

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

Governance Services

Christine Hilton (Ext 5633)

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 Whakarāpopotanga*

- 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.

4.5.2 As a consequence further submission **Residents of Kaiapo Road etc (FS19)** are **accepted**

4.5.3 Reasons

- a. In addition to the reasons outlined in Paragraph 3.7 of Topic 4, Key Issue 2, it is considered that the CRD provisions for height should be consistent with those provisions in the Medium Density Residential Zone.

4.5.4 That the submission point **146.6 (TW Property)** requesting a more lenient height in relation to boundary requirement on the road boundary **be accepted** insofar as this also applies to Comprehensive Residential Development in Appendices 13B and 80.

4.5.5 As a consequence, further submission to TW Property (146.6) by **McFlynn Surveying and Planning (FS029.6)** opposed the submission is **rejected**.

4.5.6 Reasons

- a. In addition to the reasons outlined in Paragraph 3.32 of Topic 4, Key Issue 2, it is considered that the CRD provisions for height in relation to boundary should be consistent with those provisions in the Medium Density Residential Zone.

5.0 Residential Overview Section (Topic 2, Key Issue 1 – Analysis of Policy RESZ-P6 Supporting Activities)

5.1 The notified wording of this policy RESZ-P6 is incorrectly outlined in the section 42a analysis, submission of Kāinga Ora 050.13, and recommendation 34.1 of this report. Therefore, the recommended amendments to the wording of this policy outlined in recommendation 34.1 are incorrect.

5.2 The correct notified wording of Policy RESZ-P6 is as follows:

5.3 RESZ-P6 – Supporting Activities

Manage the effects of activities that support the health and wellbeing of people and communities to ensure these maintain the quality living environment and planned built form character of the particular zone.

5.4 The correct recommended amendments to this policy should read:

RESZ-P6 – Supporting Activities

Manage the effects of activities that support the health and wellbeing of people and communities to ensure these maintain the quality living environment ~~and in~~ accordance with the planned built form ~~environment character~~ of the particular zone.

6.0 Topic 3 Key Issue 3 General Residential Zones Rules – Recommendations for Waka Kotahi Submission points 107.7, 107.8, 107.9

6.1 Recommendations for Waka Kotahi submissions points (107.7, 107.8, 107.9) were missed from the s42a report.

6.2 The section 42a analysis of these submissions stated:

Waka Kotahi, New Zealand Transport Agency submissions (107.7, 107.8, 107.9) request amendments and further analysis to adequately implement and align the provisions with the requirements of the NPS-UD. Specifically, Waka Kotahi, New Zealand Transport Agency seek the reconsideration of comprehensive residential development provisions and suggest that enabling medium density around the centre, key walking / cycling and public transport routes. This viewpoint is also supported and sought be addressed through the revised approach to Plan Change 5 outlined in the S42A introductory report.

- 6.3 Furthermore, amendments to provisions of the plan including the objectives and policies of the General Residential Zones seek to further align these with the objectives and policies and requirements of the NPS-UD.
- 6.4 The recommendations that relate to these submissions are outlined below:
- 6.4.1 **That the submission of Waka Kotahi NZ Transport Agency (107.7, 107.8, 107.9)** requesting amendments to implement and align the provisions with the requirements of the NPD-UD **be accepted** in so far as the provisions of the District Plan are recommended to be amended to provide greater alignment with the NPS-UD.
- 6.4.2 Reasons
- The general approach to PC5 following the consideration of submissions and outlined in the s42a introduction report aligns with the relief sought.
 - The recommended amendments to objectives and policies subject to this plan change seek to ensure greater alignment with the objectives and policies of the NPS-UD.

7.0 Topic 6, Key Issue 4, Outdoor Living space definition

- 7.1 As part of the main summary table in Topic 6, Key Issue 4 and as part of the recommendation in paragraph 2.3.14, the submission of Kainga Ora (050.168) requesting the national planning standard definition of 'Outdoor Living space' was recommended to be rejected. This is incorrect and should have been accepted. The accepting of this submission point has already been addressed under paragraph 2.2.2 of this report, where it was considered, there was no material difference between the District Plan and National Planning Standards definition. Therefore the only change is to remove 'Outdoor Living Space' and associated submission point from 2.3.14.

7.2 Recommendation

That the submission points **050.149, 050.152, 050.153, 050.155, 050.157, 050.158, 050.160, 050.161, 050.162, 050.166, 050.167, ~~050.168~~, 050.169, 050.174 (Kāinga Ora)** requesting that the definitions of 'Accessory Building', 'Building', 'Building Coverage', 'Commercial Activity', 'Educational Activities', 'Ground Level', 'Height (height of a building)', 'Height in Relation to Boundary', 'Minor Residential Unit (Supplementary Residential Dwelling)', 'Net Site Area', ~~'Outdoor Living Space'~~, 'Residential Activity' and 'Visitor Accommodation' be amended to apply across all sections of the plan, **be rejected.**

7.3 Reasons

- The submission point was Accepted under 2.2.2 of Topic 6, Key Issue 4 and this is the officer recommendation.

8.0 Topic 4 Key Issue 3 MDRZ Performance standards – Outdoor living space standard – MRZ-S7(d)

8.1 An amendment to recommendation 15.8.1 - the as recommended standard for outdoor living space that applies to the Medium Density Residential Zone should read:

8.2 MRZ-S7(d)

Where the open outdoor living 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.

9.0 Consequential Amendment - General Residential Zone Rules and General Performance Standards – Rule GR12 & Standard 7.2.5G Special Buildings Setbacks – 505 & 507 Railway Road

9.1 As a result of the recommendations in relation to the spatial extent of the Medium Density Residential Zone (MDRZ) the property at 505 and 507 Railway Road (the Angus Inn site) is no longer recommended to be included in the MDRZ. Therefore, it is recommended to retain its current General Residential Zoning.

9.2 The specific provisions associated with this site were to be relocated to the MDRZ as per the notified version of PC5, however, however, given the change outlined above, they now need to be reinstated in the Hastings General Residential Zone provisions.

9.2 The provisions affected are Rule GR12 and standard 7.2.5G as outlined below and are shown as such in the tracked changes version of section 7.2 Hastings Residential Environment:

<u>GR12</u>	<u>Premises for the Sale of Liquor at 505 & 507 Railway Road Hastings being Lots 1-4 DP 10795, Lot 1 DP 8625, Lot 1 DP 19254 and Lot 2 DP 25702</u>	<u>P</u>
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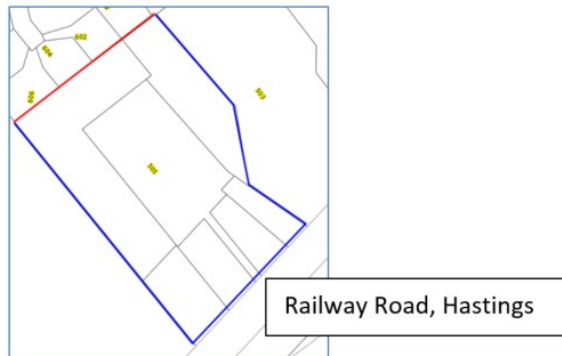
7.2.5G SPECIAL BUILDING SETBACKS

a. 505 and 507 Railway Road South, Hastings

No building located within 50 metres of the rear boundary (see diagram below the red line denotes the rear boundary of the site) at 505 and 507 Railway Road South, Hastings, being Lots 1-4 DP 10795, Lot 1 DP 8625, Lot 1DP 19254 and Lot 2 DP 25702 shall be used as premises for the sale of liquor.

Outcome

The amenity of the residential area will be maintained by buildings being setback from roads and from neighbouring buildings.



10.0 Oversize Supplementary Residential Buildings in the Hastings General Residential Zone - Topic 3, Key Issue 3 (paragraph 6.34).

- 10.1 Kāinga Ora (050.53) submitted on the Havelock North and Flaxmere General Residential Zone rules relating to supplementary residential buildings that do not meet the 80m² maximum gross floor area standard.
- 10.2 This submission requested that such infringements be considered as restricted discretionary activities in the plan.
- 10.3 Council officers recommended to accept in part this submission in so far as supplementary residential buildings not meeting this standard were recommended to be considered as discretionary activities.
- 10.4 Kāinga Ora did not submit on the Hastings General Residential zone provisions as their relief sought requested that these be removed in their entirety. Therefore, the hearings report did not make any recommendations for the Hastings General Residential Zone rules.
- 10.5 It is considered appropriate to align the Hastings General Residential zone rules in this respect with those recommended for Havelock North and Flaxmere.
- 10.6 As a result, a consequential amendment is recommended to rule GR29 of the Hastings General Residential Zone to ensure supplementary residential buildings that do not meet standard 7.2.6C(b) are considered as discretionary activities. See the amended rule GR29 below:

RULE TABLE 7.2.4.1 HASTINGS GENERAL RESIDENTIAL ZONE

GR29	Supplementary Residential Buildings not meeting Specific Performance Standard and Term 7.2.6C.	DNC
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11.0 Havelock North General Performance Standard – 8.2.5K Fencing - removal of reference to Comprehensive Residential Development

11.1 A consequential amendment is needed to 8.2.5K to remove reference to comprehensive residential development from this standard and also reference to Appendix 29 which is recommended to be removed from the plan as these sites are recommended to be included in the MDRZ.

11.2 This amendment has been included in the tracked changes version of section 8.2 Havelock North Residential Environment and is shown below:

8.2.5K FENCING

1. Havelock North General Residential Zone ~~(Except Comprehensive Residential Development on sites identified in Appendix 29)~~

12.0 Outcome for density standard for CRD in Howard St (Appendix 80) and Brookvale (Appendix 13B). Topic 4, Key Issue 4, paragraph 61.

12.1 An outcome should have been included with the recommended acceptance of the submission from McFlynn Surveying and Planning Ltd (134.32, 134.41). Outcomes assist assessment of resource consent applications and administration of the plan in terms of understanding the reasons for and purpose of the standards.

12.2 The recommended outcomes for the density standards for CRD activities in the Howard St (Appendix 80) and Brookvale (Appendix 13B) urban development areas are outlined as follows:

7.2.6E(a) DENSITY

One residential building per 250m² net site area

Outcome

The density of comprehensive residential development in the Howard Street urban development area integrates with the surrounding context and takes account of amenity and infrastructural capacity.

8.2.6F(a) DENSITY

One residential building per 250m² net site area.

Outcome

The density of comprehensive residential development in the Brookvale urban development area integrates with the surrounding context and takes account of amenity and infrastructural capacity.

13.0 Clarification of Height to Boundary Rule for Retirement Villages in Medium Density Zone Hastings General Residential 7.2 , Havelock North Residential 8.2 and Flaxmere Residential 9.2

13.1 An amendment is required to that part of the Height to Boundary performance standard for retirement villages that applies when a building is constructed adjacent to the boundary. The intention is that Medium Density Residential Standards under the housing enabling amendments should apply internally on a site, but when the buildings are adjacent to a residential zone the new Medium Density Residential Zone rules should apply.

13.2 Using the Hastings General Residential standard as an example this would result in the following amendment;

7.2.6.1G Retirement Villages

1. Building Height – as per medium density residential zone standard
2. Height in relation to boundary –
 - a) buildings must not project beyond a 60 degree recession plane measured from a point 4 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 of pedestrian access way.
 - b) For buildings adjacent to the boundary of an adjoining residential zoned site the medium density residential zone standards shall apply.
 - c) The 4m 60 degree standard does not apply to
 - i a boundary with a road
 - ii existing or proposed internal boundaries within a site
 - iii site boundaries where there is an existing common wall between 2 buildings on adjacent sites or where a common wall is proposed.
 - iv Boundaries adjoining open space and recreation zones, commercial and commercial service zones, industrial.

The same change would be made to the retirement village performance standards in the Medium Density Residential Zone (MRZ-S16), the Havelock North General Residential Zone (8.2.6M) and the Flaxmere Residential Zone (9.2.6K). The amendment is included in the marked up version of the district plan.