~
- (d) Where open space is located south of any building located on the same site, the southern boundary of that space must be separate from any wall or building by at least 9 m for two or more storey buildings, and at least 6 m for single-storey buildings.
- e. All ground floor outdoor living spaces must be clear of buildings, parking space, servicing and manoeuvring areas.

For the purpose of this standard, south is defined as between 135 and 225 degrees.

Outcome: To ensure residents have adequate access to outdoor living space for their recreation and wellbeing and that this space is private, sunny and has direct access from the ~~internal living area~~ main living area.

- 33.12 Submission 071.6 (Oceania Village Company) has submitted in support in part requesting amendments to provide specifically for retirement village units. This submission is considered under the retirement village topic report refer Topic 3 Key Issue 4 Retirement Village Provisions.

#### RECOMMENDATIONS

- 33.13 That the submission in support of the existing provisions **(007.27 Bay Planning, A Francis)** be accepted.
- 33.14 That the submission in support with amendment **(007.28 Bay Planning, A Francis)** requesting a diagram be included in the standard be rejected.
- 33.15 Reason:
- a. That clause (d) of the standard as notified is to be removed and replaced with additional requirements for outdoor living space located to the south of any buildings on the site to reduce potential for shading and associated undesirable outcomes.
- 33.16 That the submission from **(039.2 HDC)** in support but requesting amendments be rejected.
- 33.17 That as a consequence of the above recommendation the further submission in support of the requested amendments from **Residents of Kaiapo Road etc (FS19.5)** also be rejected.
- 33.18 That the further submissions in opposition to HDC (039.2) requested amendments from **Development Nours (FS11.2) and Kāinga Ora (FS13.7)** be accepted.
- 33.19 Reasons:
- a. The submission from Bay Planning is in support of the notified rule.

- b. Linking outdoor living space to bedroom numbers will not necessarily provide high quality outdoor living space.
- 33.20 That the submissions **028.21, 028.27, 028.33 (FENZ)** are **rejected** and the **FS13.37 and FS13.26 (Kāinga) Ora** are **accepted**.
- 33.21 **Reason:**
- a. There is no need to replicate building consent requirements within the District Plan standards. All licensed building practitioners are aware of building code requirements in addition to District Plan requirements.
- 33.22 That the submissions of **McFlynn Surveying and Planning (134.31, 134.40, 134.48)** in opposition and seeking amendments to this standard **be rejected**.
- 33.23 That as a consequence of the recommendation above the further submissions in support of McFlynn Surveying and Planning (134.41) from **J Jackson (FS027)**, and **P Rawle (FS30.21)** and from **J Jackson (FS027.40 and 027.48)** in support of 134.40 and 134.48 **are also rejected**.
- 33.24 That the submission of **TW Property (146.10)** in opposition and seeking amendment to the standard **are rejected**.
- 33.25 That as a consequence of the above recommendation, the further submission from **McFlynn Surveying and Planning Ltd (FS029.10)** in opposition to TW Property 146.10 **is accepted**.

**34 LANDSCAPED AREA STANDARDS FOR CRD – 7.2.6E.9 (HASTINGS), 8.2.6F.9 (HAVELOCK NORTH) AND 9.2.6J.9 (FLAXMERE)**

Sub Point	Submitter / Further Submitter	Provision / Section of the Hastings District Plan	Position	Summary of Decision Requested	Recommendation
106.10	Tumu Development, P Cooke	7.2.6E.9 - Landscaped areas	Support with amendment	We suggest this rule should be amended to 20% of the outdoor living space provided for the exclusive use of each residential unit.	Reject
106.11	Tumu Development, P Cooke	8.2.6F.9 - Landscaped areas	Support with amendment	We suggest this rule should be amended to 20% of the outdoor living space provided for the exclusive use of each residential unit.	Reject
FS13.36	Kāinga Ora	Submission point 106.11	Oppose	Disallow submission	Accept
106.12	Tumu Development, P Cooke	9.2.6J.9 - Landscaped areas	Support with amendment	We suggest this rule should be amended to 20% of the outdoor living space provided for the exclusive use of each residential unit.	Reject
FS13.38	Kāinga Ora	Submission point 106.12	Oppose	Disallow submission.	Accept
071.6	Oceania Village Company	Landscape area standard	Support in part	9. LANDSCAPED AREA (a) A residential unit at ground floor level must have a landscaped area of a minimum of 20% of the	Refer to Retirement villages report Topic 3 Key Issue 4



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				exclusive use area of the unit with a combination of grassed lawn, garden beds, shrubs and/or trees; (b) The landscaped area must be located within the specific site or exclusive use area associated with each residential unit. (c) <u>The standard in (a) and (b) above does not apply to retirement villages.</u>	
146.11	TW Property	7.2.6E(9), 8.2.6F(9), and 9.2.6J(9) - Landscaping	Support with amendment	Wording of the standard should ensure that the landscaped area requirement applies to net site area of nominal boundaries at the CRD land use consent stage to avoid reassessing building coverage in subdivision consent.	Reject
FS29.11	McFlynn Surveying and Planning	Submission point 146.11	Oppose	Seek that the whole of the submission be disallowed.	Accept

### 35. SUBMISSIONS

- 35.1 Submissions 106.10, 106.11, and 106.12 (Tumu Developments) requests an amendment to 7.2.6E.9 – Landscaped areas (Hastings Residential Environment), 8.2.6F.9 – Landscaped areas (Havelock North Residential Environment), 9.2.6J.9 – Landscaped areas (Flaxmere Residential Environment) for CRD. The submitter outlines the following:

That the standard states “a residential unit at ground floor must have a landscaped area of a minimum of 20% of the exclusive use area of the unit.” It is not clear what the exclusive use area is. There are several references to “exclusive use” within the section 33.1 definitions however there is no specific definition for exclusive use area.

- 35.2 The submitter suggests that this rule should be amended to say “20% of the Outdoor Living Space provided for the exclusive use of each residential unit.” FS13.36 and FS 13.38 (Kāinga Ora) opposes this submission as they state landscaping requirements do not need to be associated with each residential unit.
- 35.3 Submission Point 146.11 TW Property - 7.2.6E(9), 8.2.6F(9), and 9.2.6J(9) - Landscaping - Wording of the standard should ensure that the landscaped area requirement applies to net site area of nominal boundaries at the CRD land use consent stage to avoid reassessing building coverage in subdivision consent. FS29.11 McFlynn Surveying and Planning oppose submission point 146.11.
- 35.4 Oceania Village Company (071.6) in support in part of the standard and seeking an exemption for retirement villages. This submission is considered in the report that deals specifically with provisions for retirement villages.

### 36. ANALYSIS

- 36.1 It is accepted that the standard is not clear given there is no definition of exclusive use area in the plan. However the intent of the standard is to have 20% of the total

site to be landscaped. It is considered that 'net site area' would be a more appropriate description to use in the standard.

36.1.1 Net site area is defined as:

*Net Site Area (in the Medium Density Residential Zone): means the total area of the site but excludes:*

- a. *any part of the site that provides legal access to another site;*
- b. *any part of a rear site that provides legal access to that site;*
- c. *any part of the site subject to a designation that may be taken or acquired under the Public Works Act 1981.*

36.2 The landscaping standard is recommended to be modified to the following:

- a. A residential unit at ground floor level must have a landscaped area of a minimum of 20% of the ~~exclusive use~~ **net site** area of the unit with a combination of grassed lawn, garden beds, shrubs and/or trees;
- b. The landscaped area must be located within the specific site or exclusive use area associated with each residential unit.

36.3 The standard is not clear as exclusive use area is not defined in the District Plan, however it is not considered to be the intent of the standard to only landscape the outdoor living space, but rather 20% of the net site area. As a result the submission point (Tumu Development (106.9) is accepted in part.

36.4 The submission from TW Property (146.11) supports the standard and seeks that it apply to the net site area of nominal boundaries at the CRD land use consent stage to avoid reassessing building coverage at the subdivision consent stage.

36.5 It is considered that the wording of the standard should remain as outlined above, as there is no guarantee that further subdivisions will occur. Any calculations to allow for future subdivisions is the responsibility of the designer to ensure compliance with any future subdivision plans can be met.

36.6 This issue is considered further in Topic 4, Key Issue 5 Section 30.1 Subdivision.

### 37. RECOMMENDATION

37.1 That the submissions **106.10, 106.11, and 106.12 from Tumu Developments** be **rejected**.

37.1.1 That the further submissions in opposition to Tumu Developments (106.10, 106.11, 106.12) from **FS13.36 and FS 13.38 (Kāinga Ora)** also **be accepted in part**.

37.1.2 Reason:

- a. The standard is not clear as exclusive use area is not defined in the District Plan, however it is not considered to be the intent of the standard to only landscape the outdoor living space, but rather 20% of the net site area.

37.2 That the submission of **TW Property 146.11** in support with amendment **be rejected**.

37.2.1 That as a consequence of the above recommendation, the further submission in opposition to TW Property 146.11 from **McFlynn Surveying and Planning Ltd (FS029.11)** is **accepted in part**.

**37.2.2 Reason:**

- a. A standard cannot be based on future subdivision plans and this remains the responsibility of the designer to ensure landscaping will work with future planned boundaries.

**38. Windows and Connection to the Street / Road – 7.2.6E.10 (Hastings), 8.2.6F.10 (Havelock North), 9.2.6J.10 (Flaxmere)**

**SUBMISSION POINTS**

Sub Point	Submitter / Further Submitter	Provision / Section of Hastings District Plan	Position	Summary of Decision Requested	Recommendation
106.14	Tumu Development (Peter Cooke)	7.2.6.E.10 – Windows and connection to the street /road	Support with Amendment	Dispensation to this rule for the first and second floor of two- or three-story dwellings.	Reject
FS28.48	Kāinga Ora		oppose	<i>Disallow submission.</i>	Accept
106.15	Tumu Development (Peter Cooke)	8.2.6.F.10 – Windows and connection to the street /road	Support with Amendment	Dispensation to this rule for the first and second floor of two- or three-story dwellings	Reject
FS28.50	Kāinga Ora		oppose	<i>Disallow submission.</i>	Accept
106.16	Tumu Development (Peter Cooke)	9.2 Flaxmere Residential Environment	Support with Amendment	Dispensation to this rule for the first and second floor of two- or three-story dwellings.	Reject
FS28.52	Kāinga Ora		oppose	<i>Disallow submission.</i>	Accept
146.12	TW Property	7.2.6E(10), 8.2.6F(10), and 9.2.6J(10) - Windows and Connections to Street	Support with amendment	Delete that part of the standard that applies to internal accessways.	Reject
FS29.12	McFlynn Surveying and Planning	Submission points 146.12	Oppose	Seek that the whole of the submission be disallowed.	Accept

**39. ANALYSIS**

- a. This analysis addresses submissions received with relation to windows and connection to the street/road. The performance standard is the same for Flaxmere, Hastings and Havelock North.
- 39.2 Performance standards 7.2.6.E.10, 8.2.6F.10 and 9.2.6J.10 is written as follows.

**10. WINDOW AND CONNECTIONS TO STREET / ROAD**

- a. Any residential unit facing the front [boundary](#) or legal access must have a minimum of 20% of the façade facing the front [boundary](#) or legal access in glazing. This can be windows or doors.
- b. Any residential unit facing the front [boundary](#) or legal access must incorporate at [ground level](#) facing the front [boundary](#) or legal access:
- c. a visible front door and main pedestrian entrance that is visible and accessible from the [road](#) / legal access; and
- d. a kitchen, living or dining room with glazing facing the front [boundary](#) or legal access.

Outcome:

*"A clear visual connection between the street and each residential unit adds visual interest and improves passive surveillance which contributes to the safety of people and property".*

- 39.3 Four submissions were received (one original submission and one further submission along with two submissions from the second round of submissions).

**SUBMISSION POINTS 106.13, 15 and 16 Tumu Development (Peter Cooke)**

- 39.4 **Submission points 106.13, 15 and 16 Tumu Development (Peter Cooke)** uses the same request to apply to performance standards for Flaxmere, Hastings and Havelock North. Tumu Development is seeking change to enable consideration/dispensation is given to the rule as this has the potential of overlooking neighbouring properties.
- 39.5 **Further submission points FS28.48, FS28.50 and FS28.52 (Kāinga Ora)** opposes Tumu Development's request commenting the scenario mentioned through Tumu Development's submission, would not alter the application or outcome of complying with the standard.
- 39.6 Kāinga Ora's submission is valid in that granting dispensation would contravene the purpose of the performance standard.
- 39.7 An element to this standard is to incorporate elements of CPTED (Crime Prevention Through Design) to ensure a balanced approach of safety through design. Any changes for consideration/dispensation would not achieve the outcome for *"A clear visual connection between the street and each residential unit adds visual interest and improves passive surveillance which contributes to the safety of people and property"*. Retaining this performance standard and having the ability to assess applications ensures the outcome is maintained.
- 39.8 For this reason, it is recommended to **reject the submission of Tumu Development (Peter Cooke)**. Further to this, it is recommended that the submission from Kāinga Ora be **accepted**.
- 39.9 **Submission point 146.12 (TW Property)** supports in part the performance standard but is seeking amendment to exclude internal accessways because the standard creates additional and unnecessary complexity for internal building configuration particularly for affordable options.
- 39.10 The further submission from **FS29.12 (McFlynn Surveying and Planning)** opposes TW properties submission in full as their submission is contrary to the purpose and principles of the RMA, especially in asking that HDC allow intensive residential development to be undertaken in a way that does not allow people/communities to

provide for social/economic/cultural well-being, or to avoid/remedy/mitigate adverse effects on environment.

- 39.11 Internal accessways are treated in the same manner as a public street as they are common public areas within a development (even though they are privately owned) and serve a similar function to a public street. It is important for these design points to be included in the standard, as it provides for passive surveillance and to create a positive relationship between the building and public or common spaces. Windows from a living area facing the street can also maintain privacy between dwellings.
- 39.12 Part (b) of this standard was previously a standard for CRD activities in the Operative District Plan (7.2.6E.7 Relationship of building to street) and is also a key design element outlined in the Hastings Medium Density Design Framework 2022. The intent of Plan Change 5 is to ensure good design outcomes are achieved and as such the notified standard works together with other notified standards to provide for a quality residential environment at a higher density of living.
- 39.13 The anticipated outcome of a clear visual connection between the street and each residential unit controls are necessary. The TW Property submission believes the standard is unnecessary and creates additional complexity for internal building configuration. Retaining the performance standard, enables the CPTED model or 'eyes on the street' which creates a safer environment and achieves the outcome of standard 7.2.6.E.10.
- 39.14 Therefore the submission from TW Property is recommended to be rejected and the further submission from McFlynn Surveying and Planning in opposition is recommended to be accepted.

#### **40. RECOMMENDATIONS**

- 40.1 That the submission points **106.13, 106.15 and 106.16 Tumu Development (Peter Cooke) be rejected.**
- 40.1.1 That because of submission points 106.13, 106.15 and 106.16 being rejected, it recommends the further submission from **Kāinga Ora being points FS28.48, FS28.50 and FS28.52 be accepted.**
- 40.1.2 Reasons:
- a. Granting dispensation would contravene the purpose of the performance standard.
  - b. Safety will be enhanced though compliance with this design standard.
  - c. This standard will ensure development is consistent with policy MRZ-P5 High Amenity Streets and Neighbourhoods.
- 40.2 That submission point **146.12 (TW Properties)** seeking amendments to exclude internal accessways from the standard is **rejected.**
- 40.2.1 That further submission point **FS29.12 (McFlynn Surveying and Planning)** is **accepted.**
- 40.2.2 Reasons:

- a. Internal accessways are treated in the same manner as a public street as they are common public areas within a development (even though they are privately owned) and serve a similar function to a public street.
- b. The requested change to exclude internal accessways is not supported as windows provide passive surveillance over these common areas enhancing a feeling of safety within the development.

**41. OUTLOOK SPACE STANDARD – 7.2.6E.11, 8.2.6F.11, 9.2.6J.11 –  
HASTINGS, HAVELOCK NORTH AND FLAXMERE GENERAL  
RESIDENTIAL ZONES**

Sub Point	Submitter / Further Submitter	Provision / Section of the Hastings District Plan	Position	Summary of Decision Requested	Recommendation
071.6	Oceania Village Company	Standard 8.2.6F(11)	Support in part	To amend Standard 8.2.6F(11) 'Outlook Space'  11. OUTLOOK SPACE An outlook space must be provided for each residential unit <u>and retirement (independent living) unit</u> as follows: i. A principal living room must have an outlook space of minimum dimensions of 4m depth, and 4m width, measured from the centre point of the largest window on the building face to which it applies. ii. All other habitable rooms must have an outlook space with a minimum dimension of 1m width and 1m depth measured from the centre point of the largest window on the building face to which it applies.	Refer to Report on Retirement Villages Topic 3, Key Issue 4
146.13	TW Property	7.2.6E(11), 8.2.6F(11), and 9.2.6J(11) - Outlook Space	Support	Retain.	Accept
FS29.13	McFlynn Surveying and Planning	Submission points 146.13	Oppose	Seek that the whole of the submission be disallowed.	Reject

**42. SUBMISSIONS**

- 42.1 Submission Point 146.13
- 42.2 Support for 7.2.6E(11), 8.2.6F(11), and 9.2.6J(11) - Outlook Space and these should be retained.
- 42.3 FS29.13 McFlynn Surveying and Planning oppose submission point 146.13.

- 42.4 Submission 071.6 from Oceania Village Company requests amendments to the standard to provide specifically for independent units within a retirement village setting. This request is considered as part of the report on specific retirement village provisions. Refer to Topic 3 Key Issue 4.

#### **43. ANALYSIS**

- 43.1 The submission from TW Property in support of the standard is accepted. The standard is also taken directly from the Medium Density Residential Standards applying to tier 1 and other specified territorial authorities under the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021. The standard seeks to achieve space to ensure privacy and amenity between residential buildings and thereby a quality living environment.
- 43.2 The further submission in opposition TW Property and seeking this submission be disallowed is not supported.

#### **44. RECOMMENDATIONS**

- 44.1 That the submission from **TW Property (146.13)** in support of the outlook standard **be accepted**.
- 44.1.1 That as a consequence of the above recommendation, the further submission of **McFlynn Surveying and Planning Ltd (FS029.13)** **be rejected**.
- 44.1.2 Reasons:
- a. The submission is in support of the notified standard.
  - b. The standard seeks to achieve space to ensure privacy and amenity between residential buildings and thereby a quality living environment.

#### **45. VARIETY IN BUILDING DESIGN STANDARD FOR CRD IN HASTINGS, HAVELOCK NORTH AND FLAXMERE GENERAL RESIDENTIAL ZONES**

Sub Point	Submitter / Further Submitter	Provision / Section of the Hastings District Plan	Position	Summary of Decision Requested	Recommendation
146.14	TW Property	7.2.6E(12), 8.2.6F(12), and 9.2.6J(12) - Variety in Building Design	Oppose	Delete the standards relating to variety in building design and visual appearance.	Reject
FS29.14	McFlynn Surveying and Planning	Submission points 146.14	Oppose	Seek that the whole of the submission be disallowed.	Accept

#### **46. Submissions**

- 46.1 Submission Point 146.14
- 46.2 7.2.6E(12), 8.2.6F(12), and 9.2.6J(12) - Variety in Building Design - Delete the standards relating to variety in building design and visual appearance.
- 46.3 FS29.14 McFlynn Surveying and Planning oppose submission point 146.14.

- 46.4 This submission was also considered under the MRZ-S11 standard where there were a number of other submissions in opposition and one in support from Te Kāhui Whaihangā (100.14). This analysis of these submissions stated that:
- 46.5 The purpose of this standard is to reduce the visual effects of a uniformity of building design where the same floor plan is used for a number of residential units along a street. The District Plan currently includes a performance standard for CRD activities that allows the construction of only 3 dwellings (4 dwellings in new urban development areas) in a row or terrace configuration as part of any medium density housing development. The purpose of this standard is to reduce the effects of scale and bulk of buildings and also to reduce the repetitiveness of building structures. This rule was not carried forward into the PC5 performance standards to enable greater flexibility in house typology and building design. It was, however, effectively replaced with the variety in building design standard to enable more units in a terraced configuration while ensuring that any repetition of the floor plan design was offset through variety in roof forms, fenestration, building materials and architectural detailing.
- 46.6 Over the past few years as medium density housing typologies have increased in Hastings, there has been a greater awareness of the uniformity of building design, particularly in developments seeking to provide more affordable housing. As we transition from a predominantly low density, low height suburban residential environment to an urban environment of greater scale and concentration of dwellings, it is considered important to achieve visual interest and variety in these medium density neighbourhoods while maintaining a sense of visual continuity.
- 46.7 It has been considered that this standard for variety in building design needs to be clearer and less subjective to ensure certainty in the outcome seeking to be achieved. In order to achieve the outcome: *To create visual interest in the streetscape and neighbourhood so that units of the same floor plan design are distinguishable and neighbourhoods are not characterised by a single format of unit design* clear and achievable standards must be established. Therefore, it is recommended to amend the standard to the following:

MRZ-S11 – Variety in Building Design and Visual Appearance	
<p>No more than two adjoining residential units <u>fronting a public road or legal access</u> shall <u>have</u> the same <u>floor plan design unless the building design includes:</u></p> <p><u>Either</u></p> <ul style="list-style-type: none"> <li>i. <u>a different roof form; or</u></li> <li>ii. <u>different front façade fenestration (window and door openings); or</u></li> <li>iii. <u>different exterior cladding materials;</u></li> </ul> <p><u>and</u></p> <ul style="list-style-type: none"> <li>iv. <u>a front façade treatment that includes at least one of the following ancillary architectural elements:</u> <ul style="list-style-type: none"> <li>i. <u>A porch or covered veranda;</u></li> <li><u>or</u></li> </ul> </li> </ul>	<p><b>Matters of discretion:</b></p> <ol style="list-style-type: none"> <li>1. The outcome of the standard</li> <li>2. The extent to which the building design demonstrates use of a range of design features <u>commensurate with the number of units proposed, to distinguish between units with the same floor plan design. Design or architectural features include roof form, fenestration, window shrouds, louvres, pergolas, chimneys, verandah, porch or balcony details to achieve visual interest and variety while maintaining a sense of visual continuity along the public road or legal access.</u></li> </ol>



ii. <u>a pergola over a door opening; or</u> iii. <u>window shrouds around the front façade windows; or</u> iv. <u>screens or louvres incorporated into the front façade design of the residential unit.</u>  <u>This standard does not apply to apartment buildings or complexes where residential units are contained in one building.</u>	
Outcome	To create visual interest in the streetscape and neighbourhood so that units of the same floor plan design are distinguishable and neighbourhoods are not characterised by a single format of unit design.

46.8 On this basis the submission from TW Property in opposition to the standard is not supported.

#### 47. RECOMMENDATIONS

47.1 **That the submission of TW Property 146.14.** in opposition to the variety in building design standard **be rejected** insofar as the standard is amended as outlined above.

47.1.1 That as a consequence of the above recommendation, the further submission in opposition to TW Property 146.14 from **FS29.14 McFlynn Surveying and Planning** **be accepted.**

47.1.2 Reasons:

- The amendments to the standard will add clarity and aid understanding of the intent of the standard. The amendments will mean any assessment of compliance with the standard will be less subjective.
- The standard will ensure that any repetition of the floor plan design is offset through variety in roof forms, fenestration, building materials and architectural detailing reducing uniformity of design within a street or neighbourhood.

#### 48. Stormwater Management – 7.2.5B & 7.2.6E.13 (Hastings)

##### SUBMISSION POINTS

Sub Point	Submitter / Further Submitter	Provision / Section of Hastings District Plan	Position	Summary of Decision Requested	Recommendation
134.21	McFlynn Surveying and Planning	7.2.5B and 7.2.6E.13 – Onsite Stormwater Management 8.2.5G & 8.2.6.F(13) –	Support with Amendment	Amend to include underlined addition: <u>Where standards MRZ-S6 and/or MRZ-S8 are not complied with,</u> the peak stormwater runoff from the site shall not	Reject

Section 42A Report for Plan Change 5: Right Homes, Right Place  
 Topic 4, Key Issue 4 – General Residential Zone – Performance Standards

		Stormwater Management 9.2.5K & 9.2.6J.13 Flaxmere Residential Environment		exceed the following standards.....[retain the remainder of the standard as notified].	
FS28.6	Kāinga Ora		oppose	The standard relating to peak stormwater runoff should sit on its own and the compliance of this should not be linked with standards relating to building coverage and landscaping	Accept
FS27.21	Janet Jackson		support	Submission addresses concerns regarding consistent plan providing development at an appropriate density.	Reject

#### 49. ANALYSIS

- 49.1 This analysis addresses submissions received with relation to stormwater management for Hastings, Flaxmere and Havelock North. The purpose of the stormwater management performance standards is to ensure the management of peak stormwater runoff does not adversely affect the surrounding environment.
- 49.2 The submission in respect of the general performance standards 7.2.5B, 8.2.5G, & 9.2.5K in the Hastings, Havelock North and Flaxmere General Residential Zones are not subject to amendment as part of the PC5 provisions. Therefore, it is considered that any submissions in respect of these standards are out of scope of Plan Change 5.
- 49.3 Submissions in respect of the stormwater standards for CRD activities in Hastings, Havelock North and Flaxmere 7.2.6E.13, 8.2.6F.13 and 9.2.6J.13 are within scope. The standard which is the same in the General Residential zones as it is in the Medium Density Residential Zone is outlined below.

##### 49.3.1 Stormwater Performance standard 7.2.6E.13; 8.2.6F.13, 9.2.6J.13

The peak stormwater runoff from the site shall not exceed the following standards:

<u>Average Recurrence Interval (ARI)</u>	<u>Runoff Coefficient</u>
<u>5 years</u>	<u>0.72</u>
<u>50 years</u>	<u>0.82</u>

- 49.3.2 The above base values shall then be adjusted using the slope adjustment table below to get a final runoff co-efficient that takes into account the topography of the subject site:

<u>Ground Slope</u>	<u>Coefficient Adjustment</u>
<u>0-5%</u>	<u>-0.05</u>
<u>5-10%</u>	<u>N/A</u>
<u>10-20%</u>	<u>+0.05</u>
<u>20% and greater</u>	<u>+0.10</u>

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.

For information about stormwater management refer to the Hastings District Council Engineering Code of Practice 2020 and the Subdivision and Infrastructure Development in Hastings District Best Practice Design Guide and the Hastings Medium Density Design Framework.

Outcome:

*"The potential for effects from stormwater runoff associated with the land use will be avoided, remedied or mitigated".*

- 49.4 **Submission 134.21** (McFlynn Surveying and Planning) requests the inclusion of MRZ-S6 (building coverage) and MRZ-S8 (landscaping) within the stormwater performance standards in that the stormwater standard would only apply where the building coverage and landscaping standards are not met.
- 49.5 MRZ-S6 which relates to building coverage with the outcome of "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". MRZ-S8 which relates to landscaping areas with the outcome of "every unit has views to vegetation or garden areas that improves outlook, privacy, softens building for and contributes to streetscape amenity".
- 49.6 HDC's stormwater manager has considered these submissions and responded as follows (See memo in Appendix 10):

*The stormwater management standard has been used as the main tool to control stormwater since the Proposed District Plan for Hastings was notified in 2015. This standard allows stormwater runoff in line with the respective type of development. It is important that development type is taken into account as the rate of run-off tends to increase the denser a development is. Therefore, medium density residential development will have a greater proportion of the site covered or in impermeable / paved surfaces creating a higher runoff rate than lower density residential development.*

*While building coverage and landscaping standards also assist to control impermeable and permeable surfaces they cannot control the addition of hardstanding or paved areas overtime, particularly as this type of work does not require a building consent. The District Plan standards*

*therefore do not take into account impervious area included in the remaining 30% of the development area.  
The increase in the coefficient for medium density housing development allowed through this stormwater management standard, however, does take into account increased runoff from the change in ratios for 'coverage to total area'.*

*Permitted residential development in general is allowed for and controlled by the percentage of building coverage in the District Plan.*

*When a comprehensive residential development or substantial re-development of a site occurs, Council requires developers to manage and mitigate stormwater runoff effects in order to maintain runoff levels at the existing state prior to any new development of the site. This ensures that the stormwater network continues to operate efficiently.*

*Council policy still allows developers flexibility in the methods of management and mitigation of the stormwater through Low Impact Design (LID) measures, reduced building footprint and greater permeable / landscaped surfaces, or detention tanks".*

- 49.7 While the submitter suggests combining both performance standards with the management of peak stormwater to be beneficial, it should be noted that both standards are not the same and should be assessed separately. MRZ-S8 for example relates to amenity values so makes no logic to combine amenity outcomes with peak stormwater management.
- 49.8 The importance of separately assessing stormwater runoff is raised by further submission **FS28.6 (Kāinga Ora)** who oppose McFlynn Surveying and Planning's submission points stating that the standard relating to peak stormwater runoff should sit on its own and the compliance with this should not be linked with standards relating to building coverage and landscaping. Building coverage should not be assessed with stormwater management as the effect of hardstand will be able to be calculated under the performance standard.
- 49.9 Further to this, the storm water standards existing and proposed for the District Plan have the benefit of allowing the developer to choose how they address stormwater – i.e. through Low Impact Design measures, reduced building footprint and greater permeable / landscaped surfaces, or detention tanks.
- 49.10 For these reasons covered, it is considered that the submission by **McFlynn Surveying and Planning** is recommended to be **rejected**, and that the performance standard is retained as notified. It also recommended that the **further submission from Kāinga Ora be accepted**.
- 49.11 Further to this, the further submission from **FS27.21 (Janet Jackson)** in support of McFlynn Surveying and Planning's requested change is also recommended to be **rejected**.

## **50 RECOMMENDATIONS**

- 50.1 **That the submission point 134.21 from McFlynn Surveying and Planning** for the inclusion of reference to MRZ-S6 or MRZ-S8, **be rejected**.
- 50.1.1 **That the further submission from Kāinga Ora (FS28.6)** in opposition to McFlynn Surveying and Planning 134.21 **be accepted**.

50.1.2 That the further submission from **J Jackson (FS27.21)** in support of McFlynn Surveying and Planning **be rejected.**

50.1.3 Reasons:

- a. The effects that the building coverage and landscaping standards are seeking to manage are not the same as the stormwater standard and therefore these should not be assessed under the same performance standard.
- b. That submissions relating to 7.2.5B, 8.2.5G, and 9.2.5K are out of scope of PC5.

## **51. Rooding/Vehicle Access – 7.2.6E.14**

### **SUBMISSION POINTS**

Sub Point	Submitter / Further Submitter	Provision / Section of Hastings District Plan	Position	Summary of Decision Requested	Recommendation
134.22	McFlynn Surveying and Planning	7.2.5N and 7.2.6.E.14 – Rooding Infrastructure / vehicle access	Support with Amendment	Amend to include underlined addition: <u>Where on-site parking is proposed to be provided on a site,</u> activities shall comply with the rules and standards for access outlined in Section 26.1 Transport and Parking of the District Plan.	Reject
134.22	McFlynn Surveying and Planning	8.2.5M and 8.2.6.f.14 – Rooding Infrastructure / Vehicle Access	Support with Amendment	Amend to include underlined addition: <u>Where on-site parking is proposed to be provided on a site,</u> activities shall comply with the rules and standards for access outlined in Section 26.1 Transport and Parking of the District Plan.	Reject
134.22	McFlynn Surveying and Planning	9.2.5M and 9.2.6.J.14 – Rooding Infrastructure and Vehicle Access	Support with Amendment	Amend to include underlined addition: <u>Where on-site parking is proposed to be provided on a site,</u> activities shall comply with the rules and standards for access outlined in Section 26.1 Transport and	Reject
FS27.22	J Jackson	Submission point 134.22	Support	Seek that the whole submission be allowed. Also including that onsite parking must be provided for each dwelling	Reject
FS28.7	Kāinga Ora	Support point 134.2	Support in part	Allow submission in part.	Reject

## **51 ANALYSIS**

51.1 This analysis addresses submissions received in relation to Rooding/Vehicle assess. Performance standards 7.2.5N ,7.2.6E.14, 8.2.5M and 8.2.6.f.14 and 9.2.5M and 9.2.6.J.14 is written as follows.

**Roading/Vehicle Access**

*Activities shall comply with the rules and standards for access outlined in section 26.1 Transport and Parking of the District Plan.*

**Outcome:**

*"The outcomes of section 26.1 of the District Plan on transport and parking will be achieved".*

**51.2 SUBMISSION POINT 134.22 McFlynn Surveying and Planning**

- 51.3 **Submission point 134.22 from McFlynn Surveying and Planning** has submitted the following inclusion Where on-site parking is proposed to be provided on a site, activities shall comply with the rules and standards for access outlined in Section 26.1 Transport and Parking.
- 51.4 **Further submission points FS27.22 J Jackson and FS28.7 Kāinga Ora** have submitted in support and support in part of McFlynn Surveying and Planning's submission.
- 51.5 That part of the submission that relates to the general residential zone standards – 7.2.5N, 8.2.5M, 9.2.5M is considered to be out of scope given that PC5 did not make changes to these general performance standard provisions.
- 51.6 In terms of the specific performance standards for CRD in 7.2.6E.14, 8.2.6.f.14 and 9.2.6.J.14, the requested amendments are not considered appropriate.
- 51.7 Under the National Policy Statement on Urban Development 2020, onsite parking provisions were removed from the District Plan requirements. This required the Council to change their District Plan to reflect this national policy. As such residential developments do not need to provide on-site carparking irrespective of the number of residential units proposed or their location.
- 51.8 Access to a site however is still applicable to enable legal access which ensures access for emergency services and network utility providers. Practical access to a site would also be beneficial for furniture removal / delivery vehicles, along with maintenance and trades vehicles. Therefore, while the suggested changes from the submitter seek to clarify that carparking is not a requirement, there is potential to cause confusion where other provisions and requirements under section 26.1 Transport and Parking do apply to a proposed development.
- 51.9 Therefore, I am of the view that the requested changes do not assist in clarifying or improving the transport provisions relating to medium density or any type of residential development. In fact, the suggested change could imply that access requirements and the Transport and Parking section of the District Plan need not be complied with where no on-site car parking is provided. This is not the case. For this reason, it is considered that **submission point 134.22 from McFlynn Surveying and Planning** is not appropriate and that the requested change be **rejected**.
- 51.10 **Further submissions from Janet Jackson and Kāinga Ora** were received in support and support in part of McFlynn Surveying and Planning's submission. Kāinga Ora only supported this submission in part and did not support the requested

amendments to the Hastings General Residential Zone as Kāinga Ora had elsewhere submitted that these be deleted in their entirety.

- 51.11 Given that submission point 134.22 from McFlynn Surveying and Planning is recommended to be rejected it recommended that further submissions FS27.22 (J Jackson) and FS28.7 (Kāinga ora) are also recommended to be rejected.

## **52 RECOMMENDATIONS**

- 52.1 **That submission point 134.22 from McFlynn Surveying and Planning, be rejected.**

- 52.1.1 **That further submissions FS27.22 (J Jackson) and FS28.7 (Kāinga Ora)** in support and support in part of the submission of McFlynn Surveying and Planning's submission is **also be rejected.**

- 52.1.2 **Reasons:**

- Retention of the standard as notified is required to ensure that site access requirements are complied with to enable access for emergency services and network utility providers as well as practical access for furniture removal / delivery, maintenance, and trades vehicles.
- The performance standard will ensure all relevant aspects of Section 26.1 Transport and Parking of the District Plan are complied with.
- That submissions in relation to provisions 7.2.5N, 8.2.5M, & 9.2.5M are out of scope of PC5.

## **53. INFRASTRUCTURE – WATER, WASTEWATER AND STORMWATER – 7.2.6E.15 (HASTINGS), 8.2.6F.15 (HAVELOCK NORTH) AND 9.2.6J.15 (FLAXMERE)**

### **SUBMISSION POINT**

Sub Point	Submitter / Further Submitter	Provision / Section of the Hastings District Plan	Position	Summary of Decision Requested	Recommendation
007.20	Bay Planning, A Francis	7.2.6E.15 Infrastructure – water, wastewater and stormwater	Support with amendment	We support this requirement. We welcome further information as to how this will work in practice.	Reject

### **SUBMITTER**

- 53.1 007.29 (Bay Planning, A Francis) supports standard 7.2.6E.15 and welcomes further information how it will work in practice.

### **ANALYSIS**

- 53.2 This submission from Bay Planning is considered in conjunction with those received in opposition from Kainga Ora (050.140) and McFlynn Surveying and Planning (134.23) to this standard within the Medium Density Residential Zone.
- 53.3 At the time PC5 was notified, the Council were aware of infrastructure constraints across the network. As a consequence, the infrastructure standard was required to ensure there was sufficient infrastructure capacity for medium density residential

development in the General Residential Zones prior to development occurring. The revised approach to PC5 now removes provision for CRD activities (medium density housing) in the General Residential Zone except for within existing urban development areas (where infrastructure provision has been provided based on the specific subdivision minimum sites sizes within these areas).

- 53.4 This change directs medium density residential development to the MDRZ and therefore allows for a more coordinated and planned approach to infrastructure provision, ensuring that capacity can be provided in the MDRZ without it being taken up in potentially less accessible areas of the General Residential zone.
- 53.5 HDC's program manager growth infrastructure has also confirmed that Council is progressing with major capacity upgrade projects to address deficiencies across the network (refer Appendix 10). As such this standard is no longer required and is recommended to be deleted.
- 53.6 The removal of this standard does not mean that residential developments do not have to comply with infrastructure servicing requirements. These are still considered as part of the resource consent matters of discretion and assessment criteria for CRD activities in existing urban development areas of Howard St and Brookvale, and compliance with the Engineering Code of Practice and subdivision provisions of the District Plan.

#### RECOMMENDATION

- 53.7 That the submission **007.29 (Bay Planning, A Francis)** in support of standard 7.2.6E.15 **be rejected** insofar as it is recommended to delete the infrastructure standard.
- 53.8 Reasons:
- The Council are currently progressing major capacity upgrade projects that will unlock capacity in identified areas for medium density housing.
  - That the standard is no longer necessary as CRD activities in the General Residential zones are only provided for in Howard St and Brookvale where infrastructure provision has been developed to align with the operative subdivision minimum site sizes for these structure plan areas.

#### 54. Noise Standards/Internal Noise Environment

Sub Point	Submitter (S) / Further Submitter (FS)	Provision / Section of Hastings District Plan	Position	Summary of Decision Requested	Recommendation
<b>028.23</b> <b>028.29</b> <b>028.35</b>	<b>Fire and Emergency</b>	7.2 Hastings Residential Environment 8.2 Havelock North Residential 9.2 Flaxmere Residential Environments	Support with Amendment	Add exemption: Where the locational, functional or operational needs are such that activities of importance to the community cannot meet residential	Reject



**Plan Change 5 - "Right Homes, Right Place" - Medium Density Housing**  
**S42A Report - Topic 4 - Specific Controls and Performance Standards**

Section 42A Report for Plan Change 5: Right Homes, Right Place  
 Topic 4, Key Issue 4 – General Residential Zone – Performance Standards

				noise standards enable these activities by allowing a whole or partial exemption, or relaxation, from the provisions of Section 25.1.	
<b>039.3</b>	<b>Hastings District Council</b>	Performance standards in the MRZ, Hastings, Flaxmere and Havelock North Residential Environments	Support with Amendment	Consider including an internal noise standard applicable to all comprehensive residential development activities that include housing typologies with common walls or floors in the Medium Density Residential Zone and the General Residential Zones of Hastings, Havelock North and Flaxmere	Reject
FS11.3	(Development Nours)		Oppose	Disallow this submission in its entirety as it does not align with the substantive, or alternate relief sought by the original submission of Development Nours, disallowed.	Accept
FS28.18	(Kāinga Ora)		Oppose	Kāinga Ora opposes this submission. Noise provisions are already included in section 25.1 of the ODP, and the Building Act goes further to provide for internal noise standards and fire rating/acoustic insulation on party walls.	Accept
FS19.6	Residents of Kaiapo Rd etc		Support	We seek that all of the submission is allowed	Reject
110.3	Deborah Walsh		Support in Part	It is better to have garaging in between or sufficient sound proofing in adjoining walls [for attached dwellings].	Reject but concerns noted

## 55. ANALYSIS

- 55.1 This analysis addresses submissions received in relation to noise for medium density residential development in Hastings, Havelock North and Flaxmere. One thing to note is that section 25.1 Noise was not identified for changes as part of Plan Change 5.

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There is no specific performance standard relative to noise for Medium Density Residential Development.

- 55.2 A total of six submissions were received with two supporting with amendment and one having no requested changes. Three further submissions were received with two opposing the HDC submission and one in support.
- 55.3 **SUBMISSION POINTS 028.23, 028.29, 028.35 Fire and Emergency**
- 55.4 **Submission points 028.23, 028.29, 028.35 Fire and Emergency NZ (FENZ)** are seeking change to the performance standard to reverse sensitivity noise restrictions to enable FENZ to proceed unimpeded with their daily duties.
- 55.5 In response to submission points 028.23, 028.29, 028.35 Fire and Emergency, the changes are out of scope for Plan Change 5 as there are no changes to the noise section of the plan. Furthermore, Section 25.1 Noise exemptions maximum noise levels for warning devices used by emergency services. Given that there are no changes to the Noise provision of the Operative District Plan, it is considered that these submission points are out of scope and that the submissions are **rejected** on this basis. Fire and Emergency would be best to submit as part of any future review of Section 25.1 Noise.
- 55.6 Submission point 039.3 Hastings District Council is seeking changes to include new internal noise limits between adjoining residential units. Hastings District Council has not attached supporting documents to demonstrate how an alternative acoustic solution can be achieved.
- 55.7 **Further submission point FS28.18 (Kāinga Ora)** have opposed Hastings District Council's submission on the basis that noise provisions are already included in Section 25.1 of the Operative District Plan and the Building Code goes further to provide for internal noise standards and fire rating/acoustic insulation on party walls.
- 55.8 The Building Code provides a minimum standard under Code G6 Airborne & Impact Sound for managing adjoining residential units. As mentioned, Hastings District Council have not supplied information for an alternative solution to G6 of the Building Code. Any changes to include a new standard would need to be validated in demonstrating why this would be the most appropriate method. In the meantime, Council would be best to collect data such as monitoring the number of noise complaints from those that live within a medium density development as a starting point.
- 55.9 Given the analysis covered above, it is recommended that the submission from Hastings District Council be **rejected**.
- 55.10 While it is recommended to reject submission point 039.3 from Hastings District Council, consideration should be given as part of any review of Section 25.1 Noise to include new internal noise standards between residential units.
- 55.11 In response to Kāinga Ora's submission against Hastings District Council submission it recommends that Kāinga Ora's submission be **accepted** as the Building Code provides for internal noise standards between adjoining residential units.
- 55.12 **Further submission FS19.6 (Residents of Kaiapo Road etc)** have submitted in support of Hastings District Council's submission. Given that it is recommended to

reject the submission of Hastings District Council it is also recommended to **reject** further submission from the Residents of Kaiapo Road etc.

- 55.13 **Further submission FS11.3 (Development Nous)** opposes Hastings District Council's submission and notes to "*disallow this submission in its entirety as it does not align with the substantive, or alternate relief sought by the original submission of Development Nous, disallowed*". it is recommended to **accept** their submission as it opposes the submission by Hastings District Council.
- 55.14 **Submission points 110.3 (D Walsh)** has commented that garaging would provide sufficient sound proofing in adjoining walls (for attached dwellings). Deborah Walsh's submission does not seek changes.
- 55.15 Noise transmission between buildings is covered by the Building Act, The Building Act requires a minimum requirement for building elements that are common between occupancies or common spaces in a household unit. Garaging between residential units would provide a buffer but given its use there would be no requirement to implement a more restrictive noise barrier under the Building Code.
- 55.16 Because of the nature of the submission point and that there is no specific relief sought, it is considered Deborah Walsh's submission (110.3) has been noted however no amendments to the District Plan are considered necessary as the Building Act addresses these concerns.

## **56. RECOMMENDATIONS**

- 56.1 That submission points **028.23, 028.29 and 028.35 from Fire and Emergency NZ (FENZ)** seeking changes to noise requiring a reverse sensitivity standard, **be rejected**.
- 56.1.1 Reason:
- a. This submission point is out of scope as PC5 did not make changes to section 25.1 Noise of the operative District Plan.
- 56.2 That submission point **039.3 from Hastings District Council** seeking new internal noise standards between residential units, **be rejected**.
- 56.2.1 That as a consequence of the above recommendation, the further submission from **(Development Nous) FS11.3** in opposition to HDC (039.3) **is recommended to be accepted** insofar as the submission opposed the Hastings District Council's submission.
- 56.2.2 That as a consequence of the recommendation to reject 039.3 (HDC) **the further submission from (Kāinga Ora) FS28.18** is recommended to **be accepted** insofar as the submission opposes the Hastings District Council's submission.
- 56.2.3 That as a consequence of the recommendation to reject 039.3 (HDC), the further submission point **FS13.19 from (Residents of Kaiapo Road etc)** in support is also recommended to **be rejected** insofar as the submission supports the Hastings District Council submission.
- 56.2.4 Reasons:
- a. The Building Code provides a minimum standard under Code G6 Airborne & Impact Sound for managing adjoining residential units.

- b. There was no supporting document to justify an alternative noise level can be achieved.

56.3 **That submission point 110.3 from D Walsh** commenting on internal noise standards between residential units, **be rejected**.

56.3.1 **Reason:**

- a. The Building Act provides a minimum standard under Code G6 Airborne & Impact Sound for managing noise between adjoining residential units. It is not necessary to duplicate regulations.

**57. New Standard – Minimum Gross Floor Area**  
**SUBMISSION POINTS**

Sub Point	Submitter / Further Submitter	Provision / Section of Hastings District Plan	Position	Summary of Decision Requested	Recommendation
039.1	Hastings District Council	Minimum Gross Floor Area	Support with Amendment	To include the implementation of a minimum gross floor area for 1, 2, and 3 or more bedrooms. The purpose is for a consistent approach within the Havelock North Village Centre and Central Commercial Zones.	Reject
FS11.1	(Development Nours)		Oppose	Disallow this submission in its entirety as it does not align with the substantive, or alternate relief sought by the original submission of Development Nours, disallowed.	Accept
FS28.19	(Kāinga Ora)		Oppose	Kāinga Ora opposes this submission as. the standards are inflexible and do not necessarily provide for quality residential accommodation and housing choices. Kāinga Ora suggest their floor area for Council to consider.	Accept
FS19.4	Residents of Kaiapo Rd etc		Support	As it addresses concerns over the volume of houses on a site and the volume of people living in these spaces.	Reject

## **58. ANALYSIS**

- 58.1 The purpose of this analysis is to assess the proposal to include a minimum gross floor area for CRD within existing urban development areas.
- 58.2 A total of four submissions have been received being one original and three further submissions.
- 58.3 Submission **039.1 (Hastings District Council)** is requesting for the implementation of a medium gross floor area for 1, 2 and 3 bedrooms being.
- |                           |  |                  |
|---------------------------|--|------------------|
| Minimum Gross Floor Area: |  |                  |
| • Studio/ 1- bedroom      |  | 50m <sup>2</sup> |
| • 2-bedroom               |  | 70m <sup>2</sup> |
| • 3 or more bedrooms      |  | 90m <sup>2</sup> |
- 58.4 This request ensures a liveable and functional space for those choosing a medium density development. By providing a minimum gross floor area, this provides certainty for potential buyers. According to the Hastings District Council submission, having a minimum gross floor area provides consistency with the existing provisions of the Central Commercial zone in the Hastings for comprehensive residential development and mixed use developments within the Havelock North Village Centre.
- 58.5 Requiring a minimum gross floor area is inflexible and does not necessarily provide for quality residential accommodation and housing choice. It is envisaged that many developers will want to achieve an efficient and effective use of the site to ensure maximum yield. There should be no requirement for a well-designed 68m<sup>2</sup> two-bedroom unit to meet a minimum of 70m<sup>2</sup> if the location and position of the proposed building is able to achieve all the other standards in the District Plan such as outdoor living space, outlook space, variety in design, outlook and windows and connection to street. These standards may allow for a better outcome to be achieved with a slightly smaller floor area. The location of the land and the position of the proposed building on site have more of an impact on the quality of residential accommodation.
- 58.6 There are also potential unintended consequences of requiring minimum floor areas such as:
- Minimum floor areas could lead to unintended consequences, such as reduced green space or common areas within developments, as developers may prioritize meeting the floor area requirements over other design aspects. This could negatively impact the overall liveability and amenity of the development.
  - The proposed minimum sizes might not align with market demand or the need for a diverse range of housing types. Smaller households, such as singles and elderly residents, might prefer smaller, more affordable units that would not be feasible under the proposed standards.
  - The proposed standard might not be suitable for all areas within the medium density residential zone, especially if there are historical buildings, or existing infrastructure constraints. A one-size-fits-all approach may not adequately respect the diversity of urban forms and community characteristics.
- 58.7 **Further submission point FS13.6 (Kāinga Ora)** oppose Hastings District Council's submission in part noting that the standards are inflexible and do not provide for quality residential and housing choices.

- 58.8 Given it is recommended to reject the submission from Hastings District Council, it is considered that Kāinga Ora's submission to oppose Hastings District Council's submission (039.1) should be **accepted**.
- 58.9 **Further submission point FS11.3 (Development Nous)** opposes Hastings District Council's submission and notes to "*disallow this submission in its entirety as it does not align with the substantive, or alternate relief sought by the original submission of Development Nous, disallowed*". Exactly what relief Development Nous is seeking is unclear as their original submission does not relate to implementing a gross floor area. Given the further submission of Development Nous is not seeking changes to implement or reject a gross floor area but opposes Hastings District Council's submission (039.1), it is recommended to be **accepted**.
- 58.10 **Further submission point FS19. (Residents of Kaiapo Road etc)** support Hastings District Council's submission to implement a gross floor area as these addresses concerns, they have raised. Given that it is proposed to reject Hastings District Council's submission it is recommended that the further submission by the Residents of Kaiapo Road etc be **rejected**.

## **59 RECOMMENDATIONS**

- 59.1 **That submission point 039.1 from Hastings District Council** seeking a change to include a minimum gross floor area for residential units, **be rejected**.
- 59.1.1 That because of the above recommendation, the further submission from (**Kāinga Ora**) **FS09.2** and **Development Nous (FS11.1)** in opposition to HDC (039.1) **be accepted**.
- 59.1.2 That as a consequence of the above recommendation above, the further submission from **Residents of Kaiapo Road etc (FS19.4)** in support of HDC (039.1) also **be rejected**.
- 59.1.3 **Reason:**
- Requiring a minimum gross floor area can cause affordability concerns, flexibility and innovation limitations, incompatibility with existing urban fabric, potential for unintended consequences, may hinder or limit housing choice.

## **60. New Specific Standard for CRD Developments in the General Residential Zone - Density**

Sub Point	Submitter / Further Submitter	Provision / Section of Hastings District Plan	Position	Summary of Decision Requested	Recommendation
134.32	McFlynn Surveying and Planning	Hastings GRZ specific standards for CRD New standard proposed for density of development	Support	Add new development standard: Density The density of development must be not greater than one residential unit per 250m <sup>2</sup> net site area.	Accept

FS27.32	J Jackson	Submission point 134.32	Support	Seek that the whole submission be allowed. Also including that onsite parking must be provided for each dwelling.	Accept
FS30.22	P Rawle	Submission point 134.32	Support	Seek these parts of the submission to be allowed.	Accept
134.41	McFlynn Surveying and Planning	Havelock North GRZ specific standards for CRD New Provision for Density of Development	Support	Add new development standard:  Density: The Density of development must be no greater than one residential unit per 250m <sup>2</sup> net site area.	Accept
FS27.41	J Jackson	Submission point 134.41	Support	Seek that the whole submission be allowed. Also including that onsite parking must be provided for each dwelling.	Accept
134.49	McFlynn Surveying and Planning	Flaxmere GRZ specific standards for CRD New standard for Density of Development	Support	Add new development standard:  Density The density of development must be no greater than one residential unit per 250m <sup>2</sup> net site area.	Reject
FS27.49	J Jackson	Submission point 134.49	Support	Seek that the whole submission be allowed. Also including that onsite parking must be provided for each dwelling.	Reject

## **61. ANALYSIS**

- 61.1 The submission from McFlynn Surveying and Planning seeks to include a density standard for CRD activities within the General Residential Zone of 1 residential building per 250m<sup>2</sup> net site area.
- 61.2 As discussed previously CRD activities within the General Residential Zone are proposed to only be provided for specifically in the existing urban development areas of Howard Street in Hastings and Brookvale in Havelock North. In these areas, it is proposed to retain the operative minimum site size provisions of 250m<sup>2</sup> per site for the following reasons:
- Infrastructure provision for these areas has already been planned and funded on the basis of this operative minimum site size for CRD activities;
  - Given that these areas are located on the edge of the urban area their accessibility to the CBD and village centre of Havelock North is reduced. As such a control on the concentration of dwellings is considered to reflect the reduced accessibility.
- 61.3 Including a density standard that corresponds with the minimum site size standard in the specific performance standards for CRD activities is considered to have merit.

While a density standard may to some perspectives restrict the variety of house typologies in these areas, it will ensure an appropriate concentration of dwellings that can be serviced with infrastructure and that have greater consistency with the planned built environment for the zone as a whole and is reflective of the reduced accessibility to commercial services.

- 61.4 On this basis, it is considered appropriate to make amendments to 7.2.6E and 8.2.6F to include a specific performance standard for residential density at 1 residential dwelling per 250m<sup>2</sup> net site area.
- 61.5 In terms of the Flaxmere General Residential Zone, this is not considered appropriate given that there are no existing urban development areas within this locality. Therefore, the submission in relation to the Flaxmere Residential Environment is rejected.
- 61.6 The following amendments to 7.2.6E and 8.2.6F are recommended:

**7.2.6E COMPREHENSIVE RESIDENTIAL DEVELOPMENT ON LAND  
IN APPENDIX 80 FIGURE 1 (HOWARD STREET URBAN  
DEVELOPMENT AREA)**

Comprehensive Residential Developments on land within Appendix 80 Figure 1 (Howard St urban development area) shall comply with the standard below and those of the Medium Density Residential Zone MRZ – S1-S13.

**7.2.6E(a) DENSITY**

One residential building per 250m<sup>2</sup> net site area.

The remainder of the as notified standards in 7.2.6E are recommended to be deleted.

**8.2.6F COMPREHENSIVE RESIDENTIAL DEVELOPMENT ON LAND  
IN APPENDIX 13B FIGURE 1 (BROOKVALE URBAN DEVELOPMENT  
AREA)**

Comprehensive Residential Developments on land within Appendix 13B Figure 1 (Brookvale urban development area) shall comply with the standard below and those of the Medium Density Residential Zone MRZ – S1-S13.

**8.2.6F(a) DENSITY**

One residential building per 250m<sup>2</sup> net site area.

The remainder of the as notified standards in 8.2.6F are recommended to be deleted.

**62. RECOMMENDATIONS**

- 62.1 That the submission of **McFlynn Surveying and Planning Ltd (134.32)** requesting a specific standard for CRD in the Hastings general residential zone **be accepted.**
- 62.1.2 That as a consequence of the above recommendation, the further submissions from **J Jackson FS27.32 and P Rawle (FS030.22)** in support **are also accepted.**



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- 62.2 That the submission of **McFlynn Surveying and Planning Ltd (134.41)** requesting a specific standard for CRD in the Havelock North general residential zone **be accepted.**
- 62.2.1 That as a consequence of the above recommendation, the further submission from **J Jackson FS27.41** in support is **also accepted.**
- 62.3 That the submission of **McFlynn Surveying and Planning Ltd (134.49)** requesting a specific standard for CRD in the Flaxmere general residential zone **be rejected.**
- 62.3.1 That as a consequence of the above recommendation, the further submission from **J Jackson FS27.49** in support is **also rejected.**
- 62.4 Reasons:
- a. The recommended standard will ensure an appropriate concentration of dwellings that can be serviced with infrastructure and that will have greater consistency with the planned built environment for the zone as a whole.
  - b. The recommended density standard is reflective of the reduced accessibility to commercial services.
  - c. The recommended density standard aligns with the minimum site size standard for these areas.

## TOPIC 4, KEY ISSUE 5 – SECTION 30.1 – SUBDIVISION AND LAND DEVELOPMENT

### 1. SUBMISSION POINTS

Sub Point	Submitter / Further Submitter	Provision / Section of the Hastings District Plan	Position	Summary of Decision Requested	Recommendation
007.31	Bay Planning, A Francis	30.1.5 Rules, SLD7A and SLD14	Support with amendment	Clarification and discussion on points welcomed.	Accepted
028.36	Fire and Emergency NZ	30.1 Subdivision and Land Development	Support in part	<p>Amend as follows: <i>Require all land use activities to comply with the following standards:</i></p> <p><b>Firefighting water supply</b> <i>Where a connection to reticulated water supply system is available, all new allotments must be capable of being provided with a firefighting water supply, and access to that supply, in accordance with the New Zealand Fire Service fighting Water Supplies Code of Practice SNA PAS 4509:2008.</i></p> <p><i>Where a connection to a reticulated water supply system is unavailable, or where an additional level of service is required that exceeds the level of service provided by the reticulated system, an alternative firefighting water supply, and access to that supply, must be provided in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNA PAS 4509:2008.</i></p> <p><b>Firefighting access</b> <i>Any access to a new allotment where</i></p> <ol style="list-style-type: none"> <li><i>no reticulated firefighting water supply is available</i></li> <li><i>or having a length greater than 50 metres when connected to a road that has a fully reticulated water supply system including hydrants must be designed to accommodate a fire appliance design vehicle of at least 2.5 metres wide and 13 metres long and with a minimum gross mass of 25 tonne including:</i> <ol style="list-style-type: none"> <li><i>A gradient of no more than 16%; and</i></li> <li><i>A minimum clear passageway and/or vehicle crossing of at least 3.5 metres width at the site entrance, internal</i></li> </ol> </li> </ol>	Reject

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				<p>entrances, and between buildings; and</p> <p>c. A minimum formed carriageway width of 4 metres; and</p> <p>d. A height clearance of at least 4 metres; and</p> <p>e. A design that is free of obstacles that could hinder access for emergency services vehicles</p> <p>Include the following matters of discretion / control for all activities with a 'Restricted Discretionary' or 'Controlled' activity status:</p> <p>1. The ability for fire appliances to access the allotment</p> <p>2. The ability to service the allotment with a firefighting water supply in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509: 2008.</p>	
FS13.28	Kāinga Ora	Submission point 028.36	Oppose	Disallow submission.	Accept
FS17.3	Retirement Villages Association	Submission point 028.36	Oppose	Disallow the submission point.	Accept
FS18.13	Ryman Healthcare Limited	Submission point 028.36	Oppose	Disallow the submission point.	Accept
039.4	Hastings District Council – Environmental Policy Team	Minimum site size and density provisions in the General Residential Zones (Section 7.2, 8.2 and 9.2) and Section 30.1 Subdivision	Support with amendment	<p>Include density limits [for comprehensive residential developments] in the General Residential Zones in order to manage infrastructure capacity and ensure capacity is prioritised and available within the Medium Density Residential Zone.</p> <p>1. Land use provisions – the inclusion of a density provision of 1 residential unit per 200m<sup>2</sup>; and</p> <p>2. Subdivision provisions: An average subdivision site size of 200m<sup>2</sup> in the General Residential Zones of Hastings, Havelock North and Flaxmere.</p>	Reject
FS11.4	Development Nous	Submission point 039.4	Oppose	Disallow this submission in its entirety as it does not align with the substantive, or alternate relief sought by the original submission of Development Nous.	Accept
FS13.8	Kāinga Ora	Submission point 039.4	Oppose	Disallow submission	Accept
FS19.7	Residents of Kaiapo Road etc	Submission point 039.4	Support	We seek that all of the submission is allowed.	Reject
050.142	Kāinga Ora	301.1.3 Objectives and Policies – SLDP1	Support in part	<p>Amendments sought:</p> <p>That standards for minimum and maximum site sizes <i>associated with vacant allotments</i>, be</p>	Reject

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				<i>established for each SMA/Zone in the District.</i>	
FS11.148	Development Nous	Submission point 050.142	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
FS19.168	Residents of Kaiapo Road etc	Submission point 050.142	Oppose all	We seek the whole of the KO submission be disallowed, as the requests are far too broad and far reaching. Resulting in severely adversely affecting existing communities and residents.	Accept
050.143	Kāinga Ora	30.1.3 Objectives and Policies – SLDP7	Support in part	<p>Amendments sought:  <i>Recognise the role of the Hastings District Council's <del>Subdivision and Infrastructure Development in Hastings: Best Practice Design Guide and</del> Engineering Code of Practice design standards as a means of compliance for the servicing of sites.</i></p> <p>Explanation  As a means of achieving compliance with the Rules of the District Plan for subdivision and land development, the Council may refer to the design standards contained in the Hastings District Council's <del>Subdivision and Infrastructure Development in Hastings: Best Practice Design Guide and/or</del> Engineering Code of Practice and may apply them as conditions of subdivision consent.</p>	Reject
FS11.149	Development Nous	Submission point 050.143	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
FS19.169	Residents of Kaiapo Road etc	Submission point 050.143	Oppose all	We seek the whole of the KO submission be disallowed, as the requests are far too broad and far reaching. Resulting in severely adversely affecting existing communities and residents.	Accept
050.144	Kāinga Ora	30.1.5 Rules – Rule SLD7A	Oppose in part	<p>Replace Rule SLD7A</p> <div style="border: 1px solid black; padding: 2px;"> <small>Subdivision of a residential development, that complies with General Site Performance Standards and Terms specified in 30.1.6 and 30.1.7, and is applied for concurrently with, or following the approval of a current, land use Resource Consent</small> </div>	Accept in part
FS11.150	Development Nous	Submission point 050.144	Support in part	Development Nous seeks the submission be allowed to the extent that those parts of the submission align with the points raised and relief sought in Development Nous' submission.	Accept in part
FS19.170	Residents of Kaiapo Road etc	Submission point 050.144	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

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050.145	Kāinga Ora	30.1.5 Rules – SLD14	Oppose in part	<div> <div>Subdivision of a residential development, not meeting General Site Performance Standards and Terms specified in 30.1.6 and 30.1.7.</div> <div>80</div> <div>Subdivision of a residential development within the Medium Density Zone, Hastings General Residential Zone, Flaxmere General Residential Zone, Havelock North General Residential, that is applied for concurrently with, or following the approval of a current, land use Resource Consent and does not comply with one or more of the relevant subdivision site and general site performance standards and terms specified in 30.1.6 or 30.1.7.</div> </div>	Accept in part
FS11.151	Development Nous	Submission point 050.145	Support in part	Development Nous seeks the submission be allowed to the extent that those parts of the submission align with the points raised and relief sought in Development Nous' submission.	Accept in part
FS19.171	Residents of Kaiapo Road etc	Submission point 050.145	Oppose all	We seek the whole of the KO submission be disallowed, as the requests are far too broad and far reaching. Resulting in severely adversely affecting existing communities and residents.	Reject
050.146	Kāinga Ora	30.1.5 Rules – SLD15	Support in part	Amendments sought:  <b>Residential Character Areas, City Living Zone, Flaxmere Area 1</b>	Accept
FS11.152	Development Nous	Submission point 050.146	Support in part	Development Nous seeks the submission be allowed to the extent that those parts of the submission align with the points raised and relief sought in Development Nous' submission.	Accept in part
FS19.172	Residents of Kaiapo Road etc	Submission point 050.146	Oppose all	We seek the whole of the KO submission be disallowed, as the requests are far too broad and far reaching. Resulting in severely adversely affecting existing communities and residents.	Reject
050.148	Kāinga Ora	30.1.8 Assessment Criteria – 30.1.8.16	Oppose in part	Amendments sought:  <b>City Living-Comprehensive Residential Development, Residential Character Subdivisions</b>  Assessment shall be made with the corresponding land use assessment matters in the relevant SMA in Sections 7.2, 8.2 and 9.2 or <b>in Rule MRZ-R16 for subdivisions of comprehensive residential developments</b> in the Medium Density Residential Zone.	Accept in part
FS11.154	Development Nous	Submission point 050.148	Support in part	Development Nous seeks the submission be allowed to the extent that those parts of the submission align with the points raised and relief sought in Development Nous' submission.	Accept in part
FS19.174	Residents of Kaiapo Road etc	Submission point 050.148	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

**Plan Change 5 - "Right Homes, Right Place" - Medium Density Housing**  
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054.4	A Lawrence	Greenfield Subdivision Provisions	Support	All new subdivisions in Havelock North and Hastings should have to have a 20% of the land area set aside for Housing NZ to build housing solutions	Reject
FS01.4	A Lawrence		Support	Allow submission.	Reject
061.28	McFlynn Surveying and Planning, A McFlynn	Rule SLD7A Comprehensive Residential Development	Oppose in part	<del>Amend to: Subdivision of a complying CRD applied for at the same time as the land use consent or subdivision of a completed CRD development – CONTROLLED.</del>	<i>Submission withdrawn</i>
061.29	McFlynn Surveying and Planning, A McFlynn	Rule SLD15 and 30.1.6A General Site Standards	Support in part	<del>Amend Rule SLD15 to refer to the Medium Density Residential Zone and retain the specified density within Table 30.1.6A (250m<sup>2</sup> average with a maximum site size of 350m<sup>2</sup>) to encourage infill developments consistent with the expected density for this zone.</del>	<i>Submission withdrawn</i>
061.30	McFlynn Surveying and Planning, A McFlynn	30.1.7E Property Access	Oppose in part	<del>Amend to: Where on-site parking is proposed to be provided on a site, activities shall comply with the rules and standards for access outlined in Section 26.1 Transport and Parking.</del>	<i>Submission withdrawn</i>
096.4	A Sivewright	New Greenfield Subdivision	Support	New greenfield subdivisions to include a mix of housing types and section sizes.	Reject
134.50	McFlynn Surveying and Planning	Rule SLD15 and Minimum site size table 30.1.6A	Support in part	Amend Rule SLD15 to refer to the Medium Density Residential Zone and retain the specified density within Table 30.1.6A (250m <sup>2</sup> average with a maximum site size of 350m <sup>2</sup> ) to encourage infill developments consistent with the expected density of development for this zone.	Accept in part
FS027.50	J Jackson	Submission point 134.50	Support	Seek that the whole submission be allowed. Also including that onsite parking must be provided for each dwelling.	Accept in part
134.51	McFlynn Surveying and Planning	Standard 30.1.7E Property Access	Not stated	Amend to: <b><u>Where onsite parking is proposed to be provided on a site,</u></b> activities shall comply with the rules and standards for access outlined in Section 26.1 Transport and Parking of the District Plan.	Reject
FS027.51	J Jackson	Submission point 134.51	Support	Seek that the whole submission be allowed. Also including that onsite parking must be provided for each dwelling.	Reject
FS028.11	Kāinga Ora	Submission point 134.51	Support	Allow submission.	Reject
138.1	P Rawle	Minimum Site Size	Not stated	Define what range of site sizes constitute a 'site' as part of the plan change.	Reject
146.4	TW Property	SLD7A and 309.1.6A	Support with amendment	Wording of SLD7A should include: <i>There is no requirement to revisit internal non-compliances with development standards, for the</i>	Accepted

				<i>subdivision of approved or concurrent CRD provided that subdivision boundaries are consistent with nominal boundaries.</i>	
FS029.4	McFlynn Surveying and Planning	Submission point 146.4	Oppose	Seek that the whole of the submission be disallowed.	Rejected

## 2. ANALYSIS

- 2.1 **SUBMISSION POINTS 028.36 (FENZ), FS13.28 (KĀINGA ORA), FS17.3 (RETIREMENT VILLAGES ASSOCIATION), FS18.13 (RYMAN HEALTHCARE LIMITED)**
- 2.2 The submission of Fire and Emergency NZ (FENZ) has requested that specific provisions be put into the District Plan regarding fire fighting water supply and suitable access requirements for fire fighting equipment. Firstly, it should be noted that Plan Change 5 has been developed to provide intensification within the existing urban environment and as such all newly created sites would need to be able to connect to the existing reticulated network. Part of the plan change requirements has been to assess the level of service that needs to be provided within the areas that are subject to rezoning. As such there should be little to no times where a reticulated supply should not be available.
- 2.3 Under 30.1.7B the District Plan requires all new sites to provide a water connection that meets the needs of the activities on the lot. The specific requirements of this are managed through the Engineering Code of Practice ECOP and/or the Building Act. The ECOP details the specifications for water provision to each lot, this includes provisions for firefighting water supply. Furthermore, the Building Act determines the level of supply for individual dwellings. In addition, the operative District Plan includes existing assessment criteria in 30.1.8(4)(iv) Water supply, wastewater disposal and stormwater disposal that cover the need to efficiently and effectively meet fire-fighting requirements, where a site is not connected to a public water supply. As such, it is not considered necessary for specific additional standards to be required for firefighting water supply as part of Plan Change 5 as it is already adequately covered under existing provisions.
- 2.4 In terms of the provision of access for firefighting equipment, it is noted again that the changes proposed under PC5 are within the existing urban area. Requirements regarding site gradient are unlikely to arise as it is only proposed to change existing Residential Zone provisions. Existing provision 30.1.7E requires compliance with the provisions of Section 26.1 Transport and Parking of the District Plan which includes reference to access for fire-fighting appliances where the required minimum legal access width is 3.6m or less. Additionally, the minimum width requirements for vehicle widths within the Plan are no less than 3 metres for any development and require a passing bay for every 50 metres, there are no proposals to change this through PC5. These existing provisions currently adequately provide for emergency vehicle access, and will continue to do so even with the increased density that PC5 affords.
- 2.5 Finally, as with above, the provisions relating to the need to provide hydrants every 50 metres, this again is controlled through ECOP and the Building Act, and additional regulations through this Plan Change are considered unnecessary.

## **RECOMMENDATIONS**

- 2.6 That the submission point **028.36 - Fire and Emergency NZ** requesting additional provisions be included relating to firefighting water supply and access requirements **be rejected.**
- 2.7 That the subsequent further submissions of **FS13.28 - Kāinga Ora; FS17.3 Retirement Village Association; and FS18.23 Ryman**, opposed the submission of fire and Emergency NZ (028.36) **be accepted.**
- 2.8 Reason:
- a. The requirements for provision of water supply and access for firefighting purposes is already adequately considered within the subdivision and land development section of the District Plan, the Engineering Code of Practice and Building Act.
3. **SUBMISSION POINTS 039.4 (HDC – ENVIRONMENTAL POLICY TEAM), FS11.4 (DEVELOPMENT NOUS), FS13.8 (KĀINGA ORA), FS19.7 (RESIDENTS OF KAIAPO ROAD ETC)**

## **ANALYSIS**

- 3.1 The submission of the Hastings District Council - Environmental Policy Team has requested the inclusion of a minimum density provision for CRD developments within the General Residential Zones (GRZ). The reason for this submission was to alleviate the concern that through the provisions as notified any additional capacity in the infrastructure network could potentially be consumed by CRD developments outside the MDRZ, leaving this zoned land without capacity to provide for the density levels that it seeks to enable. To ensure the MDRZ would have sufficient capacity a limit to CRD site sizes in the GRZ was considered necessary.
- 3.2 As mentioned in the Introductory Report, in considering submissions received on PC5 it is recommended that the provisions of PC5 create a transparent rule framework that clearly states the development expectations and outcomes sought in each of the zones. To achieve this the rules allowing for CRD activities within the General Residential Zone are recommended to be removed from PC5 as notified. As such the minimum site size for all development in the General Residential Zone is recommended to return to the operative plan provisions of 350m<sup>2</sup> per site and per primary dwelling.
- 3.3 It is noted however, that this rule framework does not prohibit higher density development proposals from being considered in the GRZ. Subdivisions that do not meet the density of 1 residential unit per 350m<sup>2</sup> will be considered as non-complying activities. Development proposals that do not include subdivision (i.e resource consents for land use only) will have a discretionary activity status where this density standard is not met. This is how these activities are currently considered under the Operative District Plan.
- 3.4 New urban development areas in the GRZ, have bespoke density requirements which were planned for at the time the structure planning was undertaken for these areas. It would not be considered appropriate to reduce the minimum site sizes across the entire structure plan area for these developments given that the servicing



requirements may not have been designed for higher density development. While it is acknowledged that densities within new urban development areas should increase, this needs to be considered on a case by case basis and will depend on the infrastructure capacity available (or costs to upgrade and provide additional capacity) and the proximity of the area to existing or planned commercial zones, public parks or open space zones and active or public transport networks.

#### **RECOMMENDATIONS**

- 3.5 That the submission point **039.4 Hastings District Council – Environmental Policy Team** requesting a minimum density provision of 1 residential unit per 200m<sup>2</sup> site size **be rejected.**
- 3.6 That the subsequent further submissions of **FS11.4 - Development Nours; and FS13.8 - Kāinga Ora** opposed to the submission of Hastings District Council - Environmental Policy Team (039.4) **be accepted.**
- 3.7 That the subsequent further submission of **FS19.7 - Residents of Kaiapo** in support of the submission of Hastings District Council - Environmental Policy Team (039.4) **be rejected.**
- 3.8 Reasons
  - a. It is recommended that all comprehensive residential development provisions be removed from the General Residential Zone to provide a simplified rule framework that clearly outlines the development outcomes sought in the GRZ.
  - b. The retention of the operative density and minimum site size provisions of the GRZ will ensure that infrastructure capacity will not be exhausted and will be available for the MDRZ where medium density development is to be directed.

#### **4. SUBMISSION 050.142 (KĀINGA ORA), FS11.148 (DEVELOPMENT NOUS), AND FS19.168 (RESIDENTS OF KAIAPO ROAD ETC)**

##### **ANALYSIS**

- 4.1 The Kāinga Ora submission 050.142 has requested a change to SLDP1 so that minimum site size only applies to subdivisions on vacant lots and for existing allotments a shape factor should be utilised to determine whether additional dwellings can be established onsite. The approach to ensuring minimum site size for vacant lots has been discussed as part of the analysis for submissions on 30.1.6A below. While a shape factor has been proposed, it is not considered that the relief requested by Kainga Ora should be accepted. The relief requested in this submission point would apply to all Zones across the District, and not just for medium density developments. As drafted this would give Policy direction in other Zones to have to minimum and maximum site sizes for subdivisions of non-vacant sites. This is not appropriate. The relief proposed above provides no real clarification to the overall policy direction and is not considered necessary for PC5. As such the submission point should be **rejected.**

##### **RECOMMENDATION**

- 4.2 That the submission point **050.142 Kāinga Ora** requesting a change in Policy SLDP1 so that minimum site sizes should only apply to vacant allotments **be rejected.**

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- 4.3 That the subsequent further submissions of **FS11.148 - Development Nous**, supporting in part the submission of Kāinga Ora (050.142) **be rejected in part.**
- 4.4 That the subsequent further submission of **FS19.168 - Residents of Kaiapo Road etc** opposed to the submission of Kāinga Ora (050.142) **be accepted.**
- 4.5 Reasons
- a. As the amendment to SLDP1 to include vacant lots would apply to all zones across the district, not just Medium Density and General Residential zones, it is not considered appropriate.

**5. SUBMISSION POINTS 050.143 (KĀINGA ORA), FS11.149 (DEVELOPMENT NOUS), AND FS19.169 (RESIDENTS OF KAIAPO ROAD ETC)**

**ANALYSIS**

- 5.1 Kāinga Ora have requested the removal the 'Subdivision and Infrastructure development in Hastings District – Best Practice Design Guide' as it does not support the inclusion of non-statutory documents within the District Plan. The Subdivision design guide was completed in 2009 and has been included within the District Plan for a number of years. It was not developed as part requirements for Plan Change 5, and its inclusion was not opposed through the District Plan Review in 2015.
- 5.2 The design guide was developed to ensure *'best practice design principles and illustrates their application in subdivision and infrastructure planning and design – for both the development of urban subdivisions and the retrofitting of existing neighbourhoods. A theme throughout this guide is generating multiple benefits such as the retrofitting of streets; provision of street calming through narrower carriageways; the implementation of low impact urban design techniques; increased amenity through planting; and potentially with reduced costs of construction and long term maintenance.'* It was developed to provide guidance for all development within the Region, not just medium density.
- 5.3 It is considered an important document for developers within the District along with the more formal regulations of the Engineering Code of Practice. Given that the scope of the design guide is larger than the medium density development provided for under Plan Change 5, it is not considered appropriate to remove it from SLDP7.

**RECOMMENDATION**

- 5.4 That the submission point **050.143 Kāinga Ora** requesting the removal the 'Subdivision and Infrastructure development in Hastings District – Best Practice Design Guide' **be rejected.**
- 5.5 That the subsequent further submissions of **FS11.149 - Development Nous**, supporting in part the submission of Kāinga Ora (050.143) **be rejected in part.**
- 5.6 That the subsequent further submission of **FS19.169 - Residents of Kaiapo Road etc** opposed to the submission of Kāinga Ora (050.143) **be accepted.**
- 5.7 Reasons
- a. That the Hastings Subdivision and Infrastructure – Best Practice Design Guide provides important guidance for all development across the district, not just medium density development.

- b. This design guide has been in the plan since 2011, it was not prepared or included in the District Plan as part of Plan Change 5 and therefore it is considered inappropriate to remove it from SLDP7 as part of this process.

**6. SUBMISSION POINTS 050.144, 050.145 (KĀINGA ORA), FS11.150, FS11.151 (DEVELOPMENT NOUS), FS19.170, FS19.171 (RESIDENTS OF KAIAPO ROAD ETC)**

**ANALYSIS**

- 6.1 The submission of Kāinga Ora has requested the removal of the reference to comprehensive residential development from SLD7A and SLD14, instead considering that all subdivision for residential development that happens concurrently with, or following approval of, a land use resource consent application should be a controlled, or restricted discretionary, activity, depending on whether standards are met.
- 6.2 Strictly speaking, residential subdivision that complies with all relevant standards and terms is a Controlled activity under SLD1 anyway, so Rule SLD7A may be redundant. However, it is still considered useful to specify this as its own activity.
- 6.3 Modifications to the specific wording sought by Kāinga Ora are needed to avoid undesired outcomes. As currently sought to be worded, the rule would apply in any zone, not just those covered by PC5. It is necessary to specify the zones / area to which the rule is to apply to stay within scope. In addition, as worded by Kāinga Ora, residential subdivision as a controlled or RDNN activity would be triggered by any land use consent, as opposed to a land use consent for residential development. It is considered imperative to tie the land use activity to the construction of residential dwellings, rather than any other land use activity.
- 6.4 Following on from the general approach outlined under the introductory report, a rule to facilitate a Controlled activity status subdivision within the Medium Density Zone, when applied for concurrently, or following the approval of a land use consent for additional dwellings is considered appropriate. Such a rule is not appropriate for the General Residential Zones of the Plan, apart from within the Howard and Brookvale urban development areas, as CRD is recommended to be removed as an activity from those Zones.
- 6.5 Amendments are needed to rule SLD7A and subsequently SLD14 to reflect the changes as a result of the consideration of submissions in general. Mainly this requires the removal of CRD requirements and tying the need for subdivision to land use consents that specifically relate to the construction of dwellings within the Medium Density Residential Zone. The amendments will also require a splitting of the proposed rules as there is still a need for the comprehensive development in the Brookvale and Howard St Areas.
- 6.6 As such, there has been a pathway for MDRZ subdivision (as recommended) – Appendix 11 undertaken to provide guidance on how the provisions over the following sections fit together, and the following amendments are proposed to SLD7A and SLD14 as notified:

**Plan Change 5 - "Right Homes, Right Place" - Medium Density Housing**  
**S42A Report - Topic 4 - Specific Controls and Performance Standards**

Section 42A Report for Plan Change 5: Right Homes, Right Place  
Topic 4, Key Issue 5 – Section 30.1 - Subdivision and Land Development

**6.6.1 SLD7A**

PC5 as notified	As recommended in S42A	Activity Status
<b>Comprehensive Residential Development (CRD)</b> Subdivision of a CRD in Hastings General Residential Zone, Flaxmere General Residential Zone, Havelock North General Residential Zone and the Medium Density Residential Zone that comply with all relevant subdivision site and general site and performance standards and terms specified in 30.1.6 and 30.1.7 and is applied for concurrently with or following the approval of a current land use resource consent for CRD.	<b>Comprehensive Residential Development (CRD)</b> Subdivision of a CRD in Howard Street (Appendix 80) and Brookvale (Appendix 13B) Urban Development Areas that comply with all relevant subdivision site and general site performance standards and terms specified in 30.1.6 and 30.1.7 and is applied for concurrently with or following the approval of a current land use resource consent for CRD.	C

**6.6.2 SLD7B**

PC5 as notified	As recommended in s42a	Activity Status
No rule (included in SLD7A)	<b>Medium Density Residential Zone</b> All subdivision within the Medium Density Residential Zone that is applied for concurrently with or following the approval of a current land use resource consent for three or more dwellings and that comply with all relevant subdivision site and general site performance standards and terms specified in 30.1.6 and 30.1.7.	C

**6.6.3 SLD14**

Operative Rule	PC5 as notified	PC as recommended	Activity Status
<b>Hastings and Havelock North Comprehensive Residential Development</b> Subdivision of a comprehensive residential development in Hastings SMA, General Residential, Havelock North SMA General Residential that complies with all relevant Subdivision and General Site Performance Standards and Terms specified in 30.1.6, and 30.1.7, and is applied for concurrently with, or following the approval of a current, land use resource	<b>Hastings and Havelock North Comprehensive Residential Development not meeting General Site Standards and Terms in 30.1.6 and 30.1.7.</b> Subdivision of a CRD in the Hastings SMA General Residential Zone, Flaxmere SMA General Residential Zone, Havelock SMA General Residential Zone, and the Medium Density Residential Zone that is applied for concurrently with or following the approval of a current land use resource consent for comprehensive residential development and that does not comply with one or more of the	<b>Comprehensive Residential Development (CRD) not meeting General Site Standards and Terms in 30.1.6 and 30.1.7.</b> Subdivision of a CRD in the <b>Howard Street (Appendix 80) and Brookvale (Appendix 13B) Urban Development Areas</b> that is applied for concurrently with or following the approval of a current land use resource consent for CRD and does not comply with all relevant subdivision site and	RDNN

Section 42A Report for Plan Change 5: Right Homes, Right Place  
 Topic 4, Key Issue 5 – Section 30.1 - Subdivision and Land Development

consent for comprehensive residential development.	relevant Subdivision Site and General Site Performance Standards and Terms specified in 30.1.6 or in 30.1.7..	general site performance standards and terms specified in 30.1.6 and 30.1.7.	
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#### 6.6.4 SLD14A

PC5 as notified	PC as recommended	Activity Status
<b>Comprehensive Residential Development not meeting General Site Standards and Terms in 30.1.6. and 30.1.7.</b> Subdivision of a CRD in the Hastings SMA General Residential Zone, Flaxmere SMA General Residential Zone, Havelock SMA General Residential Zone, and the Medium Density Residential Zone that is applied for concurrently with or following the approval of a current land use resource consent for comprehensive residential development.	<b>Medium Density Residential Zone</b> Subdivision in the <b>Medium Density Residential Zone</b> that is applied for concurrently with or following the approval of a current land use resource consent for three or more dwellings and does not comply with all relevant subdivision site and general site performance standards and terms specified in 30.1.6 and 30.1.7.	RDNN

6.6.5 Consequential changes to numbering of existing provision SLD14A so that it is renumbered.

#### RECOMMENDATIONS

- 6.7 That the submission points **050.144 and 050.145 Kāinga Ora** requesting the removal of CRD from SLD7A and SLD14 so that the rules apply to all development **be accepted in part**. *See above for amendments.*
- 6.8 That the subsequent further submissions of **FS11.150 & FS11.151 - Development Nours**; supporting in part the submission of Kāinga Ora **be accepted in part**.
- 6.9 That the subsequent further submission of **FS19.170 & FS19171 - Residents of Kaiapo** opposed to the submission of Kāinga Ora **be rejected in part**.
- 6.10 Reasons
- It is proposed to remove the CRD provisions from SLD7A and SLD14 for all Zones apart from the Howard St and Brookvale Urban Development areas, however this is due to limiting medium density development to the MDRZ, rather than opening up Medium Density to all Zones as requested by the submitter.

#### 7. **SUBMISSION POINTS 007.31 (BAY PLANNING), 146.4 (TW PROPERTY), FS029.4 (McFLYNN SURVEYING AND PLANNING)**

#### ANALYSIS

- 7.1 TW properties requests additional wording be included that ensures there is no requirement to readdress non-compliance with standards created at the time of subdivision consent provided that subdivision boundaries are consistent with nominal

boundaries approved through the Land Use Consent. Through discussions with the consents team, it has been concluded that readdressing land use non-compliance following the approval of an associated land use consent is relatively superfluous, as any effects from bulk and location standard will be internal. All external effects should have been addressed through the original land use decision. Rather than having to re-address non-compliances through a separate land use consent at subdivision stage, a more efficient approach would be to remove the need to re-address land use provisions altogether. While nominal boundaries could be provided, it is likely still immaterial to the overall assessment of effects. This would remove what is essentially a tick boxing exercise at the consenting stage leading to greater efficiency in the consenting system. It is agreed that the internal non-compliance will create no material difference to adjoining landowners and that this amendment to SLD7A should be approved as shown below, noting that this will not apply to CRD, but Medium Density Development.

- 7.2 The submission point by Alison Francis seeks clarification as to how the provisions will work when a subdivision consent follows the approval of a land use consent for CRD. The submitter has requested responses to two questions in regards to the bulk and location requirements when the CRD has been applied for as a land use activity and a subdivision consent has been applied for concurrently or following the land use consent. The amendments above should provide greater efficiency and clarity that an additional and relatively superfluous assessment shall not be required. This approach will apply to both bulk and location and site coverage assessments. This approach already occurs within the District Plan already for cross lease conversions or subdivisions around existing dwellings.
- 7.3 The further submission by McFlynn Surveying and Planning mainly relates to the density and scale of developments proposed by the submitter, rather than specific provisions related to the efficiency of the consenting requirements. As such while the further submission is requesting all of TW Property submission to be disallowed, it is on a different basis to the above assessment.

#### **RECOMMENDATIONS**

- 7.4 That the submission point **007.31 (Bay Planning, A Francis)** for clarification and discussion on approach where subdivision follows land use consent **be accepted.**
- 7.5 That the submission of **146.4 (TW Property)** requesting an exemption be added to SLD7B (formally SLD7A) to ensure applicants do not need to undertake an additional consent, as shown below **be accepted.**
- 7.6 That the further submission of **FS029.4 McFlynn Surveying and Planning** opposing the submission of TW Property (146.4) **be rejected.**
- 7.7 \* The recommended changes discussed above are included, but not highlighted for reference

<b><u>SLD7B</u></b>	<b>Medium Density Residential Zone</b> All subdivision within the Medium Density Residential Zone that is applied for concurrently with or following the approval of a current land use resource consent for three or more dwellings and that comply with all relevant subdivision site and general site performance standards and terms	<u>C</u>
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	specified in 30.1.6 and 30.1.7. <u>Note: There is no requirement to revisit internal non-compliances with development standards, for subdivision of a site following an approved current land -use consent for 3 or more dwellings in the Medium Density Residential Zone, provided that the development is consistent with the Consent.</u>	
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#### 7.8 Reasons:

- a. That the submission of Bay Planning (007.31) did not request any material changes and it is considered that their concerns can be adequately addressed by the provisions as drafted.
- b. That it is agreed that providing an exemption so that there is no need to require additional consent provided notional boundaries are followed from the previously considered land use consent. Noting that this has been amended from Comprehensive Residential Development to Medium Density Development.

#### 8. SUBMISSION POINTS 050.146 (KĀINGA ORA), 134.50 (MCFLYNN SURVEYING AND PLANNING), FS11.152 (DEVELOPMENT NOUS), FS19.172 (RESIDENTS OF KAIAPO ROAD), FS027.50 (J JACKSON)

##### **ANALYSIS**

- 8.1 Kāinga Ora and McFlynn Surveying and Planning have requested that all references to the City Living Zone should be deleted. The City Living Zone has been replaced with the Medium Density Residential Zone as part of PC5, and it is agreed any references to such should be removed. This is an oversight that this has not been removed through the plan change provisions as notified. It is agreed that this should be replaced with the Medium Density Residential Zone, as a like for like replacement. However, given that there is an additional pathway for developments around existing dwellings within the Zone as discussed above, it is considered that SLD15 should only relate to vacant lot subdivisions within the Zone. This ensures differentiation between subdivisions associated with dwellings and those associated with vacant lots.
- 8.2 In terms of the submission by McFlynn Surveying and Planning, its request for the need to have minimum sites sizes associated within the Zone has been discussed as part of the following section.

##### **RECOMMENDATIONS**

- 8.3 That the submission point **050.146 Kāinga Ora** requesting the removal of the reference to the City Living Zone from rule SLD15 as shown below **be accepted in part.**
- 8.4 That the subsequent further submissions of **FS11.152 - Development Nous;** supporting in part the submission of Kāinga Ora **be accepted in part.**

- 8.5 That the subsequent further submission of **FS19.172 - Residents of Kaiapo** opposed to the submission of Kāinga Ora **be rejected.**
- 8.6 That the submission point **134.50 McFlynn Surveying & Planning** requesting the removal of the reference to the City Living Zone from rule SLD15 and the inclusion of density requirements for the medium density residential zone **be accepted** noting that the inclusion of MDRZ is only for vacant allotments, as additional rules exist for subdivisions relating to dwellings.

<b>SLD15</b>	<b>Residential Character Areas, <del>City Living Zone</del>, Flaxmere Area 1, Vacant Allotments within the Medium Density Residential Zone</b> Subdivision within any of the Hastings SMA Residential Character Areas, <del>City Living Zone</del> , Havelock North Character Residential, Toop Street Special Character Area, the Bull Hill or Iona Terraces Neighbourhoods of the Iona Special Character Zone, the Flaxmere Residential Development Area or <b>subdivisions within the Medium Density Residential Zone to create one or more vacant lots</b> , that comply with all relevant Subdivision Site and General Site Performance Standards and Terms specified in 30.1.6 and 30.1.7	RDNN
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- 8.7 That the subsequent further submission of **FS27.50 – J Jackson** supporting to the submission of McFlynn Surveying and Planning be **accepted.**
- 8.8 Reasons
- The City Living Zone has been replaced by the Medium Density Residential Zone and all references should reflect this change.
  - The reference to the City Living Zone should be removed and replaced with the Medium Density Residential Zone.
  - Given that there are separate rules for subdivisions around existing, or proposed concurrently with dwelling, the provision should only apply to vacant allotments which have not been captured elsewhere.

**9. SUBMISSION POINTS 007.32, 007.33 (BAY PLANNING), 050.147 (KĀINGA ORA), 134.50 (MCFLYNN SURVEYING AND PLANNING), FS11.153 (DEVELOPMENT NOUS), FS19.173 (RESIDENTS OF KAIAPO ROAD), FS027.50 (J JACKSON)**

**ANALYSIS**

- 9.1 The submissions of Bay Planning (007.32 and 007.33) have requested the removal of minimum site size from the General Residential zone and supported the removal of minimum site size for the MDRZ.
- 9.2 In terms of submission point 007.32, as part of the general approach discussed as part of the Section 5 of the Introductory Report, it has been recommended that



medium density development, including CRD, be removed from the General Residential Zone (except within Howard St and Brookvale new urban development areas). The subdivision provisions in the GRZ are now recommended to revert back to the operative plan minimum site size of 350m<sup>2</sup>. It is therefore recommended that submission point 007.32 be rejected.

- 9.3 In terms of submission point 007.33 it is generally accepted that when associated with a land use consent or for subdivisions around existing dwellings that there should be no minimum site size within the MDRZ, however as discussed below, there is a need to ensure subdivisions which create vacant allotments are still able to contain a dwelling and achieve associated urban design outcomes. Therefore, it is recommended this submission point be accepted in part.
- 9.4 The submission of Kainga Ora (050.147) has requested that all minimum site sizes be removed from the Hastings, Havelock North and Flaxmere GRZ's and the MDRZ and be replaced with a minimum shape factor only for vacant lot subdivisions. As mentioned above, as discussed in the general approach, the minimum site size for the GRZ's is recommended to revert to the operative plan density of 350m<sup>2</sup>.
- 9.5 In terms of the MRDZ, it is agreed that there does need to be a minimum requirement for vacant lots within the MDRZ - if not included this can result in developments being able to create sites of a shape and size which would foreclose the ability for a compliant development to be undertaken on the resultant lot.
- 9.6 The submitter seeks relief to be able to accommodate an 8 x 15 rectangle for each vacant allotment. I am concerned that such a shape factor is too small for a vacant lot. While it is accepted that a 120m<sup>2</sup> shape factor is suitable for locating a dwelling and appropriate urban design features onsite, my concern is that this may allow for a baseline which could then be argued to negate the need to undertake urban design assessment. This would be contrary to the outcomes sought by PC5. It is my opinion that vacant lot subdivisions should be less desirable within the Zone, and therefore further restrictions are needed.
- 9.7 As such, while it is agreed there is a need to ensure minimum site sizes within the MDRZ, it is considered that a shape factor of 8 x 15m is too small for vacant lot subdivisions, and therefore the submission should be accepted in part.
- 9.8 The submission of McFlynn Surveying and Planning has requested that a minimum density be retained for developments within the MDRZ. The submitter has requested that the CRD provisions of 250m<sup>2</sup> average and 350m<sup>2</sup> maximum be included as the required site size. In terms of the CRD provisions, as part of this plan change, it was generally considered that the current CRD average site size was difficult to administer and overly complex. It is considered preferable to utilise a straight minimum site size rather than an average.
- 9.9 In terms of the overall approach to the Plan Change, it is preferred that applicants undertake subdivision in conjunction with land use, thus allowing for consideration of urban design principles under the HDC Medium Density Design Framework. Therefore, developments should have a less restrictive status if they are applied for in conjunction with a land use consent, and it is recommended that no minimum site size should be required in this instance to enable a range of house typologies to be developed.

- 9.10 For developments to create a vacant allotment, it is agreed with the submitter that a minimum site size should be required. As mentioned above, this will ensure that sites can be created which can accommodate sites for multiple dwellings with design controls. As such it is considered that 250m<sup>2</sup> minimum site size is appropriate, which is consistent with the average site size for CRD development and with the relief sought by McFlynn Surveying and Planning. This will help ensure vacant lot subdivisions are provided for but are not inadvertently provided for in a way that makes them easier to achieve than developments associated with land use consent for 3 or more dwellings as required under SLD7A.
- 9.11 This approach should be considered in conjunction with the amendments to SLD15 discussed above. As a result of these amendments, it is considered that the submission of McFlynn Surveying and Planning be accepted in part.
- 9.12 As a consequential amendment to the removal of CRD from the site size table, to now all medium density development occurring within the MDRZ, it is unnecessary to have CRD provisions in each SMA. As such it is proposed that these be removed, and that the MDRZ is relocated as its own Zone (rather than under the Hastings SMA). This is recommended to be located as number 4 under table 30.1.6A.
- 9.13 Also consistent with the submissions of Kainga Ora and McFlynn Surveying and Planning it is considered unnecessary to include any requirement to provide 3 waters infrastructure as part of minimum site sizes. This is both inconsistent with the overall approach, and already covered under the standards for 30.1.7 and does not need to be assessed twice.

#### **RECOMMENDATIONS**

- 9.14 That the submission point **007.32 Bay Planning** requesting the removal of minimum density requirements from the General Residential Zone be rejected.
- 9.15 That the submission point **007.33 Bay Planning** requesting the removal of minimum density requirements from the Medium Density Residential Zone be accepted in part.
- 9.16 That the submission point **050.147 Kāinga Ora** requesting a 8 x 15m shape factor for vacant lots be accepted in part.
- 9.17 That the subsequent further submissions of **FS11.152 - Development Nous**; supporting in part the submission of Kāinga Ora be accepted in part.
- 9.18 That the subsequent further submission of **FS19.172 - Residents of Kaiapo** opposed to the submission of Kāinga Ora be accepted in part.
- 9.19 That the submission point **134.50 McFlynn Surveying and Planning** requesting that the CRD medium density requirements be included for developments within the MDRZ be accepted in part.
- 9.20 That the subsequent further submissions of **FS027.50 - J Jackson**; supporting the submission of McFlynn Surveying and Planning be accepted in part.
- 9.21 The recommended amendments are shown below:

<b>1. HASTINGS</b>	
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**Plan Change 5 - "Right Homes, Right Place" - Medium Density Housing**  
**S42A Report - Topic 4 - Specific Controls and Performance Standards**

Section 42A Report for Plan Change 5: Right Homes, Right Place  
Topic 4, Key Issue 5 – Section 30.1 - Subdivision and Land Development

<b>A</b>	General Residential	350m <sup>2</sup>
	i. <u>Comprehensive Residential Development on land identified in Appendix 80.</u>	<del>250m<sup>2</sup> minimum site size, 350m<sup>2</sup> maximum site size</del> <del>No minimum provided sites can be serviced for water, wastewater and stormwater</del>
<b>E</b>	<del>City Living Medium Density Residential</del>	<del>250m<sup>2</sup> average minimum with a maximum site size of 350m<sup>2</sup></del> <del>No minimum provided sites can be serviced for water, wastewater and stormwater</del>
<b>2. HAVELOCK NORTH</b>		
	<del>i. Comprehensive Residential Development</del>	<del>No minimum provided sites can be serviced for water, wastewater and stormwater</del>
	Brookvale Urban Development Area (Appendix 13B, Figure 1)	<u>Comprehensive Residential Development</u> <u>- Parent Sites: 500m<sup>2</sup></u> <u>- Child-sites: 250m<sup>2</sup></u> <del>No minimum provided sites can be serviced for water, wastewater and stormwater</del>
<b>3. FLAXMERE</b>		
<b>A</b>	General Residential	500m <sup>2</sup>
	<del>i. Comprehensive Residential Development</del>	<del>No minimum provided sites can be serviced for water, wastewater and stormwater</del>
<b>4. MEDIUM DENSITY RESIDENTIAL</b>		
	Subdivisions to create one or more vacant allotments	250m <sup>2</sup>

**9.22 Reasons:**

- a. It is agreed that a minimum site size should be required for any subdivision to create a vacant lot. This ensures future developments are able to undertake a complying dwelling and meet bulk and location requirements
- b. Vacant lots should be larger and more difficult to achieve to encourage Medium Density in association with a land use consent and associated design controls.
- c. The recommended approach is to remove medium density from the General Residential Zone, therefore the operative minimum of 350m<sup>2</sup> minimum site size is now considered most appropriate in this Zone.
- d. A minimum site size is considered easier to understand and administer than shape factors, or average minimums and is therefore recommended.
- e. The recommended change in approach has resulted in the removal of CRD from the GRZ and therefore the MDRZ should apply across multiple SMAs.

**10. SUBMISSION POINT 050.148 (KĀINGA ORA), FS11.154 (DEVELOPMENT NOUS), FS19.174 (RESIDENTS OF KAIAPO ROAD)**

**ANALYSIS**

- 10.1 Kāinga Ora have requested the removal of reference to CRD, consistent with their submission with other aspects of PC5. As discussed above, and in Section 5 of the Introductory Report outlining the preferred approach, it is agreed that the reference to comprehensive residential development should be removed, however the reasoning for this overall approach is different to what was requested by the submission.
- 10.2 In line with the preferred approach to submissions as a whole, it is recommended that the reference to CRD be removed and replaced with a simplified rule framework based on the number of dwellings. It is also recommended to remove the development rights afforded by CRD in the GRZ and direct the development of medium density housing to the Medium Density Residential Zone. This ensures a transparent and clear approach to the development outcomes sought in each zone.

**RECOMMENDATIONS**

- 10.3 That the submission point **050.148 Kāinga Ora** requesting the removal of comprehensive development from 30.1.8.2 (16) so that the rules apply to all development **be accepted in part** The recommended amendments are shown below.

**City Living, Comprehensive Medium Density Residential Zone, Residential Character Subdivisions**

Assessment shall be made with the corresponding land use assessment matters in the relevant SMA in Sections 7.2, 8.2 and 9.2 or in Rule MRZ- MAT1 for subdivisions applied for concurrently with or following the approval of a current land use consent for comprehensive residential developments three or more dwellings in the Medium Density Residential Zone

- 10.4 That the subsequent further submissions of **FS11.154 - Development Nous**; supporting in part the submission of Kāinga Ora **be accepted in part.**
- 10.5 That the subsequent further submission of **FS19.174 - Residents of Kaiapo** opposed to the submission of Kāinga Ora **be rejected.**
- 10.6 Reasons
- The removal of CRD provisions from 30.1.8.2 (16) aligns with the overall approach to submissions on PC5 to create clear and transparent development outcomes for the GRZ by directing medium density housing development to the MDRZ and restricting the GRZ to the existing density level of 1 residential building to 350m<sup>2</sup>.
  - The removal of reference to and provision for CRD is due to directing medium density development to the Medium Density Residential Zone, rather than opening up or allowing for medium density housing development in all zones as requested by the submitter.

**11. SUBMISSION POINTS 054.4 (A LAWRENCE), 096.4 (M SMILEY), FS01.4 (A LAWRENCE)**

**ANALYSIS**

- 11.1 The submission of Aaron Lawrence (054.4) has commented that 20% of all new subdivisions in Hastings and Havelock should be set aside for Housing NZ (Kāinga Ora), rather than developing existing properties within brownfields areas for these purposes. The submission of Michael Smiley (096.4) has requested a range of densities and typologies when undertaking new greenfields developments.
- 11.2 While the development of new greenfields land is not a core component of this plan change, it should be noted that there is no specific provision in the District Plan to prevent the use of new urban development areas for community/social housing, historically there has been an inability to create medium density on this land, which has likely restricted the use of the land for more affordable housing opportunities.
- 11.3 It is generally acknowledged that greenfields land should be used more efficiently than it has been in the past. The Future Development Strategy for Napier and Hastings (FDS) is proposed to be finalised towards the end of 2024 and will provide direction as to how we utilise our greenfields land in terms of housing densities. The FDS will also be able to direct the nature of development regarding future typologies etc, although this will be at a relatively high level.
- 11.4 Following the completion of the FDS, any new development will be required to be assessed through a specific structure planning process. Structure Planning must be undertaken for all plan changes associated with new greenfields developments as required under the Regional Policy Statement. Whilst this structure planning will assess the specific locations on a case-by-case basis to determine the most appropriate densities for the area, the general direction is for a greater density and a range dwelling types and sizes, which has been promoted by growth strategies in the past.
- 11.5 Nevertheless, it is acknowledged that these are separate processes from PC5, as the scope of PC5 does not extend to policy direction regarding the development of greenfields land.
- 11.6 Additionally, Kāinga Ora have the powers under the Urban Development Act 2020 to act as a resource consent authority and requiring authority under the RMA, and thus rezone greenfields land to provide for social housing. Such powers have not been utilised within the Hawke's Bay. Nevertheless, this allows for the provisions to set up greenfields developments for a greater intensity of social housing.
- 11.7 Finally, as outlined in the introductory report and as envisaged under the NPS-UD, PC5 aims to provide density in areas with higher accessibility and therefore is focused on increasing density near main commercial centres and transportation routes.
- 11.8 As discussed in Topic 3, Key Issue 3 - GRZ – Rules, it is proposed to retain existing provision for CRD activities in the existing new urban development areas of Howard St and Brookvale to enable medium density housing to be provided where amenity open space, infrastructure servicing, and access to active and public transport facilities are sufficient.

**RECOMMENDATIONS**

*Section 42A Report for Plan Change 5: Right Homes, Right Place*  
*Topic 4, Key Issue 5 – Section 30.1 - Subdivision and Land Development*

- 11.9 That the submission point **054.4 Aaron Lawrence** requesting that new greenfields areas in Hastings and Havelock North set aside 20% of the land for social housing **be rejected.**
- 11.10 That the subsequent further submission of **FS01.4 – Aaron Lawrence** supporting the submission of Aaron Lawrence **be rejected.**
- 11.11 That the submission point **096.4 Michael Smiley** requesting a mixture of housing styles and typologies for new greenfields subdivisions **be rejected.**
- 11.12 Reasons:
- There is currently no limitation on the use of greenfields land for social housing purposes under the operative District Plan, and the purpose of PC5 is to effectively and efficiently provide for increased density in highly accessible areas, rather than enforcing specific requirements for social housing providers PC5 focuses on providing for the intensification of highly accessible areas, and the increased density and variety of greenfields land will be considered through additional strategic documents such as the Future Development Strategy.
  - Notwithstanding the above, retention of existing CRD provisions in the Howard St and Brookvale existing urban development areas will provide for medium density housing in these existing greenfield areas.

**12. SUBMISSION POINTS 134.51 (MCFLYNN SURVEYING AND PLANNING), FS027.51 (J JACKSON), FS028.11 (KĀINGA ORA)**

- 12.1 The submission of McFlynn Surveying and Planning has requested that where there is no onsite carparking required onsite, as directed under the NPS-UD, then the need to provide a complying access is redundant and therefore there should be no requirements within the Plan to do so. While there appears to be some logic in this approach, the requirements of the NPS-UD did not remove the need to provide for access for fire fighting services, accessibility car parking and loading bay requirements. A full list of exemptions is discussed as part of the car parking fact sheet at the same time as the NPS-UD came into effect. The exemptions from the fact sheets are shown below:

***Using a district plan to manage other car parking matters***

*The car parking policy requires territorial authorities to remove rules, assessment criteria, policies and objectives that have the effect of setting minimum parking rates. However, it does not impact the following:*

- rules and engineering standards that set dimensions for vehicle manoeuvring and car parking spaces when a developer chooses to supply car parks*
- parking for vehicles other than cars, such as bus and bike parking*
- short term parking for service and utility spaces, such as loading bays and drop-off areas*
- rules and other standards held under other statutes and regulations, such as the Building Code as it relates to access for car parks, accessible car parking and fire service vehicle access*

- rules which set the minimum rates of accessible car parks
- rules which set maximum parking rates
- managing the physical effects of car parking such as visual impacts, stormwater effects from impervious areas, and impacts on adjacent uses. Local authorities can continue to manage the effects in ways such as avoiding or managing surface level or front yard parking, and screening parking areas from adjacent activities.

- 12.2 As such, it is considered that access requirements still have relevancy for a number of factors and for this reason should be retained within the Plan to ensure safe and efficient access can still be provided regardless of whether car parking is provided onsite or not.

#### RECOMMENDATIONS

- 12.3 That the submission point **134.1 McFlynn Surveying and Planning** requesting a removal of the access requirement provisions for developments where no onsite car parking is to be provided **be rejected.**
- 12.4 That the subsequent further submission of **FS027.51 – J Jackson** supporting the submission of McFlynn Surveying & Planning **be rejected.**
- 12.5 That the subsequent further submission of **FS028.11 – Kainga Ora** supporting the submission of McFlynn Surveying & Planning **be rejected.**
- 12.6 Reasons
- a. That the removal of car parking requirements as directed by the NPS-UD did not remove the need to provide for firefighting and other access requirements, and therefore it is still considered appropriate to refer to these existing provisions within section 26.1 Transport and Parking to ensure all other relevant minimum standards are met.

#### 13. SUBMISSION POINT 138.1 (P RAWLE)

##### ANALYSIS

- 13.1 The submission of P Rawle has requested additional information of what is a 'site,' particularly where the minimum site size is below what is complying under 30.1.6A of the Plan. A site is not determined by its size, rather a site is defined in the plan as:

Site: means either:

- (a) an area of land permitted by the District Plan to be used as a separate unit for one or more specified or ascertainable uses, and held in one single Certificate of Title, and includes all related buildings and curtilages.
- (b) an area of land which is held in two or more Certificates of Title where such titles are subject to a condition imposed under Section 75 of the Building Act or Section 643 of the Local Government Act 1974, are held together in a such a way that they cannot be dealt with separately without the prior approval of Council, or the title(s) consist of more than one allotment and

*such allotments are held together in such a way that they cannot be dealt with separately without the prior approval of the [Council](#).*

- (c) *In the case of a cross-lease or unit [title](#) - each area shown on the certificate of [title](#) as an exclusive [use](#) area.*

13.2 Or by the National Planning Standards as:

***site (for district plans and the district plan component of combined plans)***

*means:*

- (a) *an area of land comprised in a single record of title under the Land Transfer Act 2017; or*
- (b) *an area of land which comprises two or more adjoining legally defined allotments in such a way that the allotments cannot be dealt with separately without the prior consent of the council; or*
- (c) *the land comprised in a single allotment or balance area on an approved survey plan of subdivision for which a separate record of title under the Land Transfer Act 2017 could be issued without further consent of the Council; or*
- (d) *despite paragraphs (a) to (c), in the case of land subdivided under the Unit Titles Act 1972 or the Unit Titles Act 2010 or a cross lease system, is the whole of the land subject to the unit development or cross lease.*

13.3 Under both of these definitions, site is not determined by size, rather the need to have land held under one unit. Under the RMA1991 it is required that the site is of a suitable size to provide for the activities permitted within that Zone. Therefore it is the zone provisions that enable whether an existing property can be subdivided to create another site. In the General Residential zone, a minimum site size of 350m<sup>2</sup> is used. In the Medium Density Residential zone, it is proposed to use the set of zone performance standards to determine how many residential units can fit on a site in order to create new sites. Thus, assuming a site can provide for a dwelling within the bulk and location and outdoor living space standards, the actual size is not a determining factor in the provision of a 'site' in this respect.

#### **RECOMMENDATIONS**

13.4 That the submission point **138.1 (P Rawle)** requesting a definition for site in the District Plan **be accepted**.

13.5 Reasons

- a. There is an existing definition for site in the District Plan and within the National Planning standards. Both definitions are considered acceptable to determine what a site is as part of PC5.