

Thursday, 4 April 2024

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

Kaupapataka
Agenda

Addendum to s42A Report

(Plan Change 5 – Medium Density Housing)

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

Te Wā:
Time: **9.00am**

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

Te Hoapā:
Contact: **Democracy and Governance Services
P: 06 871 5000 | E: democracy@hdc.govt.nz**

Te Āpiha Matua:
Responsible Officer: **Group Manager: Planning & Regulatory Services - John O'Shaughnessy**

Hearings Committee – Terms of Reference

Fields of Activity

The Hearings Committee is established to assist the Council by hearing and determining matters where a formal hearing is required in respect of a planning or regulatory function of the Council, including under the provisions of the:

- Resource Management Act 1991
- Building Act 2004
- Health Act 1956
- Dog Control Act 1996
- Litter Act 1979
- Hastings District Council Bylaws
- Local Government Act 1974
- Local Government Act 2002; and
- Hastings District Council Class 4 Gambling Venue Policy.

Membership - Up to 10 Hearings Commissioners (comprising up to 7 elected members of Council and at least 3 external appointed Independent Hearings Commissioners)

- Chair appointed by Council from the membership including external appointed members.
- Deputy Chair appointed by the Council from the membership including external appointed members.
- Under s. 39B of the Resource Management Act, the Chair must be accredited, and unless there are exceptional circumstances, appointees on hearings panels must have accreditation to make decisions on;
 - Applications for Resource Consents.
 - Notice of Requirements given under s. 168 or 189 of the Resource Management Act.
 - Requests under clause 21(1) of Schedule 1 of the Resource Management Act for a change to be made to a Plan.
 - Reviews of Resource Consents.
 - Applications to change or cancel Resource Consent Conditions.
 - Proposed Policy Statements and plans that have been notified.
 - Any hearing of an objection under s. 357C of the Resource Management Act.

Quorum

- a) For Hearings other than Council Initiated Plan Change hearings, a maximum of three members including the Chair (or Deputy Chair, in the Chair's absence) to meet for any one hearing.
- b) For Council Initiated Plan Change hearings, all members may attend and take part in the decision-making process unless the Chair exercises the power of delegation to assign any function, power or duty of the Hearings Panel to any one or more Commissioners.
- c) For Hearings other than Council Initiated Plan Change hearings the quorum shall be two members.
- d) For Council Initiated Plan Change Hearings, the quorum shall be three members.
- e) Members to sit on any hearing other than a Council Initiated Plan Change Hearing shall be selected by agreement between the Chair (or Deputy Chair, in the Chair's absence) and the Group Manager: Planning and Regulatory Services.
- f) For the purpose of hearing any objection in respect of the matters detailed under the Dog Control Act 1996 the Hearings Committee will consist of any three members selected by the Chair.

Kaupapataka

Agenda

Hearing Panel Members:

Chair: George Lyons (Commissioner Chair - External appointee)

Bill Wasley (External appointee)

Councillors Tania Kerr (Deputy Chair), Alwyn Corban, Eileen Lawson,

Wendy Schollum and Marcus Buddo

Ngā mema o te Komiti

Committee Members:

Heretaunga Takoto Noa Māori Standing Committee appointee: -

Vacancy

Apiha Matua

Officer Responsible:

Group Manager: Planning and Regulatory Services - John
O'Shaughnessy

Reporting Planner

Senior Environmental Planner – Policy (Anna Summerfield)

*Te Rōpū Manapori me te
Kāwanatanga*

Democracy

Christine Hilton (Ext 5633)

Governance Services

Te Rārangi Take

Order of Business

Apologies & Leave of Absence – Ngā Whakapāhatanga me te Wehenga ā-Hui

- 1.0** Leave of Absences had previously been granted to Councillor Lawson and Councillor Buddo
-

Plan Change 5 - "Right Homes, Right Place" - Medium Density Housing

2.0

DOCUMENTS CIRCULATED FOR HEARING - COMPILED AS ONE DOCUMENT

<u>Document 1</u>	The covering administrative report	Pg 1
Attachment 1	Addendum to s42a hearings report Plan Change 5 hearing	Pg 3

Thursday, 4 April 2024

Te Hui o Te Kaunihera ā-Rohe o Heretaunga

Hastings District Council: Hearings Committee Meeting

Te Rārangi Take

Report to Hearings Committee

Nā:
From: **Christine Hilton, Democracy and Governance Advisor**

Te Take: **Plan Change 5 - "Right Homes, Right Place" - Medium Density**
Subject: **Housing**

1.0 Purpose and summary - *Te Kaupapa Me Te Whakarāpopototanga*

- 1.1 This is a covering report relating to the Proposed Hastings District Plan hearing – Plan Change 5, “Right Homes, Right Place” – Medium Density Housing.
- 1.2 The agenda documents can be viewed on the Council’s website.
- 1.3 The recommendations are included in the relevant sections of the agenda documents and are not summarised in this covering report.

2.0 Recommendations - *Ngā Tūtohunga*

That the covering report titled Plan Change 5 - "Right Homes, Right Place" - Medium Density Housing, the hearings report and associated attachments, dated 4 April 2024, be received.

Attachments:

[A↓](#) Addendum to s42a hearings report Plan Change 5 hearing CG-17-8-00030

ADDENDUM TO THE SECTION 42A REPORT

1.0 Hastings Character Residential Zone Recommendations

- 1.1 The recommended amendments to the rule table of the Hastings Character Residential Zone were not clearly expressed in the hearings report -Topic 2 Key Issue 4 following consideration of submissions.
- 1.2 Recommendation 3.4 of this report should be amended to include the recommended amendments to rule table 7.2.4.3.
- 1.3 The revised recommendation and recommended amendments are outlined below:

*3.4 That the submissions of **CG Shaw (092.3)** and **P. Rawle (138.8)** in relation to preventing the loss of character dwellings **be accepted** in so far as it is recommended that comprehensive residential development will not be provided for in the Hastings Character Residential Zone. Further it is recommended that all character residential zones be reviewed with the potential to identify new character areas and homes, however this is a separate planning process.*

3.4.1 Reason:

- a. The retention of character areas and homes is important to the community and ensuring a clear and transparent rule and zoning framework will achieve this.

That the following amendments be made to rule table 7.2.4.3:

RULE TABLE 7.2.4.3 HASTINGS CHARACTER RESIDENTIAL ZONE		
RULE	LAND USE ACTIVITIES	ACTIVITY STATUS
HC26	Comprehensive Residential Developments on land identified in Appendix 27 Figure 2	RD
HC32	Comprehensive Residential Development outside the areas identified in Appendix 27 Figure 2	NG

2.0 Definition of Infill Residential Subdivision

2.1 Analysis

- 2.2 The definition of infill residential subdivision was incorrectly summarised and resulted in two separate submission points for infill residential development. It was not picked up as part of the analysis that there were two separate definitions being submitted on. As a result, Infill Residential Subdivision was not assessed.
- 2.3 The approach to Infill Residential Subdivision is consistent with that of Infill Residential Development, in that due to the removal of Comprehensive Residential Development from the General Residential Zone, the need for the term has now become superfluous. As discussed under 2.10.1 of Topic 6, Key Issue 4

'As part of this, the approach of providing for CRD within the General Residential Zones has now been removed. As such, the necessity of defining infill residential development is now superfluous, as there is no longer the need to differentiate infill

residential development from CRD and the rule structure within the zones provide for all residential development, regardless of density. It is considered that the type of subdivision in all Zones does no longer need to be defined given that it sits within the zone rules anyway.'

- 2.4 As such it is considered this definition should be removed and the submission point of Kāinga Ora be accepted.

2.5 Recommendations

- 2.5.1 That the submission point **050.165 (Kāinga Ora)** requesting the deletion of the definition for infill residential subdivision **be accepted.**

- 2.5.2 That the further submission points **FS11.171 (Development Nous)** supporting the submission points of Kāinga Ora, **be accepted in part.**

- 2.5.3 That the further submission points **FS19.191 (Residents of Kaiapo Road etc)** opposing the submission points of Kāinga Ora **be rejected.**

2.5.5 Reason:

- a. As part of the overall approach discussed in Section 5 of the Introductory Report, the definition of 'Infill Residential Subdivision' is now considered superfluous as development can be defined as either residential activity, residential unit, or as a complying subdivision under the rules of the District Plan.

3.0 Height in relation to boundaries on front/road boundaries

- 3.1 The submission point of TW Property (146.6) was discussed as part of paragraph 2.61 in Topic 4, Key Issue 2, where it was recommended that there should be a greater level of leniency for recession planes on the front boundary. However, as part of inclusion of the provision into tracked changes, it was found that the amendments to the standard as recommended would apply to the incorrect recession angle, thus making it more restrictive.

- 3.2 It is therefore recommended that the provision be amended to better reflect the analysis as part of 2.61 and should read as follows:

- 3.3 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 **side and rear** boundaries facing the southern half of a compass and 55° for all **front boundaries and all** boundaries facing the northern half of the compass. (Refer Appendix 60 Figure 2 for a diagram explaining this recession plane).

- 3.4 It is considered the amendments add clarity and ensure greater leniency for Height in relation to Boundary on front/road boundaries. Note that these recommendations have been reflected in the tracked changes.

3.5 Recommendation

- 3.5.1 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.**

3.5.2 As a consequence, further submission to TW Property (146.6) by **McFlynn Surveying and Planning (FS029.6)** opposed the submission is **rejected**, insofar as the recommendation as part of paragraph 3.31 of Topic 4, Key Issue 2 now reads as follows

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 **side and rear** boundaries facing the southern half of a compass and 55° for all **front boundaries and all** boundaries facing the northern half of the compass. (Refer Appendix 60 Figure 2 for a diagram explaining this recession plane).

3.5.3 Reason:

- a. That the amendment as recommended as part of 2.61 of Topic 4, Key Issue 2 does not reflect the analysis of providing more lenient recession planes on the front boundary, and that the amendment above is a better reflection of the recommendation.

4.0 Height and Height in Relation to Boundary for CRD in Appendix 13B and Appendix 80

- 4.1 The submission of A Galloway (34.14) discussed the need to reduce the height of buildings developed for Comprehensive Residential Development to 10m plus 1m for a gable roof, rather than the notified 11m + 1m. This was addressed as part of the height discussion from 2.6 of Topic 4 Key Issue 2, where the submission point was accepted and the height was recommended to be reduced. Upon review, the analysis primarily relates to development within the Medium Density Zone and has not made it clear how this will apply to CRD within Appendices 13B and 80.
- 4.2 While this has been touched on as part of the analysis for the Howard St Urban Development Area (Paragraph 2.43), there was no specific recommendation as to whether the height of buildings should be reduced as part of CRD development in these urban development areas. This was an oversight which it is considered should be addressed for clarity.
- 4.3 Similarly, the submission of TW Property (146.6) discussed the relaxation of the recession plane requirements from the front boundary in the MDRZ. It is also considered that this should be consistent between the MDRZ and CRD development.
- 4.4 It is considered that the Height and height in relation to boundary provisions should be consistent with the approach recommended for the rest of PC5, in that (excluding density) the bulk and location provisions for CRD in Appendix 13B and 80, should be consistent with Medium Density development in the MDRZ. As such the recommendations for reducing the height for developments by 1 metre, and that the recession plane requirements should be reduced for road boundaries should also apply to CRD in Appendices 13B and 80.

4.5 Recommendation

- 4.5.1 That the submission point **034.14 (A Galloway)** requesting a reduction of 1 metre in height for medium density developments **be accepted** insofar as this also applies to Comprehensive Residential Development in Appendices 13B and 80.

