

Upper Hutt City Council Intensification Planning Instrument

THE COUNCIL'S EVIDENCE FOR:

Independent Hearings Panel:

- Eileen von Dadelszen (Chair);
- Lindsay Daysh;
- Rawiri Faulkner

SUBJECT:

Intensification Planning Instrument

PREPARED BY:

Matt Muspratt, Consultant Planner

REPORT DATED:

6 April 2023

DATE OF HEARING:

26 April 2023

1 Executive Summary

1. This report considers submissions received by Upper Hutt City Council (the Council) in relation to the relevant objectives, policies, rules, standards, appendices, and maps of the Intensification Planning Instrument (IPI) that proposes to make amendments to the Operative Upper Hutt City Council District Plan to:
 - Incorporate the Medium Density Residential Standards as required by section 77G of the Resource Management Act 1991 (the RMA);
 - Give effect to policies 3(c) and (d) of the National Policy Statement on Urban Development 2020 (the NPS-UD);
 - Include provisions to enable papakāinga housing as provided for by section 80E(1)(b)(ii) of the RMA;
 - Introduce a Medium and High Density Design Guide as related provisions that support and are consequential on the MDRS and Policy 3 of the NPS-UD;
 - Provide for a range of existing qualifying matters as provided for by section 77I of the RMA and clause 3.32 of the NPS-UD;
 - Rezone existing Commercial and Mixed Use Zones in accordance with their role (as defined by clause 8 – Zone Frameworks Standard of the National Planning Standards 2019) - to enable the IPI to more effectively give effect to Policy 3 of the NPS-UD through the creation of a centres hierarchy, and to enable additional housing;
 - Amend the City Centre Zone provisions to give effect to Policy 3(a) of the NPS-UD;
 - Introduce a City Centre Zone Design Guide that supports Policy 3 of the NPS-UD;
 - Amend the financial contributions provisions as provided for by sections 77E, 77T, and 80E(1)(b)(i) of the RMA;
 - Introduce hydraulic neutrality provisions as provided for by section 80E(2)(f) of the RMA;
 - Rezone existing urban zoned land to enable residential development as provided for by section 80E(1)(b)(iii) of the RMA;
 - Introduce an Indigenous Biodiversity Precinct with an associated objective and policy guidance and direction to assist in the maintenance of indigenous biodiversity as provided for by section 80E(1)(b)(iii) of the RMA;
 - Make plan-wide consequential and supporting amendments.
2. There were 73 submissions and 16 further submissions on the IPI. This report outlines recommendations in response to the key issues that have emerged from these submissions.
3. Despite the moderate number of submissions received on a proposed plan change of such significance to the urban areas of Upper Hutt, the submissions are diverse and seek a range of outcomes across a large proportion of the IPI provisions. The key issues in contention for the IPI are outlined in section 7 of this report. As a result, this report is generally structured on a chapter-by-chapter and provision-by-provision basis.
4. Although I have considered the further submissions and the reasons given for support or opposition to the primary submissions, I do not generally comment on the further submission in detail in this report. However, as directed by the Panel's Minute 1, all submissions and further submissions are included in a table with the recommended outcome for each submission in Appendix 1 of this report.

5. Having considered all the submissions and reviewed all relevant statutory and non-statutory planning documents, I recommend that the IPI should be amended as set out in Appendix 2 of this report.
6. Notwithstanding the specific recommendations in Appendix 1, it is important to highlight there are numerous recommendations for the rejection of specific submission points that I have caveated on the basis that submitters may provide additional information during the hearing in support of the decisions requested. This may enable the reconsideration of the specific decisions requested based on more information and justification. I consider that the relevant submissions lack sufficient information, including site-specific technical information and justification for the requested amendments which include, but are not limited to the following requested amendments:
 - a. The application of new qualifying matters to address potential reverse sensitivity effects.
 - b. Rezoning requests.
 - c. Amendments to provisions to address matters of significance to Māori.
7. The most relevant submitters in this category are:
 - i S35 – Wellington Electricity Lines Limited;
 - ii S43 - KiwiRail Holdings Limited;
 - iii S48 – Silver Stream Railways Incorporated;
 - iv S50 – Waka Kotahi NZ Transport Agency;
 - v S53 – New Zealand Defence Force
 - vi S56 – Fire and Emergency New Zealand;
 - vii S62 - Silverstream Land Holdings Limited (with respect to the St Patrick's Estate Precinct); and
 - viii S72 – Te Rūnanga o Toa Rangatira Inc.
8. For the reasons set out in the Section 32AA evaluation that is included within the discussion throughout this report and Appendix 1, I consider that based on the information contained in the submissions and any further technical information I have sought to inform my recommendations, the amended provisions will be the most appropriate means for achieving the purpose of the RMA, the relevant objectives of the district plan and the IPI, and all other relevant statutory planning documents.
9. The opinions and recommendations included in this report and Appendix 1 are based on the information contained in the submissions and any technical information that has been sought to assist in forming the recommendations. These recommendations may change in response to additional information presented by submitters and their advisors or expert witnesses during the hearing. In accordance with the Panel's Minute No. 1, the Panel will be advised of any changes to the recommendations as part of the Council's right of reply.
10. A complete version of the IPI including all recommended amendments in response to matters raised in submissions and any consequential amendments is contained in Appendix 2 to this report.

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3 Interpretation

This report utilises a number of abbreviations as set out in Tables 1 and 2 below:

Table 1: Abbreviations

Abbreviation	Means
RMA	Resource Management Act 1991
the Council	Upper Hutt City Council
the District Plan	Operative Upper Hutt City District Plan
GWRC	Greater Wellington Regional Council
HBA	Housing and Business Development Capacity Assessment
IPI	Intensification Planning Instrument
ISPP	Intensification Streamlined Planning Process
NES	National Environmental Standard
NES-ETA	National Environmental Standards for Electricity Transmission Activities
NES-F	National Environmental Standards for Freshwater
NPS-FM	National Policy Statement for Freshwater Management 2020
NPS-HPL	National Policy Statement for Highly Productive Land 2022
NPS-UD	National Policy Statement on Urban Development 2020
PNRP	Proposed Natural Resources Plan for the Wellington Region
RMA	Resource Management Act 1991
RPS	Regional Policy Statement for the Wellington Region 2013

Table 2: Abbreviations of Submitter's Names

Abbreviation	Means
GWRC	Greater Wellington Regional Council
Kāinga Ora	Kāinga Ora – Homes and Communities
KiwiRail	KiwiRail Holdings Limited
NZDF	New Zealand Defence Force
Waka Kotahi	Waka Kotahi NZ Transport Agency

4 Introduction

4.1 Purpose

11. This report and Appendices form the Council's evidence on the IPI which seek to provide advice to the Hearings Panel on all submissions, the key matters outstanding, and recommended amendments to the IPI.
12. In accordance with the Panel's Minute 1, the report also provides the Council's view on out-of-scope requests and a summary of what the Council considers are out of scope requests. A general recommendation is also made for the acceptance of all late submissions.
13. This report focuses on the key issues raised on the IPI and does not specifically address each submission point contained in Appendix 1. Reference must be had to Appendix 1 for all specific recommendations on all submission points and further submissions.
14. Due to the scale of the IPI covering multiple zones, many submitters have sought the same or similar relief on multiple occasions across several IPI chapters. Where this occurs, and where the recommended decision on these submission points is the same or similar, the multiple submission points are addressed only once in the report under a relevant provision or chapter. This approach has been adopted to reduce duplication, resulting in a more condensed report. Therefore, reference must be had to Appendix 1 for all specific recommendations on all submission points.
15. The analysis and discussion of matters raised in the submissions is informed by:
 - i independent transport evidence provided by Mr Don Wignall of Transport Futures Limited (NZ);
 - ii independent urban design advice provided by Mr Jos Coolen of Boffa Miskell Limited.
 - iii the section 32 evaluation;
 - iv research and evaluation on planning matters carried out by the author;
 - v the Housing and Business Capacity Assessment (HBA) and the 2022 HBA housing update;
 - vi the relevant higher order statutory planning documents and legal context.
16. This report is provided to assist the Panel in their role as Independent Hearing Commissioners and is based on the author's professional opinion based on their experience as a professional planner and the information provided with the submissions. The Panel may choose to accept or reject any of the conclusions and recommendations of this report and may come to different conclusions and make different recommendations, based on the information and evidence provided to them by persons during the hearing.

5 Author

17. My name is Matthew James Muspratt. I hold a Bachelor of Resource and Environmental Planning (Hons) from Massey University (2003). I have 20 years' experience working as a policy planner and resource consents planner for territorial local authorities in New Zealand and the United Kingdom.
18. My experience has been primarily as a planner within city and district councils; however, my recent experience is as a private planning consultant offering policy and resource consenting services to councils.
19. I am an accredited independent hearings commissioner, having obtained accreditation under the Making Good Decisions Programme in 2017.
20. My experience includes, amongst other matters:
 - a. The preparation of district plan provisions addressing a range of resource management issues including, but not limited to:
 - i. Rezoning of land for residential, industrial, and commercial use and development;
 - ii. The identification and protection of significant indigenous vegetation and significant habitats of indigenous fauna;
 - iii. The identification and protection of historic heritage;
 - iv. Natural hazard planning including flood hazards and earthquake/seismic hazards;
 - v. Structure plans;
 - b. Strategic housing land availability and capacity assessments;
 - c. Environment Court assisted mediation and appeal management.
 - d. The preparation of applications to the Environment Court pursuant to section 86D of the RMA;
 - e. The processing of notified, limited notified and non-notified notices of requirement, subdivision, and land use consents;
21. My planning roles have included but are not limited to the following:
 - a. Principal Policy Planner, and Senior Resource Consents Planner, Kapiti Coast District Council.
 - b. Senior Policy Analyst, Porirua City Council.
 - c. Senior Policy Planner, London Borough of Newham.
22. I have been engaged by Upper Hutt City Council since November 2021 as a consultant planner for the Planning Policy and Resource Consents teams working on the preparation of the IPI and the processing of landuse and subdivision resource consents.
23. My role in preparing this report is that of an expert policy planner.
24. I prepared the section 32 evaluation and the residential component of the IPI that implements the MDRS and gives effect to policies 3 and 4 of the NPS-UD. I reviewed the non-residential component of the IPI and assisted in the preparation of the section 32 evaluation for this component.
25. Although this is an Intensification Streamlined Planning Process, I have read the Code of Conduct for Expert Witnesses contained in the Practice Note issued by the Environment Court December 2014, including the 2022 update to Part 5. I have complied with the Code when preparing my written

statement of evidence and I agree to comply with it when I give any oral or additional written evidence.

26. The scope of my evidence relates to the requirements of incorporating the MDRS into the district plan and giving effect to policies 3 and 4 of the NPS-UD, and all other additional components included in the IPI including related provisions and the proposed rezoning to create the centres and mixed use zones. I confirm that the issues addressed in this statement of evidence are within my area of expertise as an expert policy planner.
27. Any data, information, facts, and assumptions I have considered or made in forming my opinions are set out in the part of the evidence in which I express my opinions. Where I set out opinions in my evidence, I provide reasons for those opinions.
28. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in this report.

6 Supporting Evidence

29. The expert evidence, literature, legal cases, or other material which I have used or relied upon in support of the opinions expressed in this report include:
 - i The RMA including the MDRS within Schedule 3A;
 - ii The NPS-UD including the 2021 amendments made to Policies 3 and 4;
 - iii Independent urban design advice provided by Mr Jos Coolen of Boffa Miskell Limited (Appendix 3).
 - iv Independent transport evidence provided by Mr Don Wignall of Transport Futures Limited (NZ) (Appendix 4);
 - v The HBA and the 2022 HBA Housing update;
 - vi Proposed RPS Change 1 to the Regional Policy Statement for the Wellington Region;
 - vii The submissions and summary of submissions on Proposed RPS Change 1;
 - viii The Council's GIS and ePlan mapping layers;

7 Key Issues in Contention

Nearly all IPI provisions attracted at least one submission, however I consider the key issues in contention addressed in this report are:

1. Matters beyond the scope of an IPI
2. Medium Density Residential Standards
3. High Density Residential Zone (HRZ) - spatial extent
4. High Density Residential Zone – heights/densities and activity status
5. Zoning and provisions for the St Patrick's Estate Precinct
6. Requests for new qualifying matters
7. Requests for retirement village-specific provisions
8. Centres Zones Provisions

9. The use of design guides
10. The Indigenous Biodiversity Precinct
11. Papakāinga
12. Notification Clauses
13. Financial contributions
14. Rezoning Requests

8 Procedural Matters

30. There were five submissions that were lodged with the Council after the closing date for submissions as follows:
 - S65 – Stephen Pattinson;
 - S69 – RACE Inc (Racing at Awapuni and Trentham Combined Enterprises Incorporated);
 - S70 – CBDI Limited and CBD Land Ltd;
 - S71 – The Heretaunga Co Limited and The Heretaunga Co No2 Limited; and
 - S72 - Te Rūnanga o Toa Rangatira Inc Rangitira.
31. Pursuant to section 98(3) of the Act the Panel may decide to accept or reject any late submission. Notwithstanding the late lodgement of these submissions, they have been considered and recommendations have been made on them in the same manner as all other submissions.
32. I have not identified any matters of fairness with respect to other submitters or further submitters should the late submissions be accepted. On this basis I recommend all late submissions be accepted and considered in the same manner as all other submissions.
33. The submission points of these submitters in Appendix 1 are all referenced with the notation (late submission) to enable easy identification in should the Panel decide not to accept the late submissions.
34. There are no other known procedural matters.

8.1 Recommendations

35. I recommend the following late submissions be accepted with respect to allowing them to be considered as part of the IPI – noting that specific recommendation are made on the content of each late submission within Attachment 1:
 - S65 – Stephen Pattinson;
 - S69 – RACE Inc (Racing at Awapuni and Trentham Combined Enterprises Incorporated);
 - S70 – CBDI Limited and CBD Land Ltd;
 - S71 – The Heretaunga Co Limited and The Heretaunga Co No2 Limited; and
 - S72 - Te Rūnanga o Toa Rangatira Inc Rangitira.

9 Statutory Considerations

9.1 Resource Management Act 1991

36. The IPI has been prepared in accordance with the RMA and in particular, the requirements of:
 - Sections 32 and 32AA;
 - Section 74 Matters to be considered by territorial authority;

- Section 75 Contents of district plans;
 - Section 77E with respect to financial contributions;
 - Section 77G with respect to the requirement for the Council to incorporate the MDRS and to give effect to policies 3 and 4 of the NPS-UD;
 - Sections 77I, 77K, 77L, 77O, 77Q, and 77R with respect to qualifying matters;
 - Sections 80E – 80H with respect to the matters that may be included in an IPI; and
 - Schedule 3A
37. As set out in the section 32 evaluation report there are several higher order planning documents and strategic plans that provide direction for the preparation and content of the IPI. Reference should be made to the section 32 evaluation for full details of the statutory considerations underpinning the IPI. Where recommended amendments to the IPI relate to legislation, higher order statutory planning document or plan, this is identified and discussed in the section 32AA evaluation contained in this report and within Appendix 1.
38. Since the notification of the IPI, the National Policy Statement for Highly Productive Land 2022 (NPS-HPL) was gazetted on 19 September 2022 and came into force on 17 October 2022. The IPI does not affect any LUC 1, 2, or 3 rural zoned land. One submission requests the rezoning of rural zoned land to Large Lot Residential Zone (see section 37 -Rezoning Requests). Although I consider that the rezoning request falls beyond the scope of an IPI, the NPS-HPL is identified as a potentially relevant matter in the event the Hearing Panel forms a different view regarding scope.
39. With respect to proposed changes to the Regional Policy Statement for the Wellington Region, Greater Wellington Regional Council publicly notified Proposed RPS Change 1 two working days after the IPI was publicly notified. As signalled in the section 32 evaluation, this report and the specific comments contained in Appendix 1 provides my advice to the Hearings Panel with respect to:
- a. the status of Proposed RPS Change 1;
 - b. the relevance of the proposed RPS change to the IPI in accordance with section 74(2)(a)(i) of the RMA; and
 - c. my recommendations on the submission by Greater Wellington Regional Council which requests that the IPI gives effect to many proposed RPS Change 1 provisions.

9.2 Section 32AA RMA

40. All recommended amendments to provisions since the initial section 32 evaluation was undertaken must be documented in a subsequent section 32AA evaluation. Section 32AA states:

32AA Requirements for undertaking and publishing further evaluations

- 1) *A further evaluation required under this Act—*
 - (a) *is required only for any changes that have been made to, or are proposed for, the proposal since the evaluation report for the proposal was completed (the changes); and*
 - (b) *must be undertaken in accordance with section 32(1) to (4); and*
 - (c) *must, despite paragraph (b) and section 32(1)(c), be undertaken at a level of detail that corresponds to the scale and significance of the changes; and*
 - (d) *must—*
 - (i) *be published in an evaluation report that is made available for public inspection at the same time as the approved proposal (in the case of a national policy statement or a New Zealand coastal policy statement or a national planning standard), or the decision on the proposal, is notified; or*

(ii) *be referred to in the decision-making record in sufficient detail to demonstrate that the further evaluation was undertaken in accordance with this section.*

2) *To avoid doubt, an evaluation report does not have to be prepared if a further evaluation is undertaken in accordance with subsection (1)(d)(ii).*

41. The required section 32AA evaluation for changes proposed as a result of consideration of submissions with respect to the IPI is contained within the assessment of the relief sought in submissions in this report and within Appendix 1 of this report as required by section 32AA(1)(d)(ii) of the Act. These evaluations are contained under the heading 'Section 32AA Evaluation' within relevant sections of this report. In a small number of instances, recommended amendments to the IPI and the accompanying section 32AA evaluation can only be found within Appendix 1.

9.3 Scope

42. Unlike a traditional Schedule 1 RMA plan change, the Panel is able to consider and make recommendations on any matter identified by the Panel or any other person during the hearing, and the recommendations of the Panel are not limited to being within scope of submissions made on the IPI¹.

43. The scope of matters that can be included within an IPI are specified within sections 77G, 80E, and 80G of the RMA. Incorporating the MDRS and giving effect to policies 3 and 4 of the NPS-UD clearly fall under the direction of these sections. However, section 80E(1)(b) also sets out other provisions that may be included in an IPI.

44. The IPI includes financial contribution provisions and papakāinga provisions that are clearly specified under section 80E(1)(b)(i) and (ii), however other provisions are included in the IPI via clause (iii) of this section that enables the IPI to amend or include 'related provisions' that are:

'related provisions, including objectives, policies, rules, standards, and zones, that support or are consequential on—

(A) the MDRS; or

(B) policies 3, 4, and 5 of the NPS-UD, as applicable.'

45. Further to this scope, clause (2) of Section 80E specifies that 'related provisions' under subsection (b)(iii) above includes provisions that related to any of the following, without limitation:

(a) district-wide matters:

(b) earthworks:

(c) fencing:

(d) infrastructure:

(e) qualifying matters identified in accordance with section 77I or 77O:

(f) storm water management (including permeability and hydraulic neutrality):

(g) subdivision of land.'

46. The scope applied in the preparation of the IPI, and during the consideration of the submissions has been carried out in accordance with the author's opinion on the opportunities and limitations provided by sections 80E and 80G of the RMA. It is important to note that the scope provided by clause (2) subsection (b)(iii) of section 80E must still support or be consequential on the MDRS or policies 3 and 4 of the NPS-UD. The section 32 evaluation goes into detail on the notified IPI provisions that are considered to fall under section 80E(1)(b)(i), (ii), (iii), and subsection (2) as *related provisions*.

¹ Clause 99(2), Schedule 1, RMA.

47. The recommendations on submissions in this report and within Appendix 1 address scope matters on all key submission points where it is considered that scope offers an opportunity to grant the specific decision(s) requested - if it is considered by the author to be an appropriate amendment to the IPI. Limitations and potential limitations on the ability of the IPI to include requested amendments are also identified in this report and the recommendations in Appendix 1.
48. It is anticipated a number of submitters may wish to address recommendations in Appendix 1 where scope issues are cited as one of the reasons for a recommendation to reject specific submission points. In these instances, matters of scope will be investigated further and addressed in greater detail the Council's right of reply, with further advice on scope provided to the Panel on all relevant submissions.

9.4 Legal Effect

49. In accordance with section 86BA(1) of the RMA, some of the provisions of the IPI have had legal effect since the date the IPI was publicly notified. In summary this comprises the MDRS density standards that authorise as a permitted activity a residential unit within the General Residential Zone.
50. All IPI provisions that identify existing district plan provisions that have been specifically included in the IPI as existing qualifying matters also continue to apply.
51. In accordance with section 86BA(6), other provisions including (but not limited to) the High Density Residential Zone, the centres and mixed use zones, Precincts 1 and 2, and all rezonings and associated changes to provisions do not have legal effect until the IPI becomes operative.

9.5 Trade Competition

52. Submitter S5 – Bob Anker raises trade competition concerns regarding the centres hierarchy and how it recognises and provides for the role of the City Centre Zone over the other centre zones. This matter is addressed specifically in all relevant submission points of submitter S5. However, in summary, RPS Objective 22 and Policy 30 require the IPI to ensure uses and development in other centres do not undermine the role and function of the Upper Hutt City Centre Zone.
53. This RPS requirement is primarily given effect to via the management of the location and scale of specific non-residential activities - such as retailing outside of the City Centre Zone, and policy direction that requires consideration of the role and function of the City Centre Zone. In these instances, it is important to note a consent path is still provided for activities that breach maximum permitted scale limits - typically a gross floor area limit, or location controls.
54. On this basis, although potential trade competition has been raised as an issue by a submitter, the IPI provisions do not take into account trade competition. Therefore, trade competition is not considered to be a matter the IPI needs to address to any greater detail than that included within the relevant recommendations for submitter S5 contained in Appendix 1.

10 Background to the IPI

55. The IPI is a mandatory plan change to incorporate the Medium Density Residential Standards into all relevant residential zones, and to give effect to policies 3 and 4 of the NPS-UD 2020. There are a number of other components to the IPI that support or are consequential on the MDRS and policies 3 and 4 of the NPS-UD and are included as *related provisions* pursuant to section 80E(1)(b) and (2) of the RMA.
56. Reference should be had to the section 32 evaluation for the background, consultation, and justification of all proposed IPI provisions that have been drafted in accordance with sections 80E and

80G of the RMA. Where appropriate, the discussion within this report justifies recommended amendments with respect to IPI scope.

10.1 Public notification

57. The IPI was publicly notified on 17 August 2022 with the submission period closing 30 September 2022. In addition to the formal public notice, the notification included:
- Writing to all ratepayers in the City, and all other parties required by Schedule 1 to the RMA.
 - Providing a dedicated IPI webpage for all notification documentation, submissions, summary of submissions, and additional information on the process and what the implications are of the IPI.
 - An independent Friend of the Submitter service was provided through the submission periods, and will continue throughout the hearings process.
58. A total of 73 submissions were received, containing some 1031 submission points. Sixteen further submissions were received. There were five late submissions.
59. Notice of the summary of decisions requested by submitters was publicly notified on 23 November 2022 with the further submission period closing on 7 December 2022. Each submission was numbered, and every decision requested was allocated an individual submission point reference number.
60. A total of 16 further submissions were received, with all received within the statutory timeframe.
61. A correction to the summary of submissions for submitter 33: Fuel Companies was publicly notified on 30 November 2022, with the further submission period closing on 14 December 2022.

10.1.1 Withdrawn Submissions

62. At the time of preparing this report there were no original submissions or further submissions withdrawn.

11 Consideration of Submissions and Further Submissions

11.1 Overview

63. There are 73 submissions and 16 further submissions on the IPI. These are sorted into 1031 submission points.

11.1.1 Report Structure

64. Submissions on the IPI raised a number of issues which have been grouped into topics and addressed collectively where possible. This has chiefly been carried out on a chapter-by-chapter and provision-by-provision basis.
65. In accordance with Clause 10(3) of Schedule 1 to the Act, the evaluation of submissions has been carried out on both an issues and provisions-based approach rather than a submission by submission approach.
66. Due to the number of submission points, the evaluation in this report focuses on the key submission points and does not contain specific recommendations on each submission point. Topics and submission points may be grouped or addressed more generally. This approach is consistent with Clause 10(2)(a) of Schedule 1 to the Act. All submission points and further submissions are addressed individually within the submission recommendation table that is appended to this report as Appendix 1.

67. The following evaluation should be read in conjunction with the summaries of submissions and the submissions and further submissions themselves. Where I agree with the relief sought and the rationale for that relief, I have noted my agreement, and my recommendation is provided within the relevant section of the report titled 'Recommended Amendments to IPI'.
68. Where I have undertaken further evaluation of the relief sought in a submission(s), the evaluation and recommendations are set out in the body of this report.
69. I have provided a marked-up version of the IPI with recommended amendments in response to submissions as Appendix 2. All recommended amendments are identified in red text, underlined or struck-through as appropriate. The relevant submission point reference number and submitter name is also noted for each recommended amendment within a comment in the margin to the right of the page. In some instances, amendments are recommended as consequential amendments to submissions, or in response to matters identified by the author.

11.1.2 Format for Consideration of Submissions

70. For each identified topic, the consideration of submissions has been undertaken in the following format:
- Matters raised by submitters;
 - Assessment;
 - Recommendations;
 - Recommended Amendments to IPI; and
 - Section 32AA evaluation.
71. The recommended amendments to the IPI are set out in Appendix 2 where all text changes are shown in a consolidated manner.
72. I have undertaken a section 32AA evaluation in respect to the recommended amendments in my assessment, which can be found within this report and within the recommendations on all relevant submission points and, in some instances, within Appendix 1.
73. All recommendations on further submissions reflect the recommendation on the relevant primary submission. Although I have considered all further submissions with respect to each submission, I do not generally report on them individually or identify all relevant further submissions in this report. Please see Appendix 1 for all specific recommendations on all submissions and further submissions.

12 Submissions that are: (A) Beyond Scope; (B) Contrary to s.77G of the RMA; (C). Not Seeking any Specific Amendments

74. The limitations on the IPI and the ISPP are specified in sections 80G and 80E of the Act. These sections of the Act restrict what the IPI and the ISPP can be used for.
75. Section 77G sets out the Council's duty to incorporate the MDRS and give effect to Policy 3 in residential zones.
76. Section 80G states:

80G Limitations on IPIs and ISPP

IPIs

(1) A specified territorial authority must not do any of the following:

(a) notify more than 1 IPI:

(b) use the IPI for any purpose other than the uses specified in section 80E:

(c) *withdraw the IPI.*

ISPP

(2) *A local authority must not use the ISPP except as permitted under section 80F(3).*

77. The Council has notified only one IPI. The IPI has not been used for any other purpose other than the uses specified in section 80E of the Act. Neither the IPI itself nor any specific provisions have been withdrawn.
78. The scope of an IPI under section 80E of the RMA is outlined in section 9 of this report above.
79. Section 77G states:

77G Duty of specified territorial authorities to incorporate MDRS and give effect to policy 3 or 5 in residential zones

- (1) *Every relevant residential zone of a specified territorial authority must have the MDRS incorporated into that zone.*
- (2) *Every residential zone in an urban environment of a specified territorial authority must give effect to policy 3 or policy 5, as the case requires, in that zone.*
- (3) *When changing its district plan for the first time to incorporate the MDRS and to give effect to policy 3 or policy 5, as the case requires, and to meet its obligations in [section 80F](#), a specified territorial authority must use an IPI and the ISPP.*
- (4) *In carrying out its functions under this section, a specified territorial authority may create new residential zones or amend existing residential zones.*
- (5) *A specified territorial authority—*
- (a) *must include the objectives and policies set out in [clause 6](#) of Schedule 3A:*
- (b) *may include objectives and policies in addition to those set out in [clause 6](#) of Schedule 3A, to—*
- i *provide for matters of discretion to support the MDRS; and*
- ii *link to the incorporated density standards to reflect how the territorial authority has chosen to modify the MDRS in accordance with [section 77H](#).*
- (6) *A specified territorial authority may make the requirements set out in [Schedule 3A](#) or policy 3 less enabling of development than provided for in that schedule or by policy 3, if authorised to do so under [section 77I](#).*
- (7) *To avoid doubt, existing provisions in a district plan that allow the same or a greater level of development than the MDRS do not need to be amended or removed from the district plan.*
- (8) *The requirement in subsection (1) to incorporate the MDRS into a relevant residential zone applies irrespective of any inconsistent objective or policy in a regional policy statement.*

12.1.1 Matters raised by submitters

80. A number of submissions have requested decisions that fall into one of the following categories:
- Requested decisions that fall beyond the scope of an IPI under sections 80G and 80E of the RMA;
 - Requested amendments to the IPI that are contrary to the Council's duty to notify an IPI in accordance with section 77G of the RMA (to incorporate the MDRS and give effect to policy 3 of the NPS-UD);
 - Submissions that do not seek any specific decisions or amendments to the IPI; or
 - Submissions that seek the Council takes other actions.

81. These submissions have been grouped into the same broad category in Appendix 1 titled *General Matters and Scope of IPI*. Appendix 1 includes specific recommendations and reasons are provided for each submission point.
82. More specific examples of submissions in this category are submissions that seek:
- That the Council does not progress the IPI;
 - General opposition to intensification;
 - That the Council carries out more consultation on an appropriate approach towards intensification in the City;
 - That the MDRS and greater heights and densities of urban form are not provided within specific residential areas on the grounds of existing amenity and character;
 - That the IPI achieves the purpose of the RMA;
 - That additional standards be included such as requiring at least 50% landscaping comprised of indigenous vegetation;
 - That the Council meets with Central Government officials to discuss the issues, risks and opportunities presented by the IPI;
 - The removal or amendments of provisions that are not related to the IPI – such as changing the activity status of rules that manage places of assembly within residential zones;
 - That unspecified consequential relief is provided to give effect to matters raised in submissions;
 - That the requirements of NPS-UD Policy 3 to provide for greater heights and densities within walkable catchments of the City Centre Zone and rapid transit stops is either not given effect to, or is significantly reduced in spatial extent;
 - That the IPI makes amendments to the activity status of rules within the Natural Hazards chapter;
 - That the Council takes the same approach as that taken by Christchurch City Council – i.e., that the Council refuses to progress the IPI;
 - That development in specific areas is ceased (such as development in the Pinehaven Hills (Guilford/ Southern Growth Area) area is stopped due to flooding and erosion hazards;
 - That amendments are made to signage provisions;
 - That a retirement village-specific set of provisions is incorporated into all zones under the IPI;
 - That the IPI includes more in depth provisions for climate resilience and adaptation to climate change.

12.1.2 Assessment

Matters that Would Be Contrary to the Requirements of Section 77G of the RMA

83. Regarding submission points that seek the Council does not progress the IPI, I note the Council has a duty to progress the plan change under section 77G of the RMA. As a Tier 1 Urban Environment², the

² As specified by the appendix to the National Policy Statement on Urban Development 2020, Appendix: Tier 1 and tier 2 urban environments and local authorities: [National Policy Statement on Urban Development 2020 \(environment.govt.nz\)](https://www.environment.govt.nz/national-policy-statement-on-urban-development-2020)

Council does not have a lawful option to not progress the IPI. This includes incorporating the MDRS into all relevant residential zones³, and giving effect to the heights and densities of urban form requirements of NPS-UD Policy 3⁴.

84. Key submissions that seek the Council takes actions that would be contrary to the Council's duty under section 77G of the RMA include:

Submission	Decision Requested
S9.1 - Sarah Loveridge	Oppose Intensification Planning Instrument.
S10.1 - Jonathan Singh	Reject this proposal.
S11.1 - Russell Browning	Include in scope of the planning instrument, regard for all aspects of population growth not just property, which includes all aspects of living.
S13.1 - Murray Cope	No to multi story dwellings in existing residential areas.
S15.1 - Debbie Hawinkels	To seek further public consultation as well as other urban planning ideas to retain Upper Hutt and its character - not just mass urban precincts.
S17.1 - Adam Ricketts	Resist and delay the government directives for as long as possible. The government is powerless without the councils. If all councils refused, the government would have to abort this lunacy.
S22.1 - Stephen Bell	Reject these changes and develop an intensification profile more in keeping with our current character; ensuring effective managing of our water supply, stormwater, wastewater; controlling noise; providing adequate residential parking and maintaining the current character of existing Upper Hutt suburbs.
S25.1 - Anthony and Kaye Swanson	Common sense and recognition of the current ratepayer's equity in their properties in addition to recognising the character of the area. Services, especially emergency would be compromised.
S26.1 - Marian and Dennis Cole	Seek greater clarity in the document and the need to consult with neighbours and others immediately effected in all high density developments.
S30.1 - Kim Gutclag and Patrick Waddington	Every application to build dwellings of more than two storeys must be carefully scrutinised by the Council and permitted only where certain standard criteria can be met. Its Intensification Planning Instrument has clearly had regard for some of these, but perhaps not all. For any proposed new housing block of three storeys or more to be acceptable anywhere in the city, it must be demonstrated that: (see Appendix 1 and submission for details).
S31.1 - Julie Cowan	These new rules need to be carefully reviewed for the sake of Upper Hutt and the Environment! My decision would be to oppose (housing of at least 6 storeys within walking distance of trains and the CBD, three storeys in residential zones, no maximum height in city centre and developers to pay for infrastructure). More restrictions and resource consents should be required to protect our people and especially our environment.
S34.4 - Mary Beth Taylor	Landscaping to include at least 50% indigenous vegetation. (Assumed to be referring to MDRS Landscaping standard).
S38.1 - Rowena Simpkins	I want this blanket housing intensification opposed.
S45.1 - Beatrice Serrao	No at a such large high density area (High Density Residential Zone). No Upper Hutt will turn into a Bronx. The high density area is excessively large. 6 storeys high buildings are going to be such an eye sore. Build your skyscrapers near the city centre.
S59.1 - Kevin von Keisenberg	More consultation and information are required.
S60.1 - John A Sutton	Adopt the same, sensible level of courage and democratic resolve displayed by the Christchurch City Council's Mayor and Councillors and join them in formally objecting to the imposition of the NPS-UD levels of intensification and convey this to the Minister for the Environment.

³ RMA, section 77G(1).

⁴ RMA, section 77G(2).

Submission	Decision Requested
S60.2 - John A Sutton	Tell the Minister for the Environment that the unplanned wholesale haphazard intensification of Upper Hutt under the NPS-UD will destroy Upper Hutt's current well-functioning urban environment, not create one as is required under NPS-UD and that this level of intensification gives no weight whatsoever to liveability or amenity and is unacceptable to Upper Hutt City Council.
S60.3 - John A Sutton	Be prepared to risk being bullied by a government that uses the instrument of the NPS-UD to shackle you into haphazard and socially unacceptable levels of residential intensity, that are simply not necessary for Upper Hutt.
S60.4 - John A Sutton	Develop an Intensification Plan to submit to government (and residents!) that is not driven by flawed population growth projections, nor driven by haphazard intensification, nor driven by the lunacy of the current NPS-UD.
S66.1 - Janice Carey	No shadowing of homes. Please make sure you choose wisely. There are many obvious suitable locations to build high buildings, CBD, near railway lines, spaces next to green areas, river area, industrial areas. Very high buildings could be built along the base on the eastern hills from Rifle Range, north past CBD and further casting no shadows on homes. Keep us warm and healthy, not depressed.
S67.1 - Anthony Carey	The council revisit the proposed IPI and reject any high residential building if they encroach and shadow other properties where people live. Provision to be made that buildings must have off-street parking as an example, the complex in Lower Hutt, High Street at Taita has shown with angle parking out on road, would be impossible on the likes of Fergusson Drive, etc.
S68.1 - Louise Cleghorn	Retain current regulations to ensure no houses affect each other's light.
S68.3 - Louise Cleghorn	Seek that no subdivision is below 350sqm per section unless this in in the CBD.
S72.31 - Te Rūnanga o Toa Rangatira Inc (late submission)	We are concerned that the urgency of giving effect to the IPI create unintended consequences which is not necessarily backed by evidence and analysis; this will be exacerbated by the fact that the fast-track process will remove further appeal rights. Our experience evaluating these changes in the District Plans showed that the NPS-UD requirements did not pass rigorous analytical tests and critical thinking. They lack serious assessment of regulatory impacts.
S73.1 - Jacqui Hargreaves	We should be standing up to the government and say no this is not happening.

85. Some of the submissions grouped under this heading could be considered to be indirectly requesting the consideration of new qualifying matters for specific areas, or all residential areas in general. However, I have not considered them in this way as the submissions generally seek the complete exclusion of specific residential areas or all residential areas from the application of the MDRS or the heights and density requirements of NPS-UD Policy 3.
86. I note section 77I of the RMA specifies the available grounds for reducing the building height or density requirements in residential zones – to the extent necessary to accommodate one or more of the listed qualifying matters. This requires a specific approach to the justification of applying a qualifying matter. I consider that the application of section 77I is unlikely to result in the complete exclusion of residential areas from all the MDRS density standards or the heights and densities required by NPS-UD policy 3.
87. As the relevant submissions seek a general exclusion to intensification enabled under the IPI, I consider they do not provide grounds for the consideration of any new qualifying matters. Therefore, I have considered them to be submissions that seek decisions that would be contrary to the requirements of section 77G of the RMA. Examples of submissions include:

Submission	Decision Requested
S6.1 - Darren Walton	Please reinstate the Conservation Precinct in the small but significant areas in which they previously applied and give a proper account for the

	rules of Intensification Planning regarding the character, heritage, special status, and ecological significance of those areas.
S7.1 - Jo Coffee	More tree protection in Trentham. General residential zone at entrance to Upper Hutt on river side of Fergusson Drive not just orange on some map. Limit to height of high rises in main city. It is not Wellington city it is a small city.
S24.1 - Graham Bellamy	Lower limit on housing intensification i.e., 2 storey max on residential housing.
S34.1 - Mary Beth Taylor	Add additional and stronger environmental protections and enhancements in the Plan Change, research limits to growth for Upper Hutt, move ahead to enable urban intensification particularly along the existing main transport corridors.
S47.1 - Julie Cameron	I seek that any new building of high density only be allowed within the city centre (Main St area) of Upper Hutt, not within family suburbs. No existing families should be "cramped" within their own home with sunlight affected, leading to unhealthy homes, leading to many leaving Upper Hutt. Don't let the proposed plan change affect the clean, green, Upper Hutt that families chose for more space, sun, and the suburbs.
S61.1 - Pru Keisenberg	Cease the development of the Pinehaven Hills (Guilford). The potential for flooding and erosion is vast. The infrastructure cannot support this development.
S65.3 - Stephen Pattinson (late submission)	Reverse Council's support for the Southern Growth Area (Guildford) and do not intensively develop the Silverstream and Pinehaven hills or make them "urban". Rather, preserve and protect the Silverstream and Pinehaven greenbelt hills in the Southern Hills Overlay to protect the high visual, ecological and landscape values of these hills.

88. I recommend all submissions that seek decisions that would be contrary to the Council's duty to progress the IPI under section 77G of the RMA be rejected, on the basis the Council is required to give effect to the requirements of section 77G by notifying the IPI within the timeframe specified under section 80F(1) of the RMA.
89. I recommend all submissions that seek decisions that would require the application of new qualifying matters to provide a general exclusion to the intensification requirements of the MDRS and policy 3 of the NPS-UD be rejected, on the basis that section 77I of the RMA does not provide a justification for the complete exclusion of all the MDRS as a qualifying matter.

Matters Beyond the Scope of an IPI

90. In my opinion, the submissions that seek alternative actions or decisions from the Council do not fall under the limitations of Section 77G with respect to the Council's duty to progress the IPI, or sections 80E and 80G with respect to the matters that can be included in an IPI.
91. There are also a number of submissions that do not seek any specific decision that could be accepted or accepted in part. Relevant submissions include:

Submission	Decision Requested
S1.1 - Keith Bennett	That Upper Hutt rate payers are rightfully involved in these fundamental district planning changes that will dramatically change Upper Hutt forever.
S2.3 - Silvia Purdie	Dedicate land for community gardens and urban farming.
S2.4 - Silvia Purdie	Support community initiatives to develop gardens and food production in the city.
S3.1 - Hayley Downing	To think of other people and not a flash in the pan rule change.

S11.1 - Russell Browning	Include in scope of the planning instrument, regard for all aspects of population growth not just property, which includes all aspects of living.
S18.1 - Teresa Homan	I request either advocating a repeal of the RMA legislation to central government. Or an expanded district plan that takes into account the unnecessary concentration of intensified housing near rail.
S21.1 - Lorraine Pells	Our local authority needs to better represent the rate payers and residents. There are areas of the country that will not slavishly allow the lives of the local residents to be damaged from unsuitable development and inappropriate development. I believe Christchurch is looking closely at this. I want our local representatives to look after our quality of life better and moderate this so that it enhances our lives and doesn't make living in the Valley a lowered compromise of quality and environment for all.
S28.1 - Ara Poutama Aotearoa – Department of Corrections	Seeks that intensive residential development is not enabled adjacent to Rimutaka Prison.
S32.1 - Z Energy Limited; and S33.1 - Fuel Companies	<ol style="list-style-type: none"> 1. Achieve the following: <ol style="list-style-type: none"> (a) The purpose and principles of the RMA consistency with the relevant provisions in Sections 6 - 8; (b) Give effect to the Wellington Regional Policy Statement; (c) Assist the Council to carry out its functions under Section 31 of the RMA; (d) Meet the requirements of the statutory tests in section 32 of the RMA; (e) Avoid, remedy or mitigate any relevant and identified environmental effects. 2. Make any alternative or consequential relief as required to give effect to this submission; and any other relief required to give effect to the issues raised in this submission.
S36.1 - Summerset Group Holdings	Summerset supports the inclusion of changes that are provided by the MDRS provision of the Enabling Housing Supply Act. Summerset requests the Council engages constructively with the Retirement Villages Association in relation to Council's IPI.
S39.1 - Design Network Architecture Limited	We are seeking clarification of these standards, as per the attached document (see submission for details).
S42.1 - Jaap Knegtmans	To meet with Upper Hutt residents and the relevant Central Government officials in person (particularly those within the high density boundaries identified) and dialogue with them to discuss the associated issues, risks and opportunities.
S44.1 - Jonathan Board	Remove the Southern Growth Area from consideration.
S51.4 - Ministry of Education	Rule GRZ-R19 Places of assembly (including places of worship, educational facilities) are by default Discretionary activities.
S52.9 - Oyster Management Limited	In addition to the specific relief sought, Oyster seeks such additional or consequential relief to give effect to the matters raised in this submission.
S55.1 - Duncan Stuart	Remove the Southern Growth Area from future growth planning.
S58.34 - Kāinga Ora: Homes and Communities	Amend rule NH-R7 to replace reference to 'residential accommodation' with 'residential activities'.
S58.35 - Kāinga Ora: Homes and Communities	Remove NH-S6 from a Restricted Discretionary Activity and include as a standard for a Permitted Activity.'
S58.36 - Kāinga Ora: Homes and Communities	Remove NH-S7 from a Restricted Discretionary Activity and include as a standard for a Permitted Activity.'
S64.13 - Retirement Villages Association of New Zealand	Amend SIGN-R3 and SIGN-S2 and other related standards to provide for two signs of up to 3m2 per site as a permitted activity for retirement villages.

S64.140 - Retirement Villages Association of New Zealand	Seek that the IPI is amended to provide a retirement-village specific framework as follows: <ul style="list-style-type: none"> The relief sought in relation to specific provisions to make sure that they are workable for retirement villages including: Any alternative or consequential relief to address the matters addressed in this submission.
S68.2 - Louise Cleghorn	Seek higher provision for road repairs.
S68.4 - Louise Cleghorn	Seek provision for local medical centres, housing provided for doctors as needed and centres made available. Appropriate provision for other infrastructure e.g., shops / schools / additional visitor parking / roading.
S72.20 - Te Rūnanga o Toa Rangatira Inc (late submission)	Whole Plan - Include more in depth provisions for climate resilience and adaptation to climate change.
S72.23 - Te Rūnanga o Toa Rangatira Inc (late submission)	Renewable Energy Generation Whole Chapter - Inclusion of an objective or policy for renewable energy generation to enable mitigation and adaption to climate change.
S72.32 - Te Rūnanga o Toa Rangatira Inc (late submission)	'Further pre-notification requirements concerning iwi authorities' requires that iwi and Mana Whenua are given reasonable, adequate time, and opportunity to comment, consider the draft proposals and are able to give advice on the Plan Change Variations. The speed in which Council is forced to undertake IPI changes in order to comply with central government deadlines means that iwi have not been provided with reasonable and adequate time required by the legislation.

92. Regarding submission points S58.35, and 58.36 - Kāinga Ora: Homes and Communities, which request amendments to existing natural hazard provisions that manage building within flood hazard areas, I note the requested relief could fall under section 80E(2)(a) and (e) as a district-wide matter, and a qualifying matter. Whilst I agree addressing natural hazards is an important resource management issue that may have significant implications on the location and form of development, in my opinion, addressing natural hazards is best achieved via a comprehensive non-IPI plan change process to enable the full preparation and testing of the evidence base, and to enable the full participation of the community, directly affected property owners, mana whenua, and all other interested stakeholders. Attempting to include new natural hazard provisions via a submission on the IPI does not provide for these processes, and I consider that the Council is not in a technical position to consider granting the requested amendments.
93. Regarding submission points S32.1 - Z Energy Limited, and S33.1 - Fuel Companies, these submission points are recommended to be accepted in part on the basis they request that the IPI meets all relevant statutory requirements. However, the unspecified consequential relief is recommended to be rejected.
94. For the remainder of the submission points, I have been unable to identify any justification under sections 77G, 80G and 80E of the Act that would enable me to recommend accepting or accepting in part any of the decisions requested by these submissions.
95. I recommend these submissions be rejected as I consider that no reasonable amendments could be made to the IPI to accommodate the requested decisions, or it is unclear what the specific requested decisions are. Relevant submitters may wish to provide more information during the hearing to enable the consideration of specific amendments.

12.1.3 Recommendations

- I recommend for the reasons given in the assessment above, and for the specific reasons provided in Appendix 1, that the following submissions be rejected:

- S1.1 - Keith Bennett
- S2.3 - Silvia Purdie
- S2.4 - Silvia Purdie
- S3.1 - Hayley Downing
- S6.1 - Darren Walton
- S7.1 - Jo Coffee
- S9.1 - Sarah Loveridge
- S10.1 - Jonathan Singh
- S11.1 - Russell Browning
- S13.1 - Murray Cope
- S15.1 - Debbie Hawinkels
- S17.1 - Adam Ricketts
- S18.1 - Teresa Homan
- S21.1 - Lorraine Pells
- S22.1 - Stephen Bell
- S24.1 - Graham Bellamy
- S25.1 - Anthony and Kaye Swanson
- S26.1 - Marian and Dennis Cole
- S28.1 - Ara Poutama Aotearoa – Department of Corrections
- S30.1 - Kim Gutchlag and Patrick Waddington
- S31.1 - Julie Cowan
- S34.1 - Mary Beth Taylor
- S34.4 - Mary Beth Taylor
- S36.1 - Summerset Group Holdings
- S38.1 - Rowena Simpkins
- S39.1 - Design Network Architecture Limited
- S42.1 - Jaap Knechtmans
- S44.1 - Jonathan Board
- S45.1 - Beatrice Serrao
- S47.1 - Julie Cameron
- S51.4 - Ministry of Education
- S52.9 - Oyster Management Limited
- S55.1 - Duncan Stuart
- S58.34 - Kāinga Ora: Homes and Communities
- S58.35 - Kāinga Ora: Homes and Communities
- S58.36 - Kāinga Ora: Homes and Communities
- S59.1 - Kevin von Keisenberg
- S60.1 - John A Sutton
- S60.2 - John A Sutton
- S60.3 - John A Sutton
- S60.4 - John A Sutton
- S61.1 - Pru Keisenberg
- S64.13 - Retirement Villages Association of New Zealand
- S64.140 - Retirement Villages Association of New Zealand
- S65.3 - Stephen Pattinson (late submission)
- S66.1 - Janice Carey
- S67.1 - Anthony Carey
- S68.1 - Louise Cleghorn
- S68.2 - Louise Cleghorn
- S68.3 - Louise Cleghorn
- S68.4 - Louise Cleghorn
- S72.20 - Te Rūnanga o Toa Rangatira Inc (late submission)
- S72.23 – Te Rūnanga o Toa Rangatira Inc (late submission)
- S72.31 - Te Rūnanga o Toa Rangatira Inc (late submission)
- S72.32 - Te Rūnanga o Toa Rangatira Inc (late submission)
- S73.1 - Jacqui Hargreaves

2. I recommend for the reasons given in the assessment above, and for the specific reasons provided in Appendix 1, that the following submissions be accepted in part:

- S32.1 - Z Energy Limited, and
- S33.1 - Fuel Companies.

3. My recommendations in relation to further submissions reflect the recommendations on the primary submissions as set out in Appendix 1.

13 General IPI Matters

96. This section addresses submissions that request amendments to the IPI to address general matters. The topics and relevant submitters can be summarised as:

- S27 – Transpower New Zealand Limited: Giving effect to the National Policy Statement on Electricity Transmission 2008 (NPS-ET);
 - S33 – Fuel Companies: Addressing potential reverse sensitivity effects on existing non-residential activities;
 - S41 – Greater Wellington Regional Council: Giving effect to the Operative RPS, and giving effect to a proposed change to the RPS – Proposed RPS Change 1 to the Regional Policy Statement for the Wellington Region;
 - S37 – Kimberly Vermaey: A range of amendments including new matters of discretion, amendments to the HRZ provisions, new fencing standards, vegetation protection, and provisions to address wind effects;
 - S41 – Greater Wellington Regional Council: Provisions to implement the recommendations directed at territorial authorities in the Te Whaitua te Whanganui-a-Tara Implementation Programme and Te Mahere Wai o Te Kāhui Taiao;
 - S56 - Fire and Emergency New Zealand: Amendments to enable an effective emergency response and to provide for the health and safety of people and communities – including firefighting access, parking, and manoeuvring requirements;
 - S64 - Retirement Villages Association of New Zealand: Specific provisions for retirement villages; and
 - S72 – Te Rūnanga o Toa Rangatira Inc: Amendments to include matters of significance to Māori and matters recognising mana whenua values.
97. As this list of topics is the result of 8 submitters whose requested decisions include multiple IPI chapters, the analysis below is arranged by submitter, with sub-topics under each submitter for specific requested decisions.
98. Note there are other submissions that are not specifically addressed in this report that request general IPI amendments. As the requested decisions of these submitters apply to multiple chapters, they are addressed specifically in other parts of this report. See Appendix 1 for all relevant submissions not addressed in this report.

13.1 Submitter 27 – Transpower New Zealand Limited

13.1.1 Giving effect to the National Policy Statement on Electricity Transmission 2008 (NPS-ET);

13.1.2 Matters raised by submitter

99. Submission S27.1, S27.2, and S27.4 – Transpower seek that the IPI revises the electricity corridor provisions to reflect Transpower’s current, nationally consistent, engineering based approach to managing effects on the National Grid and giving effect to the NPS-ET, and amendments to ensure the IPI provisions do not compromise the National Grid.
100. The submitter considers that the operative District Plan provisions do not reflect the current policy and rule approach promulgated by Transpower. The submitter notes that The Council's Plan Change 32, which was to give effect to the NPS-ET, was made operative in 2012. Transpower now seeks the revision of the corridor provisions to reflect Transpower’s current, nationally consistent, engineering-based approach to managing effects on the National Grid and giving effect to the NPS-ET.

101. Submission S27.1 is opposed by FS8 – Kāinga Ora: Homes and Communities, on the grounds the further submitter opposes such changes being undertaken within the IPI process.

13.1.3 Discussion

102. The Operative District Plan includes provisions that give effect to the requirements of the NPS-ET. The IPI proposes the retention of the applicability of these provisions as an existing qualifying matter for residential and non-residential development enabled by the IPI.
103. Plan Change 32 gave effect to the requirements of the NPS-ET and was made operative in 2012. The plan change provisions implemented Transpower's Corridor Management Policy, and were prepared in consultation with Transpower using the guidance published by the Ministry for the Environment.
104. Council records for Plan Change 32 show all decisions requested by Transpower (other than those that requested the addition of advice notes regarding the Electricity (Hazards from Trees) Regulations 2003) were accepted by the Council.
105. On 18 July 2012, prior to the hearing for Plan Change 32 Transpower formally advised the Council that:
- Transpower supports the proposed amendments to the District Plan and the recommended responses to our submission that were attached to the email. On this basis we hereby withdraw our request to be heard in support of our submission.*
106. No amendments have been made to the Plan Change 32 provisions since they were made operative, and I have been unable to identify any amendments to the NPS-ET since it came into force in 2008. On this basis I consider the District Plan still gives effect to the NPS-ET as required by section 75(3)(a) of the RMA. However, it is evident from the submission that Transpower's preferred provisions have changed since the plan change was made operative.
107. I note the submission points to Proposed RPS Change 1 provisions, specifically policies 7, 39, and 55. Upper Hutt City Council made a submission, and is yet to be heard during a hearing on these provisions as follows:
- Policy 7 – Support in part, but seek amendments to reflect that there is no legislative support for 'having particular regard' for low and zero carbon regionally significant infrastructure;
 - Policy 55 – Oppose, the Council seeks the policy be clarified that it only applies to urban development outside of existing urban areas.
 - Policy 39 – No submission point by Upper Hutt City Council identified.
108. In reviewing Proposed RPS Change 1 provisions I note Transpower is seeking amendments to policies 7 and 39 of Proposed RPS Change 1 provisions - seeking greater recognition of the importance of the electricity transmission network and regionally significant infrastructure (Proposed RPS Change 1 submission points S10.004, and S10.006⁵).
109. I note there is no requirement to give effect to a proposed change to a regional policy statement under section 75(3) the RMA. I provide more detailed advice and reasoning on this matter when discussing the requested amendments sought by submitter S41 – Greater Wellington Regional Council below. In short, I do not advise making any amendments to the IPI in response to any Proposed RPS Change 1

⁵ GWRC Proposed RPS Change 1 submissions page: <https://www.gw.govt.nz/your-region/plans-policies-and-bylaws/updating-our-regional-policy-statement-and-natural-resources-plan/regional-policy-statement-change-1/rps-pc-1-submissions/>

provisions due to the uncertainty regarding their final form, and the fact Upper Hutt City Council is seeking changes to many provisions of Proposed RPS Change 1 via a submission.

110. I have considered the submission in detail, and I have not identified any specific issues raised with respect to the implementation of the existing provisions that give effect to the NPS-ET in Upper Hutt. To support this, I note the submission states:

the operative District Plan provisions do not reflect the current policy and rule approach promulgated by Transpower. Transpower would support revision of the National Grid corridor provisions to reflect Transpower's current, nationally consistent, engineering-based approach to managing effects on the National Grid and giving effect to the NPS-ET.

111. Based on the above, I consider that a general review of how the District Plan gives effect to the NPS-ET would be most appropriately addressed via a non-IPI Schedule 1 plan change process to ensure all directly affected property owners have an opportunity to consider and comment on any proposed changes to reflect Transpower's current preferred approach to managing effects on the National Grid. This approach would also enable submitters to seek redress via the appeals process should they be unsatisfied with decisions on submissions. I therefore recommended submission S27.1 be rejected.
112. Notwithstanding my recommendation to reject submission S27.1, I have made a number of specific recommendations to accept or accept in part other more specific submission points raised by S27 – Transpower to address references to qualifying matters in the IPI. These specific amendments are addressed under their own submission point reference numbers elsewhere in this report. I therefore recommend submission points S27.2 and S237.4 be accepted in part.

13.1.4 Recommendations

1. I recommend submission S27.1 – Transpower New Zealand Ltd be rejected.
2. I recommend submissions S27.2, and S27.4 – Transpower New Zealand Ltd be accepted in part.
3. I recommend the further submission of FS8 – Kāinga Ora: Homes and Communities be accepted.

13.2 Submitter 33 – Fuel Companies

13.2.1 Addressing potential reverse sensitivity effects on existing non-residential activities

13.2.2 Matters raised by submitter

113. Submissions S33.07 and S33.8 request the IPI be amended to ensure that reverse sensitivity effects on existing lawfully established non-residential activities are minimised. Submission S33.8 requests the IPI be amended to include a new policy as follows:

New residential development should be designed to minimise reverse sensitivity effects on existing non-residential activities.

114. Submissions S33.7 and 33.8 are opposed by FS8 – Kāinga Ora: Homes and Communities, and supported by FS13 – New Zealand Defence Force. The submissions are also opposed by FS4 – Greater Wellington Regional Council, however it appears the further submission appears to have been incorrectly assigned by the further submitter as I have not identified any technical connection between the submissions and the further submission.

13.2.3 Discussion

115. All restricted discretionary rules for residential units within the centres zones and the Mixed Use Zone include as a matter of discretion the consideration of reverse sensitivity effects on the continued operation of non-residential activities.
116. This is primarily achieved via noise and ventilation provisions for all residential units within the centres and mixed use zones, and requiring that residential units be located above ground-level - thus mitigating the potential for reverse sensitivity effects.
117. I do not consider it necessary to add a specific reverse sensitivity policy to the IPI, as I consider it would be more effective to add the consideration of reverse sensitivity effects to relevant standards and matters of discretion to guide decision makers during the consideration of a resource consent application in residential zones. I make recommendations in response to other more specific submissions to add reverse sensitivity effects to specific provisions elsewhere in this report and within Appendix 1.
118. I therefore recommend submissions S33.7 and 33.8 be rejected, but highlight that other recommendations are made in response to other submissions that may address the submitter's concerns.

13.2.4 Recommendations

1. I recommend submissions S33.7 and S33.8 – Fuel Companies be rejected.
2. My recommendations in relation to the relevant further submissions reflect the recommendations on the primary submissions as set out in Appendix 1.

13.3 Submitter 41 – Greater Wellington Regional Council (GWRC)

13.3.1 Matters raised by submitter

119. Submitter 41 – Greater Wellington Regional Council makes multiple requests for the IPI:
- to be amended to give effect to Proposed RPS Change 1 to the Regional Policy Statement for the Wellington Region;
 - to be amended to give effect to the National Policy Statement for Freshwater Management 2020 (NPS-FM);
 - give effect to the operative RPS; and
 - to implement the recommendations directed at territorial authorities in the Te Whaitua te Whanganui-a-Tara Implementation Programme and Te Mahere Wai o Te Kāhui Taiao.

13.3.2 Proposed RPS Change 1 and Operative RPS

120. The following GWRC submission points request that the IPI is amended to give effect to either Proposed Change 1 to the RPS, or the NPS-FM:

Submission No.	Decision requested
S41.1	That the IPI aligns with the direction and intent of regulatory policies that apply to district plans where necessary.
S41.3	Include objectives, policies, and methods (including rules) to give effect to RPS Objective 12, NPS-FM section 3.5(4), have regard to Proposed RPS Change 1 Policy FW.3 and implement Te Mahere Wai and the Te Whanganui a Tara Whaitua Implementation Programme.

<p>S41.4</p> <p>Opposed by: FS3 – Bob Anker</p>	<p>Incorporate the following provisions (or amendments to existing provisions) across the District Plan:</p> <p>(a) Include a strategic direction objective and/or policies to provide direction regarding ki uta ki tai, partnering with mana whenua, upholding Māori data sovereignty, and making decision with the best available information including Mātauranga Māori.</p> <p>(b) Include a strategic direction objective and / or policy to require regard is had to equity and inclusiveness issues in decision making.</p>
<p>S41.5</p> <p>Opposed by: FS14 – Retirement Villages Association of New Zealand Inc.</p> <p>FS15 – Ryman Healthcare Limited</p>	<p>Incorporate the following provisions (or amendments to existing provisions) across the District Plan:</p> <p>(a) Include a strategic level objective and policy that recognises mana whenua / tangata whenua and their ability to exercise rangatiratanga / kaitiakitanga and their relationship to their ancestral lands, water, sites, wahi tapu and taonga (Proposed RPS Change 1 Policy FW.3(c)).</p> <p>(b) A policy to recognise, protect and enhance the Māori freshwater values. Amendments to matters of control or discretion where required to enable considerations of the policy.</p> <p>(c) In relevant policies and rules, for example indigenous vegetation clearance and earthworks, include as a matter of control or discretion, the adverse effects on mahinga kai, other customary uses and access for these activities (Proposed RPS Change 1 Policy FW.3(b)).</p> <p>(d) Include a strategic objective and supporting policies to achieve management of the natural resources of the district or city in an integrated manner, recognising ki uta ki kai and the interrelationships between land, freshwater, the coast (Proposed RPS Change 1 Policy FW.3(e)).</p> <p>(e) Amend or include new controlled and restricted discretionary activity rules and include appropriate policy direction to manage any actual or potential effects of land use, development or subdivision and the effects of surface water activities on water quality (Proposed RPS Change 1 Policy FW.3(e)).</p> <p>(f) Include a policy that requires the use, development, and subdivision of land to consider effects on the harbour, rivers, lakes, wetlands, springs and riparian margins, including any relevant water quality attribute targets in a regional plan, ecosystem values and drinking water sources (Proposed RPS Change 1 Policy FW.3(h), (k), (l), (p) and (q)).</p> <p>(g) Include a policy and amend relevant rules to include triggers for consent and matters of control or discretion which require the application of water sensitive urban design principles, including sustainable stormwater design to minimise impacts on the natural environment and achieves outcomes additional to stormwater treatment such as providing amenity spaces, ecological habitat etc. (Proposed RPS Change 1 Policy FW.3(i) and (f)).</p> <p>(h) Insert policies and rules and/or rule requirements that restrict the use of copper and zinc building materials so as to minimise the effects of these materials on water quality. Retain the building coverage standard of 50% for GRZ-S3 and 70% for HRZ-S4 but include 'the degree of water sensitive urban design' as a matter of discretion where the building coverage standard cannot be met. The Medium and High Density Design Guide could also be amended to expand the Stormwater Management section to be more explicit on the Principles of Water sensitive Urban design (Proposed RPS Change 1 Policy FW.3(i)).</p> <p>(i) Amend policies and rules to control subdivision, vegetation clearance and earthworks and prevent inappropriate activities and buildings in riparian margins (Proposed RPS Change 1 Policy FW.3(l)).</p> <p>(j) Include a policy and objective to protect and enhance the health and well-being of water bodies and freshwater ecosystems, including wetlands.</p> <p>(k) As a matter of control or discretion for subdivision and any other applicable activity, include:</p>

	<ul style="list-style-type: none"> i the extent to which the subdivision, use or development effects water quality, waterway values including hydrological and ecosystem processes, riparian margins, water users and cultural values. ii the location, scale, construction and environmental effects of stormwater infrastructure and the extent to which the stormwater infrastructure contributes to amenity, recreational, cultural, ecological and climate values in addition to its engineering purpose (any financial contribution or iii development contribution required for any offsite stormwater quality and quantity treatment.
<p>S41.6</p> <p>Opposed by: FS14 – Retirement Villages Association of New Zealand Inc.</p> <p>FS15 – Ryman Healthcare Limited</p>	<p>Amend the IPI to:</p> <ul style="list-style-type: none"> (a) Include a policy and amend relevant rules to require hydrological controls for use, development, and subdivision of land (Policy FW.3(j)) (b) Insert the definition of hydrological controls from the Proposed RPS Change 1.
<p>S41.9</p> <p>Opposed by: FS3 – Bob Anker</p> <p>Opposed in part by: FS14 – Retirement Villages Association of New Zealand Inc.</p> <p>FS15 – Ryman Healthcare Limited</p>	<p>Amend the IPI to:</p> <ul style="list-style-type: none"> (a) Incorporate policies and rules to require improved water use efficiency for new developments. (b) Incorporate subdivision standards to require alternative water supplies for non-potable use i.e., roof water capture in new developments. (c) Require new development to ensure adequate available water supply in a changing climate now and into the future.
S41.10	<ul style="list-style-type: none"> (a) Include policies which seek to improve climate resilience of urban areas through measures identified in Policy CC.14 of Proposed RPS Change 1. (b) Include policies and rules for new development areas that require the development to include actions and initiatives that improve climate resilience. (c) Include matter of control or discretion in relevant rules that considers the extent to which the development within the design will improve climate resilience.
<p>S41.11</p> <p>Opposed by: FS3 – Bob Anker</p> <p>FS8 – Kāinga Ora: Homes and Communities</p>	<p>Incorporate the following provisions (or amendments to existing provisions) across the District Plan:</p> <ul style="list-style-type: none"> (a) Objective for the transport system to reduce dependence on fossil fuels and private vehicles recognising contributing to reduction in GHG emissions (Proposed RPS Change 1 Objective CC.3). (b) Objective for new subdivision, use and development to minimise reliance on private vehicles and maximise use of public transport and active transport modes. (c) Policy that sets out a preference for freight distribution centres and high trip generating activities to locate in areas that are in close proximity to efficient transport networks.

<p>Supported in part by: FS10 – Waka Kotahi</p> <p>Opposed and supported in part by: FS14 – Retirement Villages Association of New Zealand Inc.</p> <p>FS15 – Ryman Healthcare Limited</p>	<p>(d) Policy that enables the development of zero and low carbon and public transport infrastructure (i.e., charging stations, park, and ride facilities).</p> <p>(e) Rules to permit the development of appropriate zero carbon, public transport, and active transport infrastructure.</p> <p>(f) Policy that requires the provision of infrastructure in subdivision development that supports modal shift and consideration of how design can reduce greenhouse gas emissions.</p> <p>(g) Rule and associated standard that requires end of trip cycling facilities for staff (showers and lockers). The standard should be scaled for the number of staff cycle parks provided.</p> <p>(h) Amend/include standards to require EV or e-bike charging stations, including for residential development.</p> <p>(i) Amend/include standards that specify requirements for safe cycle lanes, pedestrian crossings, cycle parks.</p> <p>(j) Matter of control or discretion for subdivision, comprehensive housing development and commercial activity rules (and similar) a requirement to consider the extent to which the development provides for zero or low carbon, public and active transport modes.</p> <p>(k) Include provisions to prescribe thresholds for when consent applicants must prepare travel demand management plans (integrated transport assessments). The thresholds can be size of the subdivision, number of dwellings, people, floor size of retail development etc. It should apply to residential, education, office, industrial, community, entertainment and other land use activities that could generate higher private vehicle and freight travel. Provisions should also require that travel demand management plans include measures to reduce reliance on private vehicles and encourage modal shift to low carbon, active or public transport options.</p>
<p>S41.12</p> <p>Opposed by: FS3 – Bob Anker</p> <p>Supported in part by: FS10 – Waka Kotahi</p>	<p>Amend the IPI as necessary to have regard to Proposed RPS Change 1 Policy CC.7 and Policy CC.12:</p> <p>(a) Include policy that seeks nature-based solutions when providing for new infrastructure and in new developments, such as the use of green infrastructure.</p> <p>(b) Permit the development of green infrastructure in appropriate locations and subject to necessary controls, i.e., planting works undertaken by regional council.</p> <p>(c) As a matter of control or discretion for subdivision include the extent to which the design protects, enhances, restores, or creates nature-based solutions to manage the effects of climate change, or similar.</p> <p>(d) Include provisions for recognising the functions of the ecosystems providing nature-based solutions to climate change and avoid adverse effects of subdivision, use and development on their functions, including before they are mapped. Policies should:</p> <ul style="list-style-type: none"> i direct the protection of areas that already perform a function as a nature based solution, including the many wider benefits these can have and ii encourage the restoration of nature-based solutions.
<p>S41.13</p> <p>Supported in part by: FS10 – Waka Kotahi</p>	<p>Amend the intensification Planning Instrument as necessary to have regard to Proposed RPS Change 1 Policy CC.8:</p> <p>(a) Identify the type and scale of activities where reducing greenhouse gases rather than offsetting must occur and</p> <p>(b) Include objectives, policies, rules to require greenhouse gases to be reduced rather than offset for the type and scale of activities identified.</p>
<p>S41.15</p> <p>Opposed by: FS3 – Bob Anker</p>	<p>Include direction in the District Plan, including infrastructure and subdivision provisions, to provide for de-centralised wastewater re-use and treatment (of grey and black water) and disposal using approved alternative wastewater systems (but not septic tanks, due to their existing issues with contamination and leaching) anywhere where there are constraints on the existing network capacity, as well as where connections are not available. Where connections are available and there is network capacity, a connection to the wastewater network should still be required.</p>

<p>S41.19</p> <p>Opposed by: FS3 – Bob Anker</p>	<p>Incorporate the following provisions (or amendments to existing provisions) across the District Plan:</p> <p>(a) Include an objective that mana whenua values relating to indigenous biodiversity are recognised and involvement in decision making and management is supported.</p> <p>(b) Include policy that requires mana whenua involvement in the mapping of indigenous biodiversity, including to identify taonga species.</p> <p>(c) Include policy to enable mana whenua to undertake customary activities in accordance with tikanga such as customary harvest of mahinga kai species.</p> <p>(d) Include policy to support provision of access to indigenous biodiversity sites.</p> <p>(e) Include permitted activity rules for the cultural harvesting of mahinga kai, for example indigenous vegetation removal.</p> <p>(f) In relevant rules, for example indigenous vegetation clearance, include as a matter of control or discretion, the adverse effects on mahinga kai, other customary uses, and access for these activities.</p> <p>(g) Provisions could require management plans for managing offset biodiversity areas and managing effects on significant areas. Monitoring requirements would form part of these plans and plan direction could encourage the adoption of matauranga Māori in monitoring of indigenous species in relevant circumstances.</p>
<p>S41.20</p>	<p>Incorporate the following provisions (or amendments to existing provisions):</p> <p>(a) A new policy (or amend existing policy) to protect the values of the natural features and landscapes when providing for subdivision.</p> <p>(b) Amend existing policy to provide direction around minimising the effects of subdivision, use and development on the values of natural features and landscapes.</p>
<p>S41.32</p> <p>Supported in part by FS8 – Kāinga Ora</p>	<p>Incorporate the following provisions (or amendments to existing provisions) across the District Plan:</p> <p>(a) Include policies, rules and methods that protect indigenous ecosystems and habitats with significant indigenous biodiversity values from inappropriate subdivision, use and development.</p> <p>(b) Include policy to direct the circumstances when and how biodiversity offsetting can be used, and if used, the outcome must be at least 10% biodiversity gain or benefits. Refer to an appendix for full details.</p> <p>Include an appendix which sets out the limitations where biodiversity offsetting is not appropriate as described in Policy 24 and Appendix 1A of the Proposed RPS Change 1.</p>
<p>S41.34</p>	<p>Include matter of control or discretion to require proper disposal of building waste when redeveloping sites/infill development (e.g., demolition).</p>

13.3.3 Discussion

121. Submitter S41 – GWRC makes many requests for the IPI to give effect to Proposed RPS Change 1 provisions. I provide specific detailed reasoning for each relevant submission point in Appendix 1. However, as much of my reasoning for my recommendations is similar for these submission points, I provide a summary below of the reasons why I recommend all these submission points be rejected:

- (a) As required by Section 74(2)(a) and signalled in the section 32 evaluation, the Council has *had regard to* Proposed RPS Change 1. The discussion in this report and the specific comments on each of the above submission points contained in Appendix 1 demonstrates how the Council has had regard to the proposed RPS change. I note there is no requirement to *give effect to* a proposed change to a regional policy statement under section 75(3) the RMA.
- (b) Proposed RPS Change 1, including the provisions the submitter requests the IPI gives effect to are subject to many submissions including a submission from Upper Hutt City Council. The

Council's submission on these provisions raises many concerns with the proposed RPS provisions. A hearing is yet to be held, and it is unknown what the final form of Proposed RPS Change 1 provisions will be following the hearing and appeals processes. It is considered this uncertainty is why Section 75(3) of the RMA does not require the Council to change its district plan to give effect to a proposed change to a regional policy statement.

- (c) I consider it to be inappropriate for GWRC to be seeking the IPI gives effect to Proposed RPS Change 1 provisions that the Upper Hutt City Council opposes or opposes in part via a submission on the RPS change. In most instances the Council is seeking the deletion or amendments to these Proposed RPS Change 1 provisions. The Council is yet to take part in the RPS Change 1 hearings. Appeals on Proposed RPS Change 1 provisions may occur, and this gives rise to further uncertainty on the final form of Proposed RPS Change 1 provisions.
- (d) In my opinion, it is the role of the RPS to specify how Upper Hutt City Council is required to give effect to the NPS-FM within its functions under section 31 of the RMA. Proposed RPS Change 1 sets out GWRC' s intended direction for territorial authorities to give effect to the NPS-FM. However, these proposed directions are subject to a submission in opposition, or partial opposition by Upper Hutt City Council. Many other territorial authorities in the Wellington Region have also made submissions opposing the RPS plan change provisions. One key reason for opposition by territorial authorities is they consider that the provisions set requirements for territorial authorities that go beyond their functions, powers, and duties under the RMA. I consider the GWRC submission points that request the IPI gives effect to proposed RPS provisions and the NPS-FM to be poorly timed, as Proposed RPS Change 1 is still subject to the hearings and potential appeals processes.
- (e) Some Proposed RPS Change provisions that GWRC requests are included in the IPI appear to have been drafted in the RPS plan change to give effect to the exposure draft of the National Policy Statement on Indigenous Biodiversity that was released in June 2022⁶. Submission points S41.12 and S41.19 are examples of this, as I have found no basis for these provisions within any existing statutory planning documents. I have reviewed the submissions made on Proposed RPS Change 1 and I note there are many submissions in opposition to Proposed RPS Change 1 provisions that seek to give effect to the draft NPS-IB – including a submission from Upper Hutt City Council. I also note draft national policy statements are not a matter a regional council may have regard to under section 61 of the RMA when preparing or changing its regional policy statement. This also applies to territorial authorities when preparing or changing its district plan under section 74 of the RMA. Notwithstanding the fact there are many submissions in opposition to the relevant Proposed RPS Change I provisions, I recommend against attempting to give effect to a document that has no legal weight such as the exposure draft of the NPS-IB. At the time of preparing this report the Ministry for the Environment was advising the anticipated gazettal of the NPS-IB is 2023⁷. No further details are provided on the likely final form of the NPS-IB.
- (f) Some of the matters requested in the submissions of GWRC above – such as S41.5, appear to be requesting amendments that go beyond the matters that can be included in an IPI under

⁶ Paras. 182, and 268, RPS Change 1 section 32 evaluation: [RPS Change 1 32 evaluation Final 18 August 2022 \(gw.govt.nz\)](https://www.gw.govt.nz/rps-change-1-32-evaluation-final-18-august-2022)

⁷ [Proposed national policy statement for indigenous biodiversity | Ministry for the Environment](https://www.mfe.govt.nz/policy/indigenous-biodiversity/nps-ib/)

sections 80E and 80G of the RMA. Examples include the request to include provisions that control roofing materials for water quality purposes, and rules that manage earthworks and buildings within riparian areas. I do not consider requested relief such as this to be related provisions that support or are consequential on the MDRS provisions set out in Schedule 3A of the RMA. I consider they are not related matters that would support or be consequential on giving effect to the height and density requirements of Policy 3 of the NPS-UD – nor can they be clearly linked with providing for existing or proposed qualifying matters.

(g) Submission S41.32 in part requests the IPI gives effect to the operative RPS with respect to the identification and protection of indigenous ecosystems and habitats with significant indigenous biodiversity values from inappropriate subdivision, use and development. I agree the District Plan is required to achieve this as a Matter of National Importance under section 6 of the RMA. I note the District Plan already achieves this requirement in part, however the Council is progressing a future non-IPI plan change to update and complete this work. It is my understanding this work primarily focuses on SNAs on non-urban environment allotments⁸. The submission also seeks the IPI gives effect to Proposed RPS Change 1 provisions with respect to provisions that require a 10% biodiversity gain or benefit, and specific provisions on biodiversity offsetting. As I explain above, I do not recommend any amendments to the IPI in response to Proposed RPS Change 1.

(h) I have reviewed all Proposed RPS Change 1 provisions that GWRC requests are given effect to in the IPI, and reviewed the summary of submissions to confirm whether there are any provisions that would be appropriate to include in the IPI based on merit, the availability of scope of an IPI under sections 80E and 80G of the RMA, and whether there is a lack of opposition in the RPS plan change submissions. I have not identified any Proposed RPS Change 1 provisions that meet these criteria.

122. I therefore recommend all relevant submission points be rejected.

123. With respect to submission S41.34, I note the relevant operative RPS provision is policy 34. This is specific to controlling activities on contaminated land. The Policy does not require district plans to include matters of control or discretion to require proper disposal of building waste when redeveloping sites/infill development (e.g., demolition). I have not identified any other operative RPS policies that require the district plan to include the requested provisions. On this basis it is recommended submission S41.34 be rejected.

124. Regarding submission S41.1 requesting that the IPI aligns with the direction and intent of regulatory policies that apply to district plans where necessary, it is recommended this be accepted in part on the basis that the IPI has been prepared to align with the direction and intent of all relevant regulatory policies that apply to district plans - where they fit within the requirements of sections 80E and 80G

⁸ Generally meaning, but not limited to allotments that fall under section 76(4C) of the RMA as follows:

urban environment allotment or **allotment** means an allotment within the meaning of [section 218](#)—

(a) that is no greater than 4 000 m²; and

(b) that is connected to a reticulated water supply system and a reticulated sewerage system; and

(c) on which there is a building used for industrial or commercial purposes or as a dwellinghouse; and

(d) that is not reserve (within the meaning of [section 2\(1\)](#) of the Reserves Act 1977) or subject to a conservation management plan or conservation management strategy prepared in accordance with the [Conservation Act 1987](#) or the [Reserves Act 1977](#).

of the RMA. I do not recommend the inclusion of any Proposed RPS Change 1 provisions in the IPI for the reasons summarised above, and the submission-specific reasons provided in Appendix 1.

125. Submission point S41.15 requests the IPI be amended to include direction with respect to infrastructure and subdivision provisions, to provide for de-centralised wastewater re-use and treatment (of grey and black water), and disposal using approved alternative wastewater systems. The submitter points to Operative RPS policies 16 and 45 to support the requested relief. I note RPS policy 16 – (*Promoting discharges to land*) is a specific policy for regional plans. On this basis, I consider the promotion of discharges to land is not a matter the Council is required to give effect to in the district plan.
126. Regarding RPS policy 45 (*Using water efficiently – consideration*), I note this is a *consideration* policy relevant to changes to the district plan. The policy requires particular regard be given to requiring water collection, water demand management options, and water reuse and/or water recycling measures so that water is used efficiently. Although I agree policy 45 of the RPS addresses an important resource management issue, I am of the opinion that giving effect to it should be carried out in a comprehensive manner in combination with giving effect to all other freshwater provisions (including giving effect to the NPS-FM and Te Mana o te Wai requirements) following Proposed RPS Change 1 becoming operative. For these reasons I recommend submission point S41.15 be rejected.
127. Submission S41.20 requests the IPI be amended to incorporate new policy direction to:
 - (a) protect the values of the natural features and landscapes when providing for subdivision; and
 - (b) minimise the effects of subdivision, use and development on the values of natural features and landscapes.
128. The Council is preparing a draft plan change to address natural features and landscape values within the City to ensure the District Plan better gives effect to RMA Section 6(b) and operative RPS Policies 25, 26 and 50 with respect to the identification and protection of outstanding natural features and landscapes from inappropriate subdivision, use and development. Council is also undertaking work to identify and protect significant natural areas in the City via a future Schedule 1 RMA plan change. It is my understanding that informal consultation is being carried out with affected property owners on the draft evidence base and potential methods to address these issues.
129. The District Plan does not currently include specifically identified outstanding natural features and landscapes for the purposes of RMA Section 6(b) or RPS Policies 25 and 26, and therefore the IPI cannot include them as an existing qualifying matter.
130. Taking into account the work that the Council is already undertaking to address landscapes and SNAs to give effect to section 6 of the RMA and the RPS, I consider the most appropriate method to address the issues raised by submission S41.20 is via the Council continuing its work with the community and affected property owners on a future non-IPI Schedule 1 RMA plan change process. It is my understanding that the natural features and landscapes, and significant natural areas evidence bases are still in draft form, and consultation with affected property owners on a potential plan change(s) are on-going. In my opinion, district plan provisions to identify and protect significant natural features and landscapes would be best achieved via a comprehensive plan change. I note such a plan change would likely include the identification of these features and landscapes as new qualifying matters. For these reasons I recommended submission S41.20 be rejected.

13.3.4 Recommendations

1. I recommend submission S41.1 be accepted in part.

2. I recommend the following submissions be rejected for the summarised reasons above, and the specific reasons provided for each submission point included in Appendix 1:
 - S41.3
 - S41.4
 - S41.5
 - S41.6
 - S41.9
 - S41.10
 - S41.11
 - S41.12
 - S41.13
 - S41.15
 - S41.19
 - S41.20
 - S41.32
 - S41.34
3. I recommend all other submissions relevant to giving effect to Proposed RPS Change 1 or the NPS-FM that are not specifically addressed above be accepted, accepted in part, or rejected for the specific reasons provided in Appendix 1.
4. My recommendations in relation to all relevant further submissions reflect the recommendations on the primary submissions as set out above and in Appendix 1.

13.4 Te Whaitua te Whanganui-a-Tara Implementation Programme and Te Mahere Wai o Te Kāhui Taiao

13.4.1 Matters raised by submitter

131. Submission S41.2 requests the IPI be amended to include objectives, policies, permitted standards and rules that implement the recommendations directed at territorial authorities in the Te Whaitua te Whanganui-a-Tara Implementation Programme and Te Mahere Wai o Te Kāhui Taiao.

13.4.2 Discussion

132. The document Te Mahere Wai o Te Kāhui Taiao is the guiding framework that reflects Mana Whenua perspective and direction in giving effect to the NPS-FM.
133. The document Te Whaitua te Whanganui-a-Tara Implementation Programme is a document prepared by a committee made up of members of the Wellington and Hutt Valley communities, and representatives of Mana Whenua and local councils⁹. The purpose of the document is to advise GWRC on how to give effect to the NPS-FM, and give effect to Te Mana o Te Wai.
134. I agree these are important documents for plan changes and infrastructure planning to give effect to the NPS-FM, however, I do not consider giving effect to the desired outcomes and actions specified by these documents can be achieved via the IPI. I consider the first step in giving effect to the direction of these documents is for the RPS to be changed to provide clear direction and requirements to territorial authorities on how they are to give effect to the NPS-FM and Te Mana o Te Wai within their functions under section 31 of the RMA. I note this direction proposed with Proposed RPS Change 1 is

⁹ [Te Whaitua te Whanganui-a-Tara Implementation Programme \(gw.govt.nz\)](http://www.gw.govt.nz)

subject to many submissions which are yet to be heard as part of the Freshwater Planning Process and the standard Schedule 1 plan change processes that apply to the proposed RPS change.

135. I consider that Proposed RPS Change 1 is the first step in providing this direction to territorial authorities, however the RPS plan change is still working its way through the plan change process, and therefore its final form is unknown. In my opinion this makes the drafting and inclusion of objectives, policies, permitted standards and rules that implement the recommendations of these documents an unsurmountable challenge. I also have reservations as to whether giving effect to the NPS-FM and the incorporation of Te Mana o Te Wai fits within the scope of the matters that can be included in an IPI under sections 80E and 80G of the RMA.
136. The submitter may wish to provide additional information and justification for the requested amendments during the IPI hearing.
137. On this basis, I recommend submission S41.2 be rejected.

13.3.4 Recommendations

1. I recommend submission S41.2 be rejected for the reasons outlined above and as provided in Appendix 1.
2. I recommend the further submission FS16 – Stephen Pattinson that opposes submission S41.2 be accepted.

13.5 Submitter 37 – Kimberly Vermaey

13.5.1 Matters raised by submitter

138. Submission S37.1 – Kimberly Vermaey, requests a number of IPI-wide and specific amendments that have been summarised under the same submission point. These include:
 - (a) Reducing the permitted number of residential units on a site in the HRZ from 6 to 4;
 - (b) Only requiring hydraulic neutrality where residential buildings are connected to the Council stormwater mains;
 - (c) Requesting matters of discretion be tailored to the activity rather than generic;
 - (d) Reducing the proposed HRZ site coverage from 70% to 60%;
 - (e) Introduce a fence standard of 1.8m max height on a side boundary and 1.5m maximum height on a front boundary;
 - (f) Add vegetation protection to matters of discretion to GRZ-Precinct 1 – Indigenous Biodiversity Precinct;
 - (g) Include vegetation protection as a matter of discretion for all resource consent applications seeking to breach the maximum number of residential units per site standard;
 - (h) Have a rule framework that requires vegetation protection for new buildings in 'the Precinct' area where a building does not comply with a permitted standard;
 - (i) Introduce an objective, policy and rule framework to address wind effects from buildings over 12m in height; and
 - (j) Any consequential amendments.
139. I address each of these matters in the discussion section below.

13.5.2 Discussion

140. Although reducing the permitted number of residential units on a site in the HRZ from four to six is an option for the IPI, I consider that setting the maximum permitted number at six would encourage greater uptake of high density residential development in the most appropriate locations in the City. The planned urban built form within the HRZ is at residential buildings with a height of at least six stories. I consider enabling six residential units per site as a permitted activity is consistent with the planned urban built form of the HRZ. Therefore, I recommend the requested amendment be rejected.
141. Regarding the requested amendment to only require hydraulic neutrality where residential buildings are connected to the Council stormwater mains, I note that any soak pit design or any other methods that may be available to provide on-site attenuation must provide sufficient storage or attenuation to achieve hydraulic neutrality. It is my understanding based on my resource consenting experience that if this is not achieved, a soak pit or other alternative stormwater management system runs the risk of increasing flood risk as a result of stormwater from impervious surfaces. Accordingly I consider that it is not a guarantee that hydraulic neutrality will be achieved simply due to the use of a soak pit. I therefore recommend the requested amendments be rejected. Note: this aspect of the submission is also recommended for rejection under the Hydraulic Neutrality section of this report.
142. In terms of the request to amend all matters of discretion to make them specific to each activity, I consider the matters of discretion are appropriate for the consideration of the actual and potential effects and matters under each rule. I note that most permitted activity standards are also accompanied by their own set of matters of discretion that apply where the permitted standard is not met. These matters of discretion are specific to each standard, and although there is much duplication between the matters of discretion, I do not consider the duplication to be inappropriate to manage the range of potential adverse effects that may arise. On this basis I recommend the requested changes be rejected.
143. The submission also requests the site coverage standard of 70% within the High Density Residential Zone is reduced to 60%. The urban design advice provided by Boffa Miskell Ltd in the preparation of the IPI¹⁰ scenario tested the IPI HRZ site coverage standards ranging from 50% to 80% under different scenarios and configurations. The advice modelled the effects of bulk and location of buildings on sunlight access and shading. Whilst I acknowledge the HRZ building bulk and location standards proposed by the IPI will, at least in some instances, have an effect on sunlight access and other aspects of amenity such as a feeling of privacy and overlooking, I consider such effects must be considered in light of the direction of Policy 6 of the NPS-UD with respect to amenity values. Policy 6 of the NPS-UD states:

When making planning decisions that affect urban environments, decision-makers have particular regard to the following matters (emphasis added):

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

¹⁰ Appendix E to the section 32 evaluation: [appendix-e-boffa-miskell-evaluation.pdf \(upperhuttcity.com\)](https://www.upperhuttcity.com/appendix-e-boffa-miskell-evaluation.pdf)

- (c) the benefits of urban development that are consistent with well-functioning urban environments (as described in Policy 1)*
- (d) any relevant contribution that will be made to meeting the requirements of this National Policy Statement to provide or realise development capacity*
- (e) the likely current and future effects of climate change.*

144. In my opinion, the direction of Policy 6 of the NPS-UD requires the consideration of the effects on amenity values in urban environments to be carried out in a less focused way than how amenity values have been historically addressed under section 7(c) of the RMA. Based on this, and the urban design advice provided by Boffa Miskell Ltd I consider 70% to be an appropriate site coverage for high density residential developments – noting that hydraulic neutrality, height in relation to boundary, and outdoor space per residential unit requirements also apply, and these requirements will also have an effect on the amount of site coverage possible on a site. I therefore recommend the requested amendment to reduce the HRZ site coverage standard be rejected.
145. Regarding the submission's request to introduce new fence height standards, I do not consider this to be necessary as the District Plan provides for fences via the existing 'minor structure' provisions. These provisions include fences or walls with a height of less than 2.0 metres. I do not have any evidence to suggest the existing fence height to be resulting in any implementation issues or adverse environmental effects. Therefore, I recommend the request to introduce fence height standards be rejected.
146. With regard to vegetation, the submission seeks:
- (a) The addition of vegetation protection to matters of discretion to GRZ-Precinct 1 – Indigenous Biodiversity Precinct;
 - (b) The inclusion of vegetation protection as a matter of discretion for all resource consent applications seeking to breach the maximum number of residential units per site standard; and
 - (c) A rule framework that requires vegetation protection for new buildings in 'the Precinct' area where a building does not comply with a permitted standard.
147. I have assumed reference to 'the Precinct' to be a reference to the proposed Indigenous Biodiversity Precinct. I do not consider it appropriate to recommend accepting the requested changes to the IPI as the provisions of GRZ-Precinct 1 do not introduce any new vegetation protection rules, therefore there are no specific matters of discretion that could be amended to include vegetation protection. The protection of indigenous vegetation is managed under chapter ECO – Ecosystems and Indigenous Biodiversity. The IPI only proposes to make consequential amendments to the ECO chapter. Therefore, I consider the protection of additional vegetation not already identified and included in the District Plan will need to be carried out via a future RMA Schedule 1 plan change. Consequently, I recommend the requested amendments be rejected.
148. With respect to the submitter's request that the IPI includes provisions to address potential wind effects that may result from tall buildings, although I agree this could be a legitimate potential adverse effect, I consider that addressing it in the IPI via objectives, policies and rules would require an evidence base to justify it, and the creation of a new qualifying matter. I consider this would require a significant amount of work and resourcing that is unable to be achieved within the timeframes required for a decision to be released on the IPI. On this basis I recommend the requested amendments be rejected.

13.5.3 Recommendations

1. I recommend submission S37.1 be rejected for the reasons specified above and those contained in Appendix 1.

13.6 Submitter 56 - Fire and Emergency New Zealand

13.6.1 Effective emergency response and to provide for the health and safety of people and communities – including firefighting access, parking and manoeuvring requirements

13.6.2 Matters raised by submitter

149. Submissions S56.68 – S56.76 Fire and Emergency New Zealand, seek the following general IPI-wide amendments:

Submission No.	Decision Requested
S56.68	This submission seeks to enable Fire and Emergency to carry out its requirements under the Fire and Emergency New Zealand Act 2017 more effectively in the protection of people, property, and the environment in the event of an emergency.
S56.69	This submission addresses matters relating to activities required to be undertaken to enable an effective emergency response and to provide for the health and safety of people and communities in Upper Hutt.
S56.70	To support effective and efficient access and manoeuvring of crew and equipment for firefighting, medical, rescue and other emergency response to pedestrian only access developments across Upper Hutt (should such developments be provided for).
S56.71	Adequate fire appliance access to both the source of a fire (or other emergency) and a firefighting water supply is essential to the efficient operation of Fire and Emergency. The requirements for firefighting access are set out in the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008 (SNZ PAS 4509:2008), are further detailed in Fire and Emergency's 'Designer's guide' to firefighting operations Emergency vehicle access' (December 2021) and prescribed in Acceptable Solutions Part 6 of C/AS1 and C/AS2.
S56.72	For all other developments to which C5 applies, Fire and Emergency request that, where not already provided for, the district plan introduce rules that 'duplicate' the appropriate requirements of the Part 6: firefighting of C/AS1 and C/AS2.
S56.73	Fire and Emergency is already encountering new development where emergency vehicle access along the roading corridor has been challenging. Issues with emergency vehicle access in these locations can be caused by narrow roads / laneways, higher density typologies and a lack of off-street parking available resulting in cars parking along both sides of already narrow residential streets. Implications for emergency services include on-road obstructions, meaning emergency vehicles have difficulty or are unable to manoeuvre, as well as an inability to access buildings and locate fire hydrants in an emergency. Inadequate parking lengths along frontages also have been encountered generally from vehicles parking over footpaths in driveways, blocking access. Fire and Emergency acknowledges that, where no off-street parking is required, there may also be no requirement to provide for vehicular access to a property. In these situations, emergency service staff would need to enter a property on foot and/or remove fences and other structures to provide access. Regardless, there needs to be

	sufficient clearance to access properties with heavy emergency equipment. Fire and Emergency request that UHCC retain a policy framework that would enable such conditions to be imposed on a case-by-case basis, having regard to the effects of a particular activity. This could include, for example, matters of discretion relating to the safety of pedestrians and cyclists, surrounding car parking supply, and on and off-street amenity effects.
S56.74	Clause C3 of the NZ Building Code is relevant here whereby buildings must be designed and constructed so that there is a low probability of fire spread to other property vertically or horizontally across a relevant boundary. Achieving this functional requirement is however limited by the mechanisms by which this is achieved (i.e., Acceptable Solutions) and buildings of which such requirements apply. Fire and Emergency encourage UHCC to consider integrating these considerations into relevant urban design guidelines to align with the NZ Building Code and prompt developments to consider fire risk mitigations early on in design. This should also be included as an advice note with the relevant side and rear boundary setback rules within the IPI plan change.
S56.75	Fire and Emergency consider it essential that urban development does not occur out of sequence with the delivery of key strategic infrastructure (network extensions or upgrades), or development is not enabled where there is potential or known infrastructure capacity constraints in relation to the Three Waters, in particular the water supply network. Fire and Emergency consider that UHCC will need to develop more sophisticated water network models where they do not already exist. This will assist UHCC in identifying areas across Upper Hutt where there is potential or known infrastructure capacity constraints and will enable UHCC to manage the cumulative impacts of urban infill on the water supply network.
S56.76	Provisions within the rules of the district plan therefore may be the best way to facilitate the development of any new emergency service facilities as the city grows. Ongoing, and more frequent engagement with Fire and Emergency in terms of growth projections and demographic changes will assist us in understanding where we may need new emergency service facilities in the future. This will be particularly important during plan review and plan changes that seek to re-zone large portions of land to facilitate development.

13.6.3 Discussion

150. I consider many of the issues raised by submitter S56 – Fire and Emergency New Zealand to be important matters that can have a direct impact on the health and safety of people and communities in the event of an emergency. However, I have reservations regarding whether the IPI (and the District Plan) is the most appropriate method to address the issues. I consider this to be a complex issue with several challenges to addressing it via the IPI including:

- (a) I have reservations with respect to the possible duplication of methods that are already managed via other non-RMA legislation - unless there are good reasons to do so, and I am confident it is an appropriate method for the Council to be exercising via the resource consent process. In this instance, I note Part 6: Firefighting of C/AS1 and C/AS2¹¹ sets out the building consent requirements for fire service vehicular access for buildings that are located remotely

¹¹ <https://www.building.govt.nz/assets/Uploads/building-code-compliance/c-protection-from-fire/asvm/cas2-2019-protection-from-fire-amendment-2.pdf>

from the street boundaries of a property. This includes the requirement for Fire and Emergency New Zealand vehicles to be able to reach a hardstanding that shall:

- i Be able to withstand a laden weight of up to 25 tonnes with an axle load of 8 tonnes or have a load-bearing capacity of no less than the public roadway serving the property, whichever is the lower, and*
- ii Be trafficable in all weathers, and*
- iii Have a minimum width of 4.0 m, and*
- iv Provide a clear passageway of no less than 3.5 m in width and 4.0 m in height at site entrances, internal entrances and between buildings, and*
- v Provide access to a hard-standing from which there is an unobstructed path to the building within 20 m of:*
 - a. the firefighter access into the building, and*
 - b. the inlets to fire sprinkler systems or building fire hydrant systems, where these are installed.*

As these requirements will be addressed at the building consent stage of a development, they will be addressed via the building consent process. I do not consider that duplicating these requirements in the District Plan via the IPI to be the most efficient or effective method to achieve the IPI objectives. I also note that the skills and expertise to consider and certify whether a proposed building development complies with the requirements of C/AS1 and C/AS2 - Acceptable Solution for Buildings, sits with the Council's building control department as the Building Consent Authority for Upper Hutt. I therefore do not consider it appropriate to duplicate these requirements in the IPI via standards or via the resource consent process.

- (b) The IPI and District Plan do not appear to prevent Fire and Emergency New Zealand from carrying out its requirements under the Fire and Emergency New Zealand Act 2017 as the provision of water supply for firefighting purposes and building access/emergency exit requirements for buildings are already provided for either via the Council's Code of Practice for Civil Engineering Works, and other legislation such as the Building Act and Building Code.
- (c) I consider the management of existing roads to ensure adequate access widths and manoeuvring for emergency service vehicles would be best achieved via a non-RMA method, such as an integrated traffic management and parking plan or strategy prepared under the Local Government Act 2002.
- (d) With respect to proposed new roads, I note the road width requirements are managed via the Council's Code of Practice for Civil Engineering Works. Clause A9.2.1 of the Code requires the capacity and layout of roads to *provide adequate access for emergency vehicles*¹². The code also specifies minimum road design requirements including width based on the classification of the road.

151. Notwithstanding my discussion above, I do consider the issues and concerns raised by the submitter to be important matters. Although I recommend these submission points be either accepted in part (on the basis I do not consider the IPI/District Plan to prevent the submitter from carrying out its statutory functions), or rejected, I am interested to hear more from the submitter during the hearing to enable the consideration of any other specific relief that may be appropriate for inclusion within

¹² At Page 21, <https://www.upperhuttcity.com/files/assets/public/services/code-of-practice-for-civil-engineering-works.pdf>

the IPI. It would be useful for such information to include examples of district plan provisions elsewhere, and information on the success of the implementation of such provisions via district plans.

152. Submission S56.75 states that Fire and Emergency New Zealand consider it essential that urban development does not occur out of sequence with the delivery of key strategic infrastructure (network extensions or upgrades), or development is not enabled where there is potential or known infrastructure capacity constraints in relation to the Three Waters, in particular the water supply network. Whilst no specific amendments to the IPI are requested, I agree sequencing urban development will be significantly more difficult once the IPI becomes operative (and will already be so due to the immediate legal effect of the MDRS) as it is not possible for the IPI to prevent the level of permitted activity development enabled by the incorporation of the MDRS or giving effect to Policy 3 of the NPS-UD. This makes the identification of anticipated areas of growth and the planning of infrastructure to service that growth difficult, as intensification is enabled within all urban areas rather than in specified area. On this basis I recommended submission S56.75 be accepted in part, although no amendments to the IPI are recommended in response.
153. I note the submitter makes many requests for specific amendments under other submission points to achieve the submitter's points discussed above. These specific requests are made across multiple chapters, and I address them within the relevant chapters and within Appendix 1. My recommendations on these more specific requested amendments are generally consistent with my opinions and recommendations above.

13.6.4 Recommendations

1. For the reasons set out above and within Appendix 1 I recommend the following submissions be accepted in part:
 - S56.68
 - S56.69
 - S56.75
 - S56.75
2. For the reasons set out above and within Appendix 1 I recommend the following submissions be rejected:
 - S56.70
 - S56.71
 - S56.72
 - S56.73
 - S56.74

13.7 Submitter 64 - Retirement Villages Association of New Zealand

13.7.1 Specific provisions for retirement villages

13.7.2 Matters raised by submitter

154. Submitter S64 – Retirement Villages Association of New Zealand, requests many amendments to the IPI specifically regarding provisions for retirement villages. These submissions are spread across all zone chapters, and are addressed as follows:
- Specifically, under the relevant zone chapter in this report; or
 - Where the requested relief is the same or similar, and where my recommendations and reasons for my recommendation are the same or similar, the relevant submission points will be addressed within one specific zone chapter in this report, or within Appendix 1.

155. The IPI-wide decisions requested by submitter S64 addressed in this section of the report provide an overarching framework for most other requested decisions made by submitter. These comprise:

Submission No.	Decision Requested
S64.14	Seek a new policy is included in all zones that recognises the intensification opportunities provided by larger sites: <u>Larger sites: Recognise the intensification opportunities provided by larger sites within all residential zones by providing for more efficient use of those sites.</u>
S64.16 Opposed by: FS13 – New Zealand Defence Force	Seek a new policy is included in all zones, as follows: <u>Provision of housing for an ageing Population:</u> <ol style="list-style-type: none"> 1. <u>Provide for a diverse range of housing and care options that are suitable for the particular needs and characteristics of older persons in Medium Density Residential Areas, such as retirement villages.</u> 2. <u>Recognise the functional and operational needs of retirement villages, including that they:</u> <ol style="list-style-type: none"> a. <u>May require greater density than the planned urban built character to enable efficient provision of services.</u> b. <u>Have a unique layout and internal amenity needs to cater for the requirements of residents as they age.</u>
S64.138; S64.139; and S64.142(duplicates)	Seek that the IPI is amended to provide a retirement-village specific framework as follows: <ol style="list-style-type: none"> 1. Adoption of the MDRS, as a number of provisions as notified dilute, conflict with or overlap with the MDRS; 2. The relief sought in relation to specific provisions to make sure that they are workable for retirement villages including: <ol style="list-style-type: none"> a. The directiveness of the MDRS and the direction of the NPS-UD is not diluted through the addition of new, undefined concepts such as a 'high quality residential environment' or a 'pleasant and coherent'. b. Objectives and policies that appropriately recognise the acute need for retirement housing and care in all relevant residential zones. c. Rules to enable retirement villages in the GRZ and HRZ. d. Tailored matters of discretion for retirement villages e. Proportionate notification f. Clear, targeted, and appropriate development standards g. Providing for retirement villages in commercial zones h. A clear and transparent regime for financial contributions.
S64.141	Seek that the IPI is amended to provide a retirement-village specific framework as follows: <ul style="list-style-type: none"> • Rules to enable retirement villages in the GRZ and HRZ. • Any alternative or consequential relief to address the matters addressed in this submission.
S64.144; S64.145; and S64.146	Seek that the IPI is amended to provide a retirement-village specific framework as follows: <ul style="list-style-type: none"> • Proportionate notification of consents. • Any alternative or consequential relief to address the matters addressed in this submission.
S64.147	Seek that the IPI is amended to provide a retirement-village specific framework as follows: <ul style="list-style-type: none"> • Rules to enable retirement villages in the commercial zones. • Any alternative or consequential relief to address the matters addressed in this submission.

13.7.3 Discussion

156. Submission S64.14 requests a new policy be included in all zones that specifically recognises the intensification opportunities provided by larger sites. I note neither the MDRS nor Policy 3 of the NPS-UD provide a policy disincentive for the creation of larger sites as part of recognising intensification opportunities in residential zones. However, the MDRS does enable the IPI to specify minimum allotment sizes where vacant allotments are proposed to provide the Council with the ability to ensure proposed vacant allotments are capable of accommodating one or more residential units. The IPI does specify minimum allotment sizes within specific urban zones within the confines subclause 8 of Schedule 3A of Schedule 1 of the RMA.
157. Within the General Residential Zone, the IPI specifies a minimum allotment size where one or more vacant allotments are proposed, and it has not been demonstrated that it is not practicable to construct on every allotment, as a permitted activity, a residential unit. In these situations, the IPI proposes to retain the existing minimum allotment sizes for the General Residential Zone.
158. Within the High Density Residential Zone where greater heights and density of urban form are enabled and provided for, the IPI sets a minimum of 300m² or less as a controlled activity where a subdivision proposes the creation of one or more vacant allotments. The intent of this is to ensure subdivision within the High Density Residential Zone will provide allotments suitable for residential use and development. As notified, the IPI also included a HRZ rule to manage the creation of allotments greater than 800m², however this is recommended for deletion in response to other submissions which I discuss within the HRZ chapter of this report.
159. Therefore, I consider the IPI (as recommended) only manages the creation of vacant allotments via minimum allotment size requirements where residential subdivision is proposed to create such vacant allotments. There is no policy, rule or standard impediment on the intensification opportunities provided by existing large sites. On this basis I consider there is no need for a specific policy that recognises the intensification opportunities offered by larger sites. The subdivision and development of all sites is considered against the objectives and policies of the relevant zone, and I have not identified any policy provisions that would prejudice the development of larger sites. I therefore recommend submission S64.14 be rejected.
160. Submission S64.16 seeks the IPI be amended to include a new policy addressing the provision of housing for an ageing population. I do not consider a specific ageing population policy to be necessary or appropriate. I note housing provision for an ageing population is already provided for via provisions that enable and manage residential units within all zones – to meet all housing needs. I consider this includes the housing needs of all people.
161. I am also concerned the requested new policy would focus the policy direction within the zone chapters on the provision of housing for the elderly, while other groups with specific housing needs would not specifically be referred to. The objective and policy direction in the IPI for housing has been prepared to give effect to NPS-UD Objective 1, and Policy 1(a)(i) – i.e., to enable a variety of homes that meet the needs, in terms of type, price, and location, of different households. I consider this clearly includes the housing needs of an ageing population in addition to all other groups in need of housing to suit their specific life circumstances and needs.
162. I consider that the IPI objectives and policies provide sufficient direction to decision makers during the consideration of a resource consent application for a retirement village. In this regard I consider the objectives and policies that give effect to NPS-UD objectives 1, 2, and 4, and policies 1, and 6 in particular to be of high relevance to the consideration of a proposed retirement village. In my opinion, no additional policy direction is necessary. I therefore recommend submission S64.16 be rejected.

163. Submissions S64.138, S64.139, S64.141, S64.142, S64.144, S64.145, S64.146, and S64.147 request the IPI be amended to provide a retirement village-specific framework including:
- Rules to enable retirement villages in the GRZ, HRZ and Commercial and Mixed Use zones.
 - Tailored matters of discretion for retirement villages
 - Proportionate notification
 - Clear, targeted, and appropriate development standards
 - Providing for retirement villages in commercial zones
 - A clear and transparent regime for financial contributions
164. I do not recommend any amendments to the IPI in response to these submission points on the basis I consider the IPI already appropriately provides for retirement villages. I note that although they provide an important source of housing for a specific demographic of the population, they are defined by the District Plan as:
- a managed comprehensive residential complex or facilities used to provide residential accommodation for people who are retired and any spouses or partners of such people. Retirement villages are often provided at large scale and can include a mixture of activities on the site such as recreation, leisure, supported residential care, welfare and medical facilities (including hospital care), and other non-residential activities.*
165. In my opinion, it is due to this potential mix of residential and non-residential activities, combined with the potential scale of retirement villages and the potential resulting adverse effects such as traffic effects, and the loss of land for other uses, that retirement villages are provided for via discretionary or restricted discretionary activities within the centres and mixed-use zones, and residential zones.
166. I am of the opinion the Council requires the discretion to consider the effects of proposed retirement villages on a case-by-case and site-by-site basis to ensure proposed retirement villages are consistent with the objectives and policies of the IPI and District Plan for each specific zone. As I discuss above, I consider the IPI objectives, policies, and any relevant matters of discretion for the consideration of a resource consent for a retirement village provide the most appropriate method to achieve the relevant objectives.
167. I therefore recommend submissions S64.138, S64.139, S64.141, S64.142, S64.144, S64.145, S64.146, and S64.147 be rejected.

13.7.4 Recommendations

- For the reasons set out above and as described in Appendix 1 I recommend the following submission be rejected.
 - S64.14
 - S64.16
 - S64.138
 - S64.139
 - S64.141
 - S64.142
 - S64.144
 - S64.145
 - S64.146
 - S64.147

2. I recommend all other submissions relevant to general IPI matters that are not specifically addressed above be accepted, accepted in part, or rejected for the specific reasons provided in Appendix 1.
3. My recommendations in relation to any relevant further submissions reflect the recommendations on the primary submissions as set out in Appendix 1.

13.8 Submitter 72 – Te Rūnanga o Toa Rangatira Inc

13.8.1 Amendments to include matters of significance to Māori and matters recognising mana whenua values.

13.8.2 Matters raised by submitter

168. Submissions S72.22 and S72.24 request that:

- a. Rule REG-R9 be recrafted to include matters of significance to Māori; and
- b. The entire Ecosystems and Indigenous Biodiversity Chapter be amended to include matters recognising mana whenua values for indigenous biodiversity, support the involvement of mana whenua in decision making, enable cultural activities and recognise the role of mana whenua as kaitiaki.

169. Further submitter FS4 – Greater Wellington Regional Council supports S72.24 as it has regard to policies IE.1 and IE.2 of Proposed RPS Change 1.

13.8.3 Discussion

170. Regarding rule REG-R9, this is a restricted discretionary activity rule that manages land based structures that support in-stream hydro or marine energy generation activities. The IPI only proposes to make consequential amendments to the list of applicable zones within rule REG-R9 to reflect the new zones proposed by the IPI. I consider any other changes to rule REG-R9 are beyond the scope of an IPI under sections 80E and 80G of the RMA. I therefore recommend submission S72.22 be rejected.

171. I do not recommend any amendments in response to submission S72.24 request to amend the entire Ecosystems and Indigenous Biodiversity Chapter to include matters recognising mana whenua values for indigenous biodiversity, support the involvement of mana whenua in decision making, or to enable cultural activities and recognise the role of mana whenua as kaitiaki. Although I agree the requested amendments will form part of an important future plan change to the District Plan, the requested amendments appear to relate to Proposed RPS Change 1 provisions. As I have recommended consistently elsewhere in this report, I do not recommend making any amendments to the IPI to give effect to any provisions within Proposed RPS Change 1 on the basis the Council (and many other parties and organisations) has made a submission on the RPS plan change that seeks amendments, and the final form of the provisions is unknown. I therefore recommend submission S72.24 be rejected.

13.8.4 Recommendations

1. I recommend submissions S72.22 and S72.24 be rejected.
2. I recommend all other submissions relevant to general IPI matters that are not specifically addressed above be accepted, accepted in part, or rejected for the specific reasons provided in Appendix 1.

3. My recommendations in relation to any relevant further submissions reflect the recommendations on the primary submissions as set out in Appendix 1.

14 Strategic Direction

14.1 Matters Raised by Submitters

172. There are many submissions that seek specific Strategic Direction provisions are retained as notified. Where there are no submissions seeking amendments to the same provisions, the submissions are not specifically identified or discussed in this report. Reference must be had to the Strategic Direction chapter in Appendix 1 for all specific recommendations on these submission points.
173. There are also many submissions that seek minor amendments to the Strategic Direction provisions that I consider to be appropriate – such as corrections or additions that are consistent with the requirements of the NPS-UD. Many of these submission points are also not specifically identified or discussed in this report but are contained in Appendix 1.

14.2 General Matters

174. Submissions on the Strategic Direction chapters seek a variety of outcomes including:
- The retention of specific provisions as notified;
 - The inclusion of provisions from Proposed RPS Change 1 to the Regional Policy Statement for the Wellington Region;
 - The inclusion of references to accessibility to active and public transport;
 - Amending the name of the General Residential Zone to Medium Density Residential Zone, and other amendments to the structure of the GRZ and HRZ chapters;
 - Introducing specific exclusions for retirement villages;
175. Submission S43.6 – KiwiRail seeks an amendment to the explanatory text that adds a reference to the High Density Residential Zone, and seeks clarifications to the wording with respect to qualifying matters and the description of the type of development provided for within residential zones.
176. Submission S50.9 - Waka Kotahi – New Zealand Transport Agency requests the Strategic Direction text be amended to include reference to 'accessible by active and public transport'.
177. Submission S58.7 - Kāinga Ora: Homes and Communities requests amendments to the Strategic Direction that directly relate to other specific requested relief to the SUB-HRZ, SUB-RES, GRZ, and HRZ chapters. The specific requested amendments are to:
- a. Delete the SUB-HRZ chapter and delete the proposed amendment to SUB-RES to make it specific to the General Residential Zone. Combine subdivision in the GRZ and the HRZ into the SUB-RES chapter; and
 - b. Rename the GRZ as the MRZ – Medium Density Residential Zone.
178. Submission S64.8 - Retirement Villages Association of New Zealand requests the Strategic Direction explanatory text be amended to provide a specific exclusion for retirement villages from the consideration of the Medium and High Density Design Guide as a matter of discretion. This requested amendment is repeated throughout the IPI within all relevant zone chapters and provisions.

14.2.1 Discussion

179. Submission S43.6 requests amendments to the Urban Form and Development explanatory text as follows:

'Within the General Residential Zone and High Density Residential Zone existing qualifying matters may limit the amount of permitted medium-density development possible on an allotment.'

180. I agree these amendments more appropriately describe the residential zones covered by the Urban Form and Development provisions, and also how the application of qualifying matters may limit all forms of permitted development on an allotment. I therefore recommend submission S43.6 – KiwiRail be accepted.
181. Regarding submission S50.9 - Waka Kotahi – New Zealand Transport Agency's requests the Strategic Direction text be amended to include reference to 'accessible by active and public transport', I do not consider this to be a necessary amendment to the explanatory text, however I do recommend specific amendments to other provisions that address the submitter's request more specifically – such as via recommended amendments to policies. These are addressed specifically under their own submission point reference numbers. On this basis I recommend submission S50.9 - Waka Kotahi be rejected.
182. Submission S58.7 - Kāinga Ora: Homes and Communities requests amendments that are consistent with the submitter's requested relief across the IPI under other submission points to replace the General Residential Zone with the Medium Density Residential Zone, and to combine the SUB-RES and SUB-HRZ provisions into one chapter. I recommend submission S58.7 be rejected for the following reasons:
- a. The HRZ zone is a specific zone that is separate from the GRZ. Opportunities to retain links to the GRZ provisions within the HRZ provisions have been taken where the matters are managed in the same way. This has been done to simplify the IPI and aid in plan implementation. However, the incorporation of the HRZ and GRZ subdivision provisions is not recommended due to the difference in the anticipated built urban form of the HRZ compared to the GRZ as reflected in the objectives and policies of the two zones.
 - b. The General Residential Zone is a *relevant residential zone* under section 70G(1) of the RMA. Therefore, the MDRS must be incorporated into the GRZ provisions, however there is no requirement under the RMA or National Planning Standards for the Council to amend the name of the zone to Medium Density Residential Zone. I note the GRZ does not preclude more traditional lower density subdivision and development, and therefore I consider renaming the GRZ to Medium Density Residential Zone would be less consistent with the IPI objectives and the existing District Plan objectives for the General Residential Zone that are not affected by the IPI.
183. I therefore recommend submission S58.7 - Kāinga Ora: Homes and Communities be rejected.
184. Regarding submission S64.8 - Retirement Villages Association of New Zealand's request that the Strategic Direction explanatory text be amended to provide a specific exclusion for retirement villages from the consideration of the Medium and High Density Design Guide as a matter of discretion, I do not consider this to be an appropriate amendment for the following reasons:
- a. Retirement villages are provided for within all zones within the IPI as either a discretionary or restricted discretionary activity. This provides the Council with the discretion to consider the effects of proposed retirement villages on a case-by-case basis to ensure the effects on the environment that may result from proposed retirement villages are consistent with the relevant objectives and policies of the relevant zone.
 - b. Depending on the proposed design and layout of a retirement village and its interaction with public areas and roads, the Medium and High Density Design Guide may be an appropriate relevant matter for the Council to consider. I therefore consider it appropriate to retain the Medium and High Density Design Guide as a potentially relevant matter of discretion to be applied on a case-by-case basis when resource consent for new retirement villages are lodged.
185. For these reasons I recommend submission S64.8 - Retirement Villages Association of New Zealand be rejected.

14.2.2 Recommendations

1. I recommend submission S43.6 – KiwiRail be accepted.
2. I recommend the following submissions be rejected:
 - S50.9 - Waka Kotahi
 - S58.7 - Kāinga Ora: Homes and Communities
 - S64.8 - Retirement Villages Association of New Zealand
3. I recommend all other submissions relevant to general matters within the Strategic Direction chapter not specifically addressed above be accepted, accepted in part, or rejected for the specific reasons provided in Appendix 1.
4. My recommendations in relation to any relevant further submissions reflect the recommendations on the primary submissions as set out in Appendix 1.

14.3 UDF-O1

186. Submission S41.18 – Greater Wellington Regional Council requests UDF-O1 (well-functioning urban environment) and other relevant policies in the IPI to be amended to include environmental components of wellbeing and have regard to the articulation of the qualities and characteristics of well-functioning urban environments set out in Objective 22 of Proposed RPS Change 1.

14.3.1 Discussion

187. As outlined in this report and as discussed in Appendix 1, the Council has had regard to Proposed RPS Change 1. As I have discussed above, there is no requirement for the IPI to give effect to a proposed change to a regional policy statement under section 75(3) the RMA.
188. I also note that in its submission on Proposed RPS Change 1, Upper Hutt City Council opposes and seeks amendments to Objective 22 on the basis the Council considers the objective goes beyond the requirements of the NPS-UD, and what an RPS can specify a district plan must do to give effect to the NPS-UD. I do not consider it to be appropriate for submission S41.18 - Greater Wellington Regional Council to seek via a submission on the IPI the inclusion of Proposed RPS Change 1 provisions that Upper Hutt City Council opposes and seeks amendments to.
189. A hearing on RPS Change 1 is yet to be held, and it is unknown what the final form of its provisions will be following the hearing and appeals processes. I consider this uncertainty is why Section 75(3) of the RMA does not require the Council to change its district plan to give effect to a proposed change to a regional policy statement.
190. On this basis I recommend submission S41.18 be rejected.

14.3.2 Recommendations

1. I recommend submission S41.18 be rejected.
2. I recommend all other submissions on UDF-O1 that are not specifically addressed in this report are accepted, accepted in part, or rejected for the specific reasons provided in Appendix 1.

14.4 UFD-O2

191. Submission S28.3 - Ara Poutama Aotearoa – Department of Corrections requests an amendment to UFD-O2 to include reference to 'households', on the basis the submitter considers this is necessary to enable its 'Ara Poutama' activities within residential zones.

14.4.1 Discussion

192. UFD-O2 incorporates one of the mandatory MDRS objectives in Clause 6 of Schedule 3A of the RMA. In my opinion, the Council does not have the discretion to make amendments to a mandatory MDRS objective. I therefore do not recommend making any amendments to UFD-O2.

14.4.2 Recommendations

1. I recommend submission S28.3 - Ara Poutama Aotearoa – Department of Corrections be rejected.
2. I recommend all other submissions on UFD-O2 identified in Appendix 1 be accepted.

14.5 UFD-O3

193. Submission S50.6 - Waka Kotahi requests UFD-O3 is amended to delete reference to 'walkability', and insert reference to 'active transport, bus routes' as follows:

2. *The proximity and ~~walkability~~ accessibility of ~~to~~ active transport, bus routes and the following train stations and zones...*

194. The submitter considers these requested amendments align with the need to recognise accessibility in a well-functioning urban environment as per Policy 1 of the NPS-UD.
195. Submission S64.4 - Retirement Villages Association of New Zealand requests UFD-O3 is amended to delete reference to 'identified' housing needs and demand on the basis the submitter considers it is unclear what this entails, and that it is contrary to 'Policy 3'.

14.5.1 Discussion

196. UFD-O3 is the objective that sets out the purpose of the High Density Residential Zone. In addition to addressing identified housing needs and demand, the proximity and walkability to the City Centre Zone and rapid transit stops are identified as the basis for the spatial extent of the High Density Residential Zone.
197. Regarding submission S50.6 – Waka Kotahi's requested amendment to UFD-O3, I note the High Density Residential Zone spatial extent is identified via *walkable catchments* in accordance with policy 3(c)(i) and (ii) of the NPS-UD. Although I agree transport and bus routes are important matters within urban environments, I consider they are not part of the methodology used in the identification of the spatial extent of the High Density Residential Zone under policy 3 of the NPS-UD (the walkable catchment).
198. On this basis I consider the requested amendments to UFD-O3 are less appropriate than the notified version, and consequently I recommend submission S50.6 – Waka Kotahi be rejected.
199. Regarding Submission S64.4 - Retirement Villages Association of New Zealand's request to delete reference to 'identified' housing needs and demand, I consider this would result in UFD-O3 being less consistent with the requirements of the following NPS-UD provisions:
- Objective 6 – which requires a have robust and frequently updated information about urban environments to use to inform planning decisions; and
 - Policy 1 – which requires planning decisions to contribute to well-functioning urban environments that as a minimum have or *enable a variety of homes that meet the needs in terms of type, price and location of different households.*

200. I consider that the direction of NPS-UD objective 6 and policy 1 requires the Council to identify and provide for specific identified housing needs and demand based on an evidence base i.e. the HBA. I consider that addressing housing needs based on identified needs is an important part in giving effect to the NPS-UD.
201. I consider the existing wording of UFD-O3 to be more appropriate than the requested wording. I therefore recommend submission S64.4 – Retirement Villages Association of New Zealand be rejected.

14.5.2 Recommendations

- a. I recommend for the reasons given in the assessment above, and for the specific reasons provided in Appendix 1, that the following submissions be rejected:
- S50.6 – Waka Kotahi
 - S64.4 - Retirement Villages Association of New Zealand
- b. I recommend all other submissions relevant to UFD-O3 not specifically addressed above be accepted, accepted in part, or rejected for the specific reasons provided in Appendix 1.
- c. My recommendations in relation to any relevant further submissions reflect the recommendations on the primary submissions as set out in Appendix 1.

14.6 UFD-P1

202. Submission S64.6 requests retirement villages be expressly excluded from UFD-P1 on the basis the Medium and High Density Design Guide makes no specific reference to retirement villages, with no guidance as to why the requirements that are applicable to non-retirement village activities apply in the same manner to retirement villages. The submitter considers that retirement villages are a unique activity with substantially differing functional and operational needs to other activities provided for within the residential zones.
203. Submission S50.8 – Waka Kotahi requests amendments to UFD-P1 to include consideration of accessibility and alternate modes of transport. This submission incorrectly specifies it is relevant to UFD-P2, however the requested amendments are to UFD-P1 as follows:

Provide for and encourage medium and high density residential development that is:

- a) eConsistent with the Council's Medium and High Density Design Guide in Appendix 1.*
- b) Accessible by active and public transport.*

14.6.1 Discussion

204. UFD-P1 is a strategic direction policy as follows:

Provide for and encourage medium and high density residential development that is consistent with the Council's Medium and High Density Design Guide in Appendix 1.

205. With respect to submission S64.6 – Retirement Villages Association of New Zealand's request that retirement villages be expressly excluded from UFD-P1, I note the policy is specific to medium and high density residential development. Retirement villages are not classed as residential activities under the District Plan, although they include residential activities within a wider mix of non-residential activities. Retirement villages are provided for within the residential zones as a discretionary activity under catch-all rule GRZ-R21.
206. I consider that depending on the proposed layout of a proposed retirement village, and the proposed location of residential units with respect to public streets and other public spaces, the design guide

could be a relevant and appropriate matter of discretion for the Council to consider during the consideration of a resource consent for a retirement village under rule GRZ-R11. Therefore, I recommend submission S64.6 be rejected.

207. I agree with requested amendments sought by submission S50.8 – Waka Kotahi. I consider that the requested amendment to UFD-P1 better give effect to the need to recognise accessibility in a well-functioning urban environment in accordance with Policy 1 National Policy Statement Urban Development 2020 (NPS UD).
208. I recommend submission S50.8 – Waka Kotahi be accepted.

14.6.2 Recommendations

1. I recommend submission S64.6 - Retirement Villages Association of New Zealand be rejected.
2. I recommend submission S50.8 – Waka Kotahi be accepted.
3. I recommend all other submissions relevant to UFD-P1 that are not identified above are accepted, accepted in part, or rejected for the reasons specified in Appendix 1.
4. My recommendations in relation to any relevant further submissions reflect the recommendations on the primary submissions as set out in Appendix 1.
5. I recommend UFD-P1 is amended as set out in the 'Recommended Amendments to IPI' section below.

14.6.3 Recommended Amendments to IPI

209. I recommend the IPI be amended as follows:

1. That UFD-P1 be amended as follows:

Provide for and encourage medium and high density residential development that is:

- (a) ~~e~~Consistent with the Council's Medium and High Density Design Guide in Appendix 1.*
- (b) Accessible by active and public transport.*

14.7 UFD-P2

210. Submission S5.6 – Bob Anker requests clause 2 of UFD-P2 is amended to make it clear whether Town Centre, Local Centre and Neighbourhood Centre Zones are enclaves with their own set of rules or whether they are covered by the High Density Zone rules.
211. Submission S58.27 - Kāinga Ora: Homes and Communities requests UPD-P2 is amended to enable building heights of 'at least' 12m, 26m, and 36m in height within 400m of the edge of the City Centre Zone. The submitter considers the requested amendments will provide enhanced flexibility and opportunities. Specific wording is also requested to change how maximum building heights are referred to – i.e., changing references such as 'building heights up to' to 'building heights at least'.

14.7.1 Discussion

212. Regarding the request of submission S5.6 – Bob Anker, I have reviewed the IPI maps and I have not identified any overlap of zone boundaries. The zone provisions only apply to the relevant zones as identified on the IPI Planning Maps. The provisions of each zone are a complete set that apply to the zone of a specific property as identified on the Planning Maps. I therefore recommend submission S5.6 – Bob Anker be rejected.

213. I do not consider the amendments sought by submission S58.27 – Kāinga Ora to enable building heights of 'at least' 12m, 26m, and 36m in height within 400m of the edge of the City Centre Zone to be more appropriate than the notified heights. I consider the permitted activity heights provided by the IPI give effect to NPS-UD Policy 3(c)(ii) with regard to the edge of the City Centre Zone. Heights greater than the proposed permitted height can be sought via a restricted discretionary activity.
214. As discussed in the section 32 evaluation, this approach is considered to be the most appropriate method to achieve the relevant objectives, including by ensuring the City has a well-functioning urban environment that enables all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety. In my opinion, an important component of achieving well-functioning urban environments in Upper Hutt City is the setting of appropriate permitted activity height limits in accordance with NPS-UD Policy 3, but also providing for greater heights via the resource consent process with the proposed Medium and High Density Design Guide being a matter of discretion. In my view, such an approach is one of the few effective options available to assist in achieving MDRS Policy 3 – *to encourage development to achieve attractive and safe streets and public open spaces, including by providing for passive surveillance.*
215. In addition, I note the heights proposed by the IPI within 400m of the edge of the City Centre Zone represents a significant increase in height for residents in the area from the status quo. I consider the permitted activity heights proposed for the High Density Residential Zone may, in some instances, result in adverse amenity effects on existing residents as a result of loss of direct sunlight. Therefore, I consider it appropriate that heights proposed to be greater than those provided for permitted activities should enable the consideration of the actual and potential effects on the environment, and the identification of affected persons in accordance with Section 95B of the RMA. This is consistent with the notification requirements of Clause 5 of Schedule 3A of the RMA, as it will ensure the Council is able to apply the limited notification resource consent process where appropriate.
216. However, I do agree with submission S58.27 that an amendment to the wording of UFD-P2 to refer to building heights of 'at least 6 stories' is more consistent with the wording of policy 3(c). I therefore recommend submission S58.27 be accepted in part, and that UFD-P2 be amended as follows:

UFD-P2

Provide for heights and densities of urban built form that enable more people to live in, and more businesses and community services to be located in, the City's urban environments, by:

1. enabling the greatest building heights and densities, including unlimited height of buildings, to occur within the City Centre Zone;
2. enabling building heights ~~up to~~ of at least 26 metres and greater densities within the High Density Residential Zone. The High Density Residential Zone comprises areas within a walkable catchment of the following train stations and centres:

14.7.2 Recommendations

1. I recommend submission S5.6 – Bob Anker be rejected.
2. I recommend submission S58.27 - Kāinga Ora: Homes and Communities be accepted in part.
3. I recommend all other submissions on UFD-P2 not identified above be accepted, accepted in part, or rejected for the reasons specified in Appendix 1.
4. My recommendations in relation to any relevant further submissions reflect the recommendations on the primary submissions as set out in Appendix 1.

5. I recommend UFD-P2 is amended as shown above and within the 'Recommended Amendments to IPI' section below.

14.7.3 Recommended Amendments to IPI

217. I recommend the IPI be amended as follows:

2. That UFD-P2 be amended as follows:

UFD-P2

Provide for heights and densities of urban built form that enable more people to live in, and more businesses and community services to be located in, the City's urban environments, by:

1. enabling the greatest building heights and densities, including unlimited height of buildings, to occur within the City Centre Zone;
2. enabling building heights ~~up to~~ of at least 26 metres and greater densities within the High Density Residential Zone. The High Density Residential Zone comprises areas within a walkable catchment of the following train stations and centres:

14.8 CMU-O3

218. Submission S50.10 – Waka Kotahi requests CMU-O3 be amended to include a clause that includes reference to 'well serviced by existing or planned public and active transport' on the grounds that this is a component of a well-functioning urban environment as specified by policy 1 of the NPS-UD.
219. Submission S58.21 – Kāinga Ora: Homes and Communities requests CMU-O3 be amended to remove reference to 'Silverstream', to ensure other town centres fall under the strategic direction.

14.8.1 Discussion

220. CMU-O3 sets out the hierarchy of centres and specifies a list of desired outcomes for all centres. Many of the stated outcomes align and give effect to components of a well-functioning urban environment as set out in the NPS-UD. I agree with submission S50.10 – Waka Kotahi that it is appropriate to add a reference to 'well serviced by existing or planned public and active transport', as I consider this will ensure the IPI more directly gives effect to the requirements of policy 1 of the NPS-UD.
221. I recommend submission S50.10 – Waka Kotahi be accepted.
222. Regarding submission S58.21 – Kāinga Ora: Homes and Communities' request to delete reference to 'Silverstream' from CMU-O3, I note Silverstream is the only Town Centre Zone proposed by the IPI. Consequently, there is no technical need for requested amendment, and I therefore recommend it be rejected.

14.8.2 Recommendations

1. I recommend submission S50.10 – Waka Kotahi be accepted.
2. I recommend submission S58.21 – Kāinga Ora: Homes and Communities be rejected.
3. I recommend all other submissions relevant to CMU-O3 not specifically addressed above be accepted, accepted in part, or rejected for the specific reasons provided in Appendix 1.
4. My recommendations in relation to any relevant further submissions reflect the recommendations on the primary submissions as set out in Appendix 1.

5. I recommend CMU-03 be amended as shown in the 'Recommended Amendments to IPI' section (Section 14.11) below.

14.8.3 Recommended Amendments to IPI

223. I recommend the IPI be amended as follows:

1. That CMU-03 – Centres Hierarchy, be amended by adding a new clause as follows:

(vii) Are well serviced by existing or planned public and active transport.

14.9 CMU-04

224. Submission S58.22 Kāinga Ora: Homes and Communities requests reference to 'Silverstream' be deleted from CMU-04 as the submitter considers other town centre zones should be referenced in the Strategic Direction.

225. Submission S64.10 - Retirement Villages Association of New Zealand requests CMU-04 be amended to include reference to the Neighbourhood Centre Zone including provision for residential activities.

14.9.1 Discussion

226. I recommend submission S58.22 Kāinga Ora: Homes and Communities request to delete reference to 'Silverstream' from CMU-04 be rejected for the same reasons I provide above with respect to submission S58.21.

227. Regarding submission S64.10 - Retirement Villages Association of New Zealand's requested amendment to CMU-04, I note the objective is the strategic direction objective for the commercial and mixed use zone that sets out the establishment of the centre zones hierarchy as follows (the submitter's requested amendment is shown as underlined text):

CMU-04	Centre Zones Hierarchy
<p>Upper Hutt establishes a hierarchy of centres as follows:</p> <ul style="list-style-type: none"> • The City Centre Zone is the principal centre and main focal point of the city and provides for a wide range of commercial, cultural, community, recreational, civic and residential activities that serve the city's employment, economic and social needs. • The Silverstream Town Centre is a commercial centre that provides key services to the immediate and neighbouring suburbs and accommodates a wide range of commercial and community activities as well as residential activities. • The Local Centres Zones provide goods and services mainly to surrounding local residents while also accommodation community and residential activities. • The Neighbourhood Centre Zones are smaller in scale than the other centre zones and provides for the day to day needs of their immediate residential neighbourhoods, <u>and includes provision for residential activities.</u> 	

228. I consider this amendment is appropriate as it is consistent with how the other centre zones are described where residential activities are provided for. I therefore recommend submission S64.10 - Retirement Villages Association of New Zealand be accepted.

14.9.2 Recommendations

1. I recommend for the reasons given in the assessment above, and for the specific reasons provided in Appendix 1, that submission S64.10 – Retirement Villages Association of New Zealand be accepted.
2. I recommend all other submissions relevant to CMU-O4 not specifically addressed above be accepted, accepted in part, or rejected for the specific reasons provided in Appendix 1.
3. My recommendations in relation to any relevant further submissions reflect the recommendations on the primary submissions as set out in Appendix 1.
4. I recommend CMU-O4 be amended as shown in the 'Recommended Amendments to IPI' section below.

14.9.3 Recommended Amendments to IPI

229. I recommend the IPI be amended as follows:

3. That the fourth bullet point of CMU-O4 be amended as follows:

- The Neighbourhood Centre Zones are smaller in scale than the other centre zones and provides for the day to day needs of their immediate residential neighbourhoods and includes provision for residential activities.

4. That the second paragraph of the UFD explanatory text be amended as follows:

Within the General Residential Zone and High Density Residential Zone ~~existing~~ qualifying matters may limit the amount of permitted ~~medium density~~ development possible on an allotment.

14.10 Requested New Strategic Direction Provisions

230. Submission S64.5 - Retirement Villages Association of New Zealand requests a new Urban Form and Development objective be inserted into the Strategic Direction chapter to specifically provide for an ageing population as follows:

UFD-Ox Ageing population:

Recognise and enable the housing and care needs of the ageing population.

14.10.1 Discussion

231. I do not consider it appropriate to include submission S64.5 Retirement Villages Association of New Zealand's requested new objective in the Strategic Direction chapter to recognise and enable the housing and care needs of the ageing population. I consider the housing needs of an ageing population are already provided for within the IPI provisions, just as the housing needs of all people are provided for at a strategic level that is appropriate for the Strategic Direction chapter.
232. I consider that the needs of all people - regardless of their age and specific housing needs, are provided for via the IPI objectives and policies. In my opinion, a specific objective for an ageing population is not necessary as it is inherent that all housing needs must be provided for within provisions that refer to well-functioning urban environments, such as Objective UFD-O1.
233. In addition, I consider that if an ageing population-specific objective was to be incorporated into Strategic Direction chapter of the IPI, it may have the unintended consequence of elevating the needs of one group of the population over other groups who are also in need of specific housing that meets their specific needs. I consider the requested amendment would result in the Strategic Direction

chapter focusing on one specific group of the population over other groups who have specific housing needs. If I were to recommend granting the requested amendment, I consider it would need to be accompanied by many other amendments that specifically refer to the housing needs of all other groups – such as the housing needs of people on low incomes, people with disabilities, and those in need of one bedrooms residential units. I do not recommend this approach.

234. I therefore recommend submission S64.5 be rejected.

14.10.2 Recommendations

1. I recommend for the reasons given in the assessment above, and for the specific reasons provided in Appendix 1, that submission S64.5 - Retirement Villages Association of New Zealand be rejected.

14.11 Section 32AA evaluation for all amendments to the Strategic Direction chapter

235. In my opinion, the recommended amendments to the IPI in response to matters raised by submitters are more appropriate in achieving the objectives of the IPI than the notified provisions. In particular, I consider that:

UFD-P1

1. The recommended amendments to UFD-P1 better give effect to the direction of NPS-UD policy 1 regarding the need to recognise accessibility in a well-functioning urban environment. The amendments are more efficient and effective than the notified provisions in achieving the objectives of the IPI.
2. The recommended amendments to UFD-P1 will not have any greater environmental, social, economic, or cultural effects than the notified provisions. However, there will be benefits for plan implementation as a result of improved plan alignment with national direction.

UFD-P2

1. The recommended amendments to UFD-P2 better give effect to the direction of NPS-UD policy 3(c) regarding the requirement to provide for building heights of at least 6 stories. The amendments are more efficient and effective than the notified provisions in achieving the objectives of the IPI.
2. The recommended amendments to UFD-P2 will not have any greater environmental, social, economic, or cultural effects than the notified provisions. However, there will be benefits for plan implementation as a result of improved plan alignment with national direction.

CMU-O3

1. The recommended amendments to CMU-O3 to add a clause that refers to the centres being well serviced by existing or planned public and active transport will better align with objective 1 and policy 1 of the NPS-UD as a component of a well-functioning urban environment. The amendments are more efficient and effective than the notified provisions in achieving the objectives of the IPI.
2. The recommended amendments to CMU-O3 will not have any greater environmental, social, economic, or cultural effects than the notified provisions. However, there will be benefits from improved plan interpretation and better alignment with national direction.

CMU-O4

1. The recommended amendments to CMU-O4 to include reference to the provisions for residential activities will improve clarity for plan users, and better reflect the objectives, policies, and rules of the Neighbourhood Centre Zone. The amendments are more efficient and effective than the notified provisions in achieving the objectives of the IPI.
2. The recommended amendments to CMU-O4 will not have any greater environmental, social, economic, or cultural effects than the notified provisions. However, there will be benefits from improved plan interpretation and more efficient plan administration.

UFD Explanatory Text

1. The recommended amendments to the UFD explanatory text to include referent to the High Density Residential Zone, and to simplify references to qualifying matters and permitted development will improve clarity for plan users, and better reflect the application and impact of qualifying matters. The amendments are more efficient and effective than the notified provisions in achieving the objectives of the IPI.
2. The recommended amendments will not have any greater environmental, social, cultural, or economic effects than the notified provisions. However, there will be benefits from improved plan interpretation and more efficient plan administration.

1. Medium Density Residential Standards – General Residential Zone

14.11.1 Matters raised by submitters

236. A large number of submissions were received on the IPI provisions that incorporate the mandatory MDRS provisions that apply to the General Residential Zone. Submissions seek a range of outcomes comprising:
- i The retention of the mandatory MDRS objectives, policies, density standards, and associated rules as notified in the General Residential Zone; or
 - ii The amendment of the MDRS from their mandatory form as specified in Schedule 3A of the Act in the General Residential Zone to:
 - a. Make provisions either more enabling or less enabling than the MDRS;
 - b. Add additional text to MDRS provisions;
 - c. Retain references to qualifying matters but to add a schedule of Sites and Areas of Significance to Māori in the IPI;
 - d. Change the name of the GRZ to the MRZ;
 - e. Add specific provisions for retirement villages and retirement units;
 - f. Add advice notes outlining requirements under the Building Act;
 - a. Make the height in relation to boundary standard more lenient;
 - b. Amend notification clauses to preclude public or limited notification;
 - c. Replace matters of discretion
 - d. Add new matters of discretion for reverse sensitivity effects;

14.12 Discussion

14.12.1 Retention of MDRS

237. With respect to submissions seeking to retain the MDRS provisions as notified, it is recommended these be accepted on the basis the requested relief is consistent with the requirements of section 77G(1) of the Act. I do not recommend any amendments to the mandatory MDRS provisions.

14.12.2 Amendments to MDRS

238. With respect to submissions seeking Council makes amendments to the MDRS provisions, I consider that as a Tier 1 Territorial Authority, the Council does not have the discretion under the Act to alter the MDRS, unless for the purpose of:

- (a) Making the MDRS and relevant building height or density requirements less enabling in an area within a residential zone to the degree necessary to accommodate one or more of the qualifying matters specified in section 77I of the RMA; or
- (b) Enabling a greater level of development than provided for by the MDRS within a residential zone under section 77H of the RMA.

239. None of the submissions seek to make the MDRS less enabling of development to accommodate a qualifying matter within an area in the residential zones. Due to the fact that the Council has a duty under section 77G of the RMA to incorporate the MDRS into all relevant residential zones, I recommend all submissions that seek the following amendments be rejected:

- Add additional text to MDRS provisions;
- Add specific provisions for retirement villages and retirement units to MDRS provisions;
- Add advice notes to MDRS provisions to outline requirements under the Building Act;
- Add specific provisions to MDRS provisions for retirement villages or retirement units;

14.12.3 Requests to make the MDRS provisions more lenient

240. The following submissions request that specific MDRS provisions are amended to be more lenient:

Submission No	Decision Requested
S58.116 - Kāinga Ora: Homes and Communities	Delete MDRS standard GRZ-S5 (Outdoor Living Space) and replace it with a standard that requires less outdoor living space (per unit). See the submission for the requested replacement standard.
S58.117 - Kāinga Ora: Homes and Communities	Amend MDRS standard GRZ-S7 (Building Height) to apply a building height of '18m where located in proximity to an identified Local Centre Zone, as identified on the Planning Maps as a Height Variation Control'. See the submission for requested amendments
S58.118 - Kāinga Ora: Homes and Communities	Amend MDRS standard GRZ-S8 (Height in Relation to Boundary) to add the following standard: <u>'For sites identified as being subject to an increase in height control around the Local Centre Zones, a 60° recession plane measured from a point 6m vertically above ground level for the first 22m of the side boundary as measured from the road frontage, and 60° recession plane measured from a point 4m vertically above ground level where located further than 22m from the road and along all other boundaries.'</u>
S64.41 - Retirement Villages Association of New Zealand	Amend GRZ-S8 (Height in Relation to Boundary) to add an additional exclusion as follows:c. Site boundaries where there is an existing common wall between two buildings on adjacent sites or where a common wall is proposed: <u>d. Boundaries adjoining open space and recreation zones, rural zones, commercial and mixed use zones, industrial zones and special purpose zones.</u>

241. Section 77H of the RMA enables the Council to modify the MDRS to enable greater development through:
- omitting one or more of the mandatory MDRS density standards; or
 - including a rule(s) that regulate the same effect as the MDRS density standard, but making the rule(s) more lenient than the MDRS.
242. I consider the amendments requested by the submissions identified above fall into the second category, as they all seek amendments to make the MDRS standards more lenient. I discuss each submission point individually below.
243. Regarding submission S58.116 - Kāinga Ora: Homes and Communities request to delete the MDRS Outdoor Living Space (per residential unit) standard (GRZ-S5), I am not aware of any evidence to demonstrate that the MDRS standard is too generous and in need of a reduction to provide less outdoor living space per residential unit. I am mindful the MDRS requires a significantly reduced outdoor living space compared to the Operative District Plan within the residential zones in the City.
244. The submitter considers that reducing the minimum MDRS outdoor living space will provide greater design flexibility. Whilst I agree that reducing the minimum outdoor living space requirement may provide greater design flexibility, based on the information provided by the submitter, I do not consider there is any evidence to demonstrate the requested amendments would be a more appropriate method to achieve the objectives of the GRZ and the relevant strategic directions for urban form and development. I therefore recommend submission S58.116 - Kāinga Ora: Homes and Communities be rejected.
245. Submission S58.117 - Kāinga Ora: Homes and Communities requests MDRS standard GRZ-S7 (Building Height) is amended to provide for increased heights within the GRZ where located within a 400m walkable catchment of an identified Local Centre Zone.
246. I note NPS-UD Policy 3(d) does not require the Council to implement specific heights around the Local Centre Zone based on a walkable catchment. Policy 3(d) requires the district plan to enable:
- (d) within and adjacent to neighbourhood centre zones, local centre zones, and town centre zones (or equivalent), building heights and density of urban form commensurate with the level of commercial activities and community services.*
247. Whilst I acknowledge there are a number of technical methods that could be used to give effect to the requirements of this policy, the IPI proposes a simple method that I consider appropriately gives effect to the requirements of Policy 3(d). This is because the permitted height under GRZ-S7 matches that of the entire GRZ, but this height may be exceeded via a restricted discretionary activity resource consent. This enables a case-by-case consideration of the effects of the potential increase in height. I consider this to be the most appropriate approach to managing height in the GRZ as it acknowledges and responds to the significant increase in the height of permitted buildings within the GRZ compared to the status quo. I consider this approach is the most appropriate method to achieve the objectives of the IPI. Accordingly, I recommend submission S58.117 - Kāinga Ora: Homes and Communities be rejected.
248. Submissions S58.118 - Kāinga Ora: Homes and Communities, and S64.41 - Retirement Villages Association of New Zealand request amendments to MDRS standard GRZ-S8 – Height in Relation to Boundary.
249. Submitter S58 Kāinga Ora: Homes and Communities seeks the standard be amended to increase the height of the measurement point from 4 metres above ground level to 6 metres for the first 22m of the side boundary, while further than 22m is to be measured 4 metres above ground level.

250. Submitter S64 – Retirement Villages Association of New Zealand request the standard be amended to include an exclusion for boundaries adjoining open space and recreation zones, rural zones, commercial and mixed use zones, industrial zones and special purpose zones.
251. On my reading, neither of these submissions provide an effects-based justification for the requested amendments to the MDRS height in relation to boundary standard for the General Residential Zone. I consider that GRZ-S8 provides a generous height in relation to boundary permitted standard for buildings within the General Residential Zone. I also consider it is appropriate that applications for resource consent to breach the MDRS height in relation to boundary standard may be subject to limited notification pursuant to Section 95B of the RMA, should the adverse effects be deemed to be minor or more than minor on specific persons in accordance with Section 95E.
252. With respect to the request to exclude the height in relation to boundary standard along boundaries that adjoin the open space and recreation zones, rural zones, commercial and mixed use zones, industrial zones and special purpose zones, I consider that height envelope encroachments have the potential to result in adverse effects on persons and activities carried out within these zones. I do not consider it appropriate to exclude boundaries adjoining these zones from the need to comply with the height in relation to boundary standard. I consider that the resource consent process appropriately provides for the case-by-case consideration of the actual and potential adverse effects of buildings that propose to exceed the permitted standard.
253. In my opinion, the requested amendments to GRZ-S8 by both submitters would be likely to result in further adverse effects on specific persons in some cases. In my opinion, such cases should be subject to the resource consent process to ensure the relevant objectives are achieved. Consequently, I recommend submissions S58.118 - Kāinga Ora: Homes and Communities, and S64.41 - Retirement Villages Association of New Zealand be rejected.

14.12.4 Request to Rezone General Residential Zone to Medium Density Residential Zone

254. Regarding submitter S58 - Kāinga Ora's multiple requests to replace references to the GRZ with MRZ, this relief is requested by the submitter for the entire GRZ, and is requested across multiple submission points on the IPI across multiple chapters. I have not identified all these submission points in this report; however, they are all specifically addressed and recommended to be rejected within Appendix 1.
255. I consider the requested changes are not necessary as the GRZ is a *relevant residential zone* under the Act pursuant to Part 1 – Interpretation and application. As such, the MDRS must be incorporated into the GRZ provisions pursuant to section 77G(1) of the RMA. Consequently, there is no requirement for the Council to rename the GRZ to MRZ as part of incorporating the MDRS into the GRZ provisions.
256. I also note that despite the incorporation of the MDRS into the GRZ, the GRZ provisions will also continue to provide for traditional types of subdivision and development in addition to subdivision and development that will take advantage of the MDRS density standards and subdivision provisions. On this basis, I consider the GRZ remains an appropriate zone name for the variety of subdivision, use and development anticipated and provided for within the zone.
257. I recommend submitter S58 - Kāinga Ora's multiple requested changes from GRZ to MRZ, on the provisions that incorporate the MDRS be accepted in part on the basis the submitter also seeks the relevant provisions remain as notified - only that they be applied to the requested new MRZ zone. I have identified the specific submissions points by submitter S58 that are applicable to the MDRS provisions in my recommendations below, and I also make a separate specific recommendation to accept in part or reject all other relevant submission points by submitter S58 that seek the same outcome. Reference must be made to Appendix 1 for all recommendations on all relevant submission points by submitter 58 – Kāinga Ora: Homes and Communities that seek the rezoning of the GRZ to MRZ, and those that request consequential amendments.

14.12.5 Sites and Areas of Significance to Māori (SASMs)

258. Submissions S41.33 – Greater Wellington Regional Council, and S.72.27 – Te Rūnanga o Toa Rangatira Inc seek the identification and inclusion of sites of significance to Māori in the district plan via the IPI.
259. The district plan manages historic heritage via provisions in chapter HH-Historic Heritage. HH Schedule 1 lists 27 specific features including buildings, structure, features and sites, of which two listings appear to be of significance to Māori. In my opinion this likely represents a substantial gap in the identification and protection of sites and areas of significance to Māori in Upper Hutt.
260. The submissions request the retention of GRZ-P1B and HRZ-P1 with respect to the reference to historic heritage as a qualifying matter, however both submissions also request the inclusion of a schedule of Sites and Areas of Significance to Māori (SASMS) in the IPI.
261. I consider that the identification and protection of additional historic heritage SASMs via the district plan requires the preparation or gathering of an evidence base supporting each proposed listing. I also consider that best practice would include consultation with directly affected property owners on a draft plan change to identify and protect identified sites. It may also be appropriate to review the relevant existing objectives, policies, rules, and standards that manage historic heritage to ensure sites and areas of significance to Māori are protected effectively and in accordance with section 6 of the RMA and the RPS. In my opinion this would be best achieved via a holistic approach, and I consider this represents a significant amount of work that cannot be accommodated within the IPI timeframes. I note this task would be best achieved by the Council working in partnership with mana whenua on the preparation of a non-IPI future plan change. I have been advised that this work is currently underway.
262. Consequently, although I agree with submissions S41.33 – Greater Wellington Regional Council, and S.72.27 – Te Rūnanga o Toa Rangatira Inc, that the IPI and District Plan does not adequately protect SASMS, for the reasons above I recommend these submissions be rejected.

14.12.6 Requested Amendments to Matters of Discretion

263. The MDRS requires the IPI to include restricted discretionary rules to manage subdivision and development that does not comply with permitted or controlled activity density standards. Whilst the MDRS specifies the triggers for these rules where resource consent is required, it does not specify what matters of discretion the Council should or must include within the rules. Therefore, the Council must exercise its judgement as a consent authority to put in place appropriate matters of discretion to consider and manage the actual and potential effects on the environment that may result from development and subdivision under the restricted discretionary activity rules.
264. Submissions S58.128, S58.130, and S58.133 – Kāinga Ora: Homes and Communities seek the deletion of specific matters of discretion within rules GRZ-R12 (the construction and use of 1, 2 or 3 residential units that do not comply with one or more of the MDRS permitted standards), and GRZ-R12B (catch-all rule for managing the construction of residential units that do not fall under other rules). I do not recommend making any of the requested amendments to the matters of discretion within these rules. For the following reasons:
- (a) The requested deletion of reference to the Medium and High Density Design Guide as a matter of discretion is sought by the submitter across the entire IPI. It is recommended that reference to the design guide is retained throughout the District Plan, and that the submitter's requested amendments to remove the design guide are rejected. All specific requests to remove the Design Guide from the IPI are addressed individually under the relevant provisions elsewhere in this report and within in Appendix 1.
 - (b) The requested amendment to delete Matter of Discretion (2) from rule GRZ-R12 and replace it with 'the development contributes to a safe and attractive public realm and streetscape' simply repeats wording from a mandatory MDRS policy that has been incorporated into Policy GRZ-P1A. On my reading, the requested amendment specifies a desired outcome from the

policy, and I do not consider this to be an effective matter of discretion to be applied in the consideration of a resource consent. I also note section 104(1)(b)(vi) of the RMA already requires the Council to have regard to Policy GRZ-P1A when considering an application for resource consent.

- (c) I consider the request to amend Matter of Discretion 3 of rule GRZ-R12 by adding 'extent and' to be unnecessary and potentially inappropriate. I note the Council's discretion whether to consider the extent of breaches of permitted standards is already provided to the Council pursuant to Sections 95D(b), 95E(2), and 104(2) of the RMA. These provisions enable the Council to disregard effects if a rule in the District Plan permits an activity with those effects (i.e., the permitted baseline).
- (d) I consider the requested deletion of 'cumulative effects' from Matter of Discretion 4 from rule GRZ-R12 and its replacement with 'the extent and effects of the development to deliver quality on-site amenity and privacy that is appropriate for its scale' is not necessary, as it is recommended to retain the Medium and High Density Design Guide within the District Plan - and to retain it as a matter of discretion. The requested amendments appears to be part of a suite of amendments that would support the submitter's request to delete the design guide.
- (e) I consider the requested amendment to delete reference to the Council's Code of Practice for Civil Engineering Works, and replacing it with 'the extent and effects on the three waters infrastructure, including that the infrastructure has the capacity to service the development' is inappropriate as it overlooks many of the other relevant matters addressed within the Council's Code of Practice - such as the provision of electrical power, gas, telecommunications and information cabling, land transport, earthworks, street scape, traffic services and road signage, land clearance and associated works.

- 265. I therefore recommend submissions S58.128, S58.130, and S58.133 – Kāinga Ora: Homes and Communities be rejected.
- 266. Submissions S33.9, S33.10 and S33.11 – Fuel Companies, request the addition of reverse sensitivity effects on existing lawfully established non-residential activities to the list of matters of discretion within rules GRZ-R11 (a non-MDRS rule), GRZ-12A and GRZ-R12B. I agree the consideration of reverse sensitivity effects is appropriate within the GRZ due to the greatly enabled heights and densities enabled by the IPI, and the corresponding increased likelihood of reverse sensitivity effects as more people and households live in closer proximity to non-residential activities.
- 267. I recommend reverse sensitivity effects in general should be added to the restricted discretionary activity rules within the GRZ rather than the specific wording requested by submitter S33. I consider such an approach falls within the powers of the Hearings Panel under clause 99(2) of Schedule 1 of the RMA. Consequently, I recommend submissions S33.9, S33.10 and S33.11 – Fuel Companies be accepted in part, and the IPI be amended as set out in the recommended IPI amendments section below.

14.12.7 Notification Preclusion

- 268. Submissions S58.127, and S58.132 – Kāinga Ora: Homes and Communities request amendments to the matters of discretion within rules GRZ-R12 and GRZ-R12B to include non-notification clauses for public or limited notification for resource consent applications that do not comply with the following MDRS density standards:
 - GRZ-S5 - Outdoor living space (per residential unit)
 - GRZ-S9 - Hydraulic neutrality
 - GRZ-S14 - Outlook space (per residential unit)
 - GRZ-S15 (Windows to street)
 - GRZ-S16 (Landscaped area)

269. As a general observation, I note that neither the MDRS nor Policy 6 of the NPS-UD have the effect of requiring the IPI to provide limited notification preclusion clauses to any density standards - other than the standard specifying the maximum number of residential units per site. I recommend these submission points be rejected for the following reasons:
- (a) GRZ-S5: Outdoor Living Space: I consider that insufficient provision of outdoor living space has the potential to adversely affect neighbouring properties as a result of too many occupants of residential units occupying an undersized and unsuitable outdoor living space within a site. It could also result in additional pressure being put on the capacity of the community's existing open space network.
 - (b) GRZ-S9 – Hydraulic Neutrality: I consider that failure to provide hydraulic neutrality can result in real-world adverse effects on other people and properties as a result of increased stormwater runoff and flooding effects. I disagree with the submitter that these potential adverse effects are only technical in nature. In my experience in processing resource consents, I have observed limited notification of an application on affected persons due to increased potential flood effects as the result of proposed development.
 - (c) GRZ-S14 – Windows to Street: I consider that a failure to provide sufficient windows to a street could potentially result in a building with no windows to a street. I consider this could result in residents in the area feeling a reduced level of safety in the street and public open spaces through the lack of passive surveillance. I consider that such an outcome would be contrary to MDRS policy 3 – which is to encourage development to achieve attractive and safe streets and public open spaces, including by providing for passive surveillance.
 - (d) GRZ-S16 – Landscaped Area: This standard provides a minimum level of landscaping for the amenity of residents and the surrounding environment. I consider that a failure to provide a sufficient landscaped area could result in developments that provide poor or no landscaped areas – potentially resulting in minor or more than minor adverse impacts on neighbouring and nearby properties. I consider the MDRS sets out a minimum amount of landscaping for amenity purposes – despite the direction of NPS-UD policy 6. Therefore, I consider the planned urban built form of the General Residential Zone includes residential units with landscaped areas.
270. I note that apart from the specific notification preclusion requirements of the MDRS, the Council is not required to waive its discretion to make notification decisions on a case-by-case basis. I consider the notification clauses that are within the IPI as notified are the most appropriate method to achieve the relevant objectives. All mandatory notification preclusions required by clause 5 of Schedule 3A of the RMA (the MDRS) have been incorporated into the relevant provisions.
271. On this basis I recommend Submissions S58.127 and S58.132 – Kāinga Ora: Homes and Communities be rejected.

14.13 Recommendations

1. I recommend for the reasons given in the assessment above, and the reasons provided in Appendix 1 that the following submissions that request the GRZ MDRS provisions be retained as notified be accepted:
 - S27.23 – Transpower New Zealand Limited
 - S27.24 – Transpower New Zealand Limited
 - S27.26 – Transpower New Zealand Limited
 - S56.19 – Fire and Emergency New Zealand

- S64.22 – Retirement Villages Association of New Zealand
 - S64.23 – Retirement Villages Association of New Zealand
 - S64.24 – Retirement Villages Association of New Zealand
 - S64.25 – Retirement Villages Association of New Zealand
 - S64.26 – Retirement Villages Association of New Zealand
 - S64.27 – Retirement Villages Association of New Zealand
 - S64.37 – Retirement Villages Association of New Zealand
 - S64.38 – Retirement Villages Association of New Zealand
 - S64.40 – Retirement Villages Association of New Zealand
 - S64.43 – Retirement Villages Association of New Zealand
2. I recommend all Submitter S58 - Kāinga Ora's requested change from GRZ to MRZ, including all multiple consequential amendments across multiple IPI chapters be accepted in part or rejected for the reasons specified above and as detailed within Appendix 1.
3. I recommend for the reasons given in the assessment above and the reasons provided in Appendix 1 that the following submissions be accepted in part:
- S33.9 – Fuel Companies
 - S33.10 – Fuel Companies
 - S33.11 – Fuel Companies
 - S58.98 - Kāinga Ora: Homes and Communities
 - S58.99 - Kāinga Ora: Homes and Communities
 - S58.101 - Kāinga Ora: Homes and Communities
 - S58.102 - Kāinga Ora: Homes and Communities
 - S58.103 - Kāinga Ora: Homes and Communities
 - S58.104 - Kāinga Ora: Homes and Communities
 - S58.111 - Kāinga Ora: Homes and Communities
 - S58.114 - Kāinga Ora: Homes and Communities
 - S58.115 - Kāinga Ora: Homes and Communities
 - S58.119 - Kāinga Ora: Homes and Communities
 - S58.120 - Kāinga Ora: Homes and Communities
 - S58.121 - Kāinga Ora: Homes and Communities
 - S58.122 - Kāinga Ora: Homes and Communities
4. I recommend for the reasons given in the assessment above and the reasons provided in Appendix 1 that the following submissions be rejected:
- S20.1 – Andrew Knight
 - S27.25 - Transpower New Zealand Limited
 - S28.4 – Ara Poutama Aotearoa – Department of Corrections
 - S28.5 – Ara Poutama Aotearoa – Department of Corrections
 - S41.33 – Greater Wellington Regional Council
 - S56.23 – Fire and Emergency New Zealand
 - S56.24 – Fire and Emergency New Zealand
 - S58.116 – Kāinga Ora: Homes and Communities
 - S58.117 – Kāinga Ora: Homes and Communities
 - S58.118 - Kāinga Ora: Homes and Communities
 - S58.127 – Kāinga Ora: Homes and Communities

- S58.128 – Kāinga Ora: Homes and Communities
- S58.130 – Kāinga Ora: Homes and Communities
- S58.132 – Kāinga Ora: Homes and Communities
- S58.133 – Kāinga Ora: Homes and Communities
- S64.39 – Retirement Villages Association of New Zealand
- S64.41 - Retirement Villages Association of New Zealand
- S64.44 – Retirement Villages Association of New Zealand
- S64.45 – Retirement Villages Association of New Zealand
- S64.46 – Retirement Villages Association of New Zealand
- S.72.27 – Te Rūnanga o Toa Rangatira Inc

5. I recommend that all other submissions that relate to the MDRS that are not specifically addressed above be accepted, accepted in part, or rejected for the reasons provided in Appendix 1.
6. My recommendations in relation to all relevant further submissions reflect the recommendations on the relevant primary submission as shown in Appendix 1.

14.13.1 Recommended Amendments to IPI

1. I recommend GRZ-R11, GRZ-R12, GRZ-R12A, GRZ-R12B be amended to add reverse sensitivity effects as a matter of discretion as follows (see Appendix 2 for specific amendments):

(Xx) Reverse sensitivity effects.

14.13.2 Section 32AA Evaluation

272. In my opinion, the recommended amendments to the IPI in response to matters raised by submitters are more appropriate in achieving the objectives of the IPI than the notified provisions. In particular, I consider that:
 1. The recommended amendments to the matters of discretion to the GRZ rules to add 'reverse sensitivity effects' will better give effect to the direction of NPS-UD policy 1 regarding the retention and creation of well-functioning urban environments. The amendments are more efficient and effective than the notified provisions in achieving the objectives of the IPI.
 2. The recommended amendments will not have any greater environmental, social, economic, or cultural or economic effects than the notified provisions. However, there will be benefits for plan implementation as a result of improved plan alignment with national direction, and the ability to fully consider the potential effects of intensification on existing non-residential activities and put in place methods to avoid, remedy, or mitigate adverse effects.

15 General Residential Zone – Non-Compulsory MDRS Matters

15.1 Matters Raised by Submitters

273. Submissions on the non-compulsory provisions of the General Residential Zone seek a range of outcomes including:
 - a. Wording amendments to provide greater alignment with the NPS-UD.
 - b. The deletion of provisions.
 - c. Technical amendments.
 - d. Notification preclusions.
 - e. New provisions that specifically provide for:
 - i. retirement villages

- ii. education facilities
- iii. emergency service facilities
- iv. three waters infrastructure
- v. a new policy directing the use of a permitted baseline

15.2 Alignment with NPS-UD

274. The following submissions seek amendments to the GRZ chapter provisions to reflect the direction of the NPS-UD:

Submission No.	Decision Requested
S58.106 - Kāinga Ora: Homes and Communities	Amend GRZ-P1 to make explicit reference be made to the anticipated change to the planned urban built form, appearance, and amenity within the zone, consistent with Policy 6 of the NPS-UD. See submission for requested amendments.
S58.107 - Kāinga Ora: Homes and Communities	Amend GRZ-P2 to make explicit reference be made to the anticipated change to the planned urban built form, appearance, and amenity within the zone, consistent with Policy 6 of the NPS-UD.
S58.109 - Kāinga Ora: Homes and Communities	Amend GRZ-P5 to delete reference to 'pleasant'.
S58.110 - Kāinga Ora: Homes and Communities	Amend GRZ-P9 to make explicit reference be made to the anticipated change to the planned urban built form within the zone, consistent with Policy 6 of the NPS-UD.
S58.97 - Kāinga Ora: Homes and Communities	Amend GRZ-O1 to delete reference to 'character and amenity values developing and changing over time' and replacing with similar wording that includes reference to the 'planned urban build form of the zone'.
S58.136 - Kāinga Ora: Homes and Communities	Amend GRZ-MC2 to refer to 'planned urban built form and appearance' rather than 'planned urban built character'.
S64.29 – Retirement Villages Association of New Zealand	Amend GRZ-P1 as follows: To provide for a range of building densities within the residential areas that <u>respond to</u> are compatible in form and scale with the neighbourhood's planned built form and character which takes into account the capacity of the infrastructure.
S64.30 – Retirement Villages Association of New Zealand	Amend GRZ-P2 as follows: To ensure that the scale, appearance and siting of buildings, structures and activities <u>respond to</u> are compatible in form and scale with the neighbourhood's planned built form and character.
S64.33 – Retirement Villages Association of New Zealand	Amend GRZ-P9 as follows: To promote <u>high-quality</u> residential development with a high level of amenity and ensure that it has adequate access to infrastructural requirements, while recognising that amenity values develop and change over time.

15.2.1 Discussion

GRZ-P1

275. Policy GRZ-P1 is an existing policy that the IPI proposes to amend to ensure it is consistent with NPS-UD policy 6 with respect to the consideration of the planned urban built form of the GRZ.
276. Submission S58.106 – Kāinga Ora: Homes and Communities requests amendments to GRZ-P1 to ensure the wording is more consistent with policy 6 of the NPS-UD by referring to the 'planned urban built form', and deleting reference to 'character'. I agree these amendments are appropriate as they will ensure the policy is more consistent with the direction of NPS-UD policy 6. I therefore recommend submission S58.106 be accepted, and that policy GRZ-P1 be amended as follows:

To provide for a range of building densities within the residential areas that are compatible in form and scale with the neighbourhood's planned urban built form and ~~character~~ amenity which takes into account the capacity of the infrastructure.

277. Submission S64.29 – Retirement Villages Association of New Zealand, requests policy GRZ-P1 be amended to replace reference to the compatibility of form and scale of building densities with a neighbourhood's planned built urban form, with a reference to building densities 'responding to' the neighbourhood's planned built urban form.
278. I consider the requested amendments to be inferior to those of the notified IPI. I consider the compatibility of building densities with the planned urban built form is a more appropriate wording as it better provides for the consideration of restricted discretionary activities – noting that restricted discretionary activities within the GRZ that give effect to the IPI are actually part of the planned urban built form as expressed in relevant policies such as GRZ-P1E. Accordingly, I consider that the requested replacement of the term 'compatibility' with 'responds to' would provide less direction to decision makers. I therefore recommend submission S64.29 - Retirement Villages Association of New Zealand be rejected.

15.2.2 Recommendations

1. I recommend submission S58.106 – Kāinga Ora: Homes and Communities be accepted.
2. I recommend submission S64.29 – Retirement Villages Association of New Zealand be rejected.
3. I recommend the IPI be amended as shown in the 'Recommended Amendments to IPI' section below.

GRZ-P2

279. Submission S58.107 - Kāinga Ora: Homes and Communities, requests amendments to policy GRZ-P2 that are similar to those requested for policy GRZ-P1 as discussed above. I agree with the requested amendments for the same reasons I provide for GRZ-P1 above, however I do not recommend accepting the addition of 'appearance' on the basis that I have not found reference to appearance within the NPS-UD. I am concerned that adding reference to appearance may introduce an element that is not consistent with the direction of NPS-UD policy 6 with regard to the consideration of amenity values. I therefore recommend submission S58.107 - Kāinga Ora: Homes and Communities be accepted in part, and that policy GRZ-P2 is amended as follows:

To ensure that the scale, appearance and siting of buildings, structures and activities are compatible in form and scale with the neighbourhood's planned urban built form and ~~character~~ amenity.

280. Submission S64.30 – Retirement Villages Association of New Zealand, requests policy GRZ-P2 be amended in a similar fashion to the submitter's requested amendments to policy GRZ-P1 I discuss above. I recommend submission S64.30 be rejected for the same reasons I provide above for the recommended rejection of submission S64.29 – Retirement Villages Association of New Zealand.

15.2.3 Recommendations

1. I recommend submission S58.107 - Kāinga Ora: Homes and Communities be accepted in part.
2. I recommend submission S64.30 – Retirement Villages Association of New Zealand be rejected.
3. I recommend policy GRZ-P2 be amended as set out in the 'Recommended Amendments to IPI' section below.

GRZ-P5, GRZ-P9, GRZ-O1, and GRZ-MC2

281. Submissions S58.109, S58.110, S58.97 and S58.136 - Kāinga Ora: Homes and Communities, all request amendments to these provisions to improve alignment of the wording with the NPS-UD. These are similar amendments to those discussed for GRZ-P1 and GRZ-P2 above. I agree the requested amendments are either entirely or partially more appropriate than the notified version of these provisions. In my opinion, the requested amendments will more accurately give effect to the direction of policy 6 of the NPS-UD. Accordingly, I recommend these submission points be either accepted or accepted in part for the specific reasons specified in Appendix 1.
282. I recommend GRZ-P5, GRZ-P9, GRZ-O1, and GRZ-MC2 be amended as shown in the 'Recommended Amendments to IPI' section below.
283. Submission S64.33 – Retirement Villages Association of New Zealand requests GRZ-P9 be amended to include reference to 'high-quality' residential development. I consider that the requested addition of 'high quality' would result in policy GRZ-P9 being less consistent with the direction of NPS-UD Policy 6. I am uncertain how the term 'high quality' would be interpreted during plan implementation. I therefore recommend submission S64.33 be rejected.

15.2.4 Recommendations

1. I recommend submissions S58.109 - Kāinga Ora: Homes and Communities be accepted.
2. I recommend submissions S58.97, S58.110 and S58.136 - Kāinga Ora: Homes and Communities be accepted in part.
3. I recommend submission S64.33 – Retirement Villages Association of New Zealand be rejected.
4. My recommendations in relation to all relevant further submissions reflect the recommendations on the relevant primary submission as shown in Appendix 1.
5. I recommend that GRZ-P5, GRZ-P9, GRZ-O1, and GRZ-MC2 be amended as shown in the 'Recommended Amendments to IPI' section below.

15.3 Requested Deletion of Provisions

284. Submissions S64.31 and S64.32 - Retirement Villages Association of New Zealand request policies GRZ-P4 and GRZ-P5 be deleted on the basis the submitter considers that:
- GRZ-P4 conflicts with the MDRS due to reference to existing residential amenity; and

- the reference to a 'pleasant and coherent' residential appearance in GRZ-P5 is vague and subjective.

15.3.1 Discussion

285. With respect to policy GRZ-P4, I do not consider there to be any conflict with the MDRS. Policy GRZ-P4 as notified is as follows:

GRZ-P4 To ensure that the location and design of buildings and earthworks do not significantly detract from the residential amenity of the area, while recognising that amenity values may change over time to reflect the neighbourhood's planned built form.

286. While I acknowledge policy GRZ-P4 refers to residential amenity, I do not consider this to conflict with the requirements on how amenity must be considered in light of objective 4 and policy 6 of the NPS-UD. I consider that the NPS-UD does not require amenity values to be disregarded, but rather that amenity values are to be considered in light of the significant changes that may occur resulting from the planned urban built form of an urban area. I consider the wording of GRZ-P4 to be consistent with the NPS-UD as it does not refer to the retention of existing amenity values, and it also requires the recognition that amenity values may change over time to reflect the neighbourhood's planned built form. I also note that the policy applies to other activities such as earthworks, and that the NPS-UD does not direct how the effects of earthworks must be considered. Consequently, I recommend submission S64.31 - Retirement Villages Association of New Zealand be rejected.

287. With respect to policy GRZ-P5, I note I am recommending amendments to delete reference to 'pleasant' in response to submission S58.109 – Kāinga Ora: Homes and Communities. I consider this recommendation addresses the submitter's concerns regarding the removal of vagueness and subjectiveness – without the deletion of policy GRZ-P5. As I do not recommend deleting GRZ-P5, I recommend submission S64.32 - Retirement Villages Association of New Zealand be rejected.

15.3.2 Recommendations

1. I recommend submissions S64.31 and S64.32 - Retirement Villages Association of New Zealand be rejected.

15.4 Technical Amendments

288. The following submission request a variety of technical amendments to the GRZ chapter:

Submission No.	Decision Requested
S51.2 - Ministry of Education	Amend Policy GRZ – P1: To provide for a range of building densities within the residential areas that are compatible in form and scale with the neighbourhood's planned built form and character which takes into account the capacity of the infrastructure (<u>including additional infrastructure</u>).
S51.3 - Ministry of Education	Policy GRZ – P9 To promote residential development with a high level of amenity and ensure that it has adequate access to infrastructural (<u>including additional infrastructure</u>) requirements, while recognising that amenity values develop and change over time.
S27.22 - Transpower New Zealand Limited	Amend the third sentence of the 'Background' as follows: "A mix of housing densities are provided for, with medium density housing enabled across the General Residential Zone by the incorporation of the Medium Density Residential Standards. <u>It is recognised</u>

	<u>that there are parts of the Zone where the permitted development height and density may be modified or limited by qualifying matters.</u>
S27.27 - Transpower New Zealand Limited	Amend the General Residential Zone rules to include a new <u>District-wide table rule that states the following: "District-wide matters Each activity in the General Residential Zone must comply with all relevant rules and standards that relate to qualifying matter areas."</u>
S56.25 - Fire and Emergency New Zealand	GRZ-R11 Buildings which do not comply with permitted activity standards - Amend as follows: Council will restrict its discretion to and may impose conditions on: <u>x. the degree, extent and effects of the non-compliance with GRZ-S1 and GRZ-S10.</u>

15.4.1 Discussion

289. Submission S51.2 and S51.3 – Ministry of Education seeks policies GRZ-P1 and GRZ-P9 be amended to include specific reference to 'additional infrastructure'.
290. Policy 10 of the NPS-UD places a duty on the Council to engage with providers of development infrastructure and additional infrastructure to achieve integrated land use and infrastructure planning. I consider policy 10 sets out procedural duties that the Council is required to meet in giving effect to the NPS-UD. I do not consider there to be a requirement on the Council to duplicate NPS-UD policy 10 provisions within the District Plan via the IPI.
291. I consider that the sufficiency requirements of short, medium and long term development capacity in Upper Hutt will be best addressed in accordance with the requirements of Subpart 1 of the NPS-UD as the Council updates its HBA, and prepares a Future Development Strategy (FDS) under Subpart 4 of the NPS-UD. The infrastructure requirements and additional infrastructure requirements of providing for the identified development under the FDS may require a future Schedule 1 RMA plan change or plan changes.
292. For these reasons I recommend submissions S51.2 and S51.3 – Ministry of Education be rejected.
293. Submissions S27.22 and S27.27 – Transpower New Zealand Limited request amendments to ensure the intended approach and applicability of *qualifying matter areas* within the General Residential Zone are clarified in the background text, and appropriately included in the District-wide rule table of the GRZ rules section. I agree it is appropriate to make amendments to the background text and the District-wide rule table to ensure qualifying matter areas are provided for within the GRZ in a way that is consistent with all other zone chapters. To achieve this, I recommend different wording to that requested by the submitter that I consider will be more effective, and consistent with the wording used in other zone chapters.
294. I recommend submissions S27.22 and S27.27 – Transpower New Zealand Limited be accepted in part, and the IPI be amended as set out in the 'Recommended Amendments to IPI' section below.
295. Submission S56.25 – Fire and Emergency New Zealand requests the matters of discretion under rule GRZ-R11 be amended to include reference to the degree, extent, and effects of non-compliance with GRZ-S1 (Access standards for land use activities), and GRZ-S10 (Water supply, stormwater and wastewater). I note that non-compliance with standards GRZ-S1 and GRZ-S10 are managed under existing District Plan discretionary activity rule GRZ-R22. Therefore, the requested amendments are not appropriate to manage buildings that do not comply with permitted standards under rule GRZ-R11. However, I do agree it is appropriate for the matters of discretion under rule GRZ-R11 refer to the effects of the standard(s) not met. This is consistent with other restricted discretionary rules that

manage activities that do not comply with permitted standards. I therefore recommend submission S56.25 – Fire and Emergency New Zealand be accepted in part, and rule GRZ-R11 be amended as shown in the 'Recommended Amendments to IPI' section below.

15.4.2 Recommendations

1. I recommend submissions S51.2 and S51.3 – Ministry of Education be rejected.
2. I recommend the following submissions be accepted in part:
 - S27.22 and S27.27 – Transpower New Zealand Limited
 - S56.25 – Fire and Emergency New Zealand
3. My recommendations in relation to all relevant further submissions reflect the recommendations on the relevant primary submission as shown in Appendix 1.
4. I recommend the IPI be amended as set out below in the 'Recommended Amendments to IPI' section below.

15.5 Notification Preclusions

296. Submission S58.124 – Kāinga Ora: Homes and Communities requests rule GRZ-R11 be amended to include a non-notification clause that would prevent the council from:
- i. Publicly notifying an application for resource consent which does not comply with GRZ-S4 (setbacks) or GRZ-S8 (height in relation to boundary); and
 - ii. Publicly notifying or limited notifying an application for resource consent which does not comply with GRZ-S5 (outdoor living space), GRZ-S9 (hydraulic neutrality), GRZ-S14 (outlook space per unit), GRZ-S15 (windows to street), or GRZ-S16 (landscaped area)

15.5.1 Discussion

297. The public notification preclusion requirements under the MDRS (Clause 5 of Schedule 3A of the RMA) only apply to resource consent applications for residential units. Resource consent applications for *buildings* that are not residential units are not subject to the notification preclusion requirements of clause 5 of Schedule 3A. I consider this distinction is made clear by Rule GRZ-R11 specifying that the rule does not apply to residential units.
298. I recommend that determinations on the public and limited notification of resource consent applications for buildings that fail to comply with one or more of the permitted standards remain the decision of the Council on a case-by-case basis under the relevant notification provisions of the RMA including Sections 95A - 95E.
299. I explain my reasons for disagreeing with the submitter's requested notification preclusion provisions for the specific MDRS standards within section 14 above. My reasoning for recommending the requested notification preclusion provisions be rejected for rule GRZ-R11 are equally applicable for submission S58.124. Accordingly, I recommend submission S58.124 be rejected.

15.5.2 Recommendations

1. I recommend submission S58.124 – Kāinga Ora: Homes and Communities be rejected.
2. My recommendations in relation to all relevant further submissions reflect the recommendations on the relevant primary submission as shown in Appendix 1.

15.6 Requested New Provisions

300. The following submissions request new provisions be added to the GRZ chapter:

Submission No.	Decision Requested
S64.36 - Retirement Villages Association of New Zealand Opposed by: FS10 – Waka Kotahi	Insert a new rule to provide for retirement villages as a permitted activity in the General Residential Zone.
S64.35 - Retirement Villages Association of New Zealand	Seek that GRZ-R11 is amended as follows: (a) <u>Council will restrict its discretion to, and may impose conditions on: ...</u> (b) <u>For the construction of buildings associated with a retirement village, council will restrict its discretion to, and may impose conditions on:</u> 1. <u>The effects arising from exceeding any of the following standards: GRZ-S3, GRZ-S4, GRZ-S5, GRZ-S7, GRZ-S8, GRZ-S14, GRZ-S15 and GRZS16.</u> 2. <u>The effects of the retirement village on the safety of adjacent streets or public open spaces;</u> 3. <u>The effects arising from the quality of the interface between the retirement village and adjacent streets or public open spaces;</u> 4. <u>The extent to which articulation, modulation and materiality addresses adverse visual dominance effects associated with building length;</u> 5. <u>When assessing the matters in 1 – 4, consider: a) The need to provide for efficient use of larger sites; and b) The functional and operational needs of the retirement village.</u> 6. <u>The positive effects of the construction, development and use of the retirement village. For clarity, no other rules or matters of discretion relating to the effects of density apply to buildings for a retirement village.</u> <u>Notification status: An application for resource consent for a restricted discretionary activity under this rule is precluded from being publicly notified. An application for resource consent for a restricted discretionary activity under this rule that complies with GRZ-S3, GRZ-S4, GRZ-S7 and GRZ-S8 is precluded from being limited notified.</u>
S64.19 - Retirement Villages Association of New Zealand	Seek a new policy is added in the GRZ and HRZ zones as follows: <u>Changing communities: To provide for the diverse and changing residential needs of communities, recognise that the existing character and amenity of the residential zones will change over time to enable a variety of housing types with a mix of densities.</u>
S64.34 – Retirement Villages Association of New Zealand	Seeks that a new policy is inserted as follows: <u>GRZ-Px Role of density standards</u> <u>Enable the density standards to be utilised as a baseline for the assessment of the effects of developments.</u>
S56.5 - Ministry of Education	New Restricted Activity Rule: <u>GRZ-R18 - Educational Facility</u> <u>Council will restrict its discretion to and impose conditions on</u> 1. <u>Location of the proposed education facility.</u> 2. <u>Appearance and design of the buildings.</u>

	<p>3. <u>Transport safety and efficiency</u></p> <p>4. <u>Design and layout of car parking, loading, manoeuvring and access areas.</u></p> <p>5. <u>Provision of utilities and/or services.</u></p> <p>6. <u>Landscaping</u></p> <p>7. <u>Hours of operation.</u></p> <p><u>Restriction on notification</u></p> <p><u>Subject to sections 95A(2)(b), 95A(2)(c), 95A(4) and 95C of the Act, a resource consent application for an education facility will be precluded from public notification under section 95A, but limited notification of an application will be determined in accordance with section 95B.</u></p>
S56.20 - Fire and Emergency New Zealand	<p>Add a new objective as follows:</p> <p><u>GRZ-OX Three Waters Infrastructure Three Waters infrastructure is provided as part of subdivision and development, and in a way that is:</u></p> <ul style="list-style-type: none"> • <u>Integrated</u> • <u>Effective</u> • <u>Efficient</u> • <u>Functional</u> • <u>Safe</u> • <u>Sustainable</u> • <u>Resilient</u>
S56.27 - Fire and Emergency New Zealand	<p>Add a new rule as follows:</p> <p><u>GRZ-RX Emergency Service Facility</u></p> <p><u>1. Activity status: Restricted Discretionary</u></p> <p><u>Matters of discretion are restricted to:</u></p> <ol style="list-style-type: none"> 1. <u>The extent to which the activity may adversely impact on the anticipated character and amenity values of the General Residential Zone</u> 2. <u>The effects of the activity on the existing and anticipated function and role of the General Residential Zone.</u> 3. <u>The potential of the activity to compromise other activities that are enabled in the General Residential Zone.</u> 4. <u>The extent to which the adverse effects of the activity can be avoided, or appropriately remedied or mitigated.</u> <p><u>The functional need or operational need for the emergency service facility to be located in the General Residential Zone.</u></p>

15.6.1 Discussion

301. Submission S64.36 – Retirement Villages Association of New Zealand seeks a new permitted activity rule for retirement villages within the General Residential Zone. As I have discussed elsewhere in this report with respect to submitter S64's multiple requests to provide for retirement villages as a permitted activity within multiple zones, I recommend this submission be rejected. I consider that as a result of the potential scale of retirement villages, and the mix of uses they can include, the actual and potential effects on the environment that can arise from retirement villages within the General Residential Zone makes it inappropriate to provide for them as permitted activities. This is because it is likely some of the adverse effects that may arise from retirement villages as a permitted activity may be contrary to the objectives and policies of the zone. One example is raised by further submitter FS10 – Waka Kotahi, which opposes submission S64.36 due to the potential significant adverse effects retirement villages can have on the transport network.

302. I consider the most appropriate method to provide for retirement villages within the General Residential Zone is via the IPI provisions as notified. Retirement villages within the GRZ are a discretionary activity under rule GRZ-R21 (which is not part of the IPI).
303. Submission S64.35 - Retirement Villages Association of New Zealand seeks rule GRZ-R11 be amended to include a suite of retirement village-specific matters of discretion, and public and limited notification preclusion provisions.
304. As I have outlined elsewhere in this report, retirement villages are often provided at large scale and may include a mix of activities such as recreation, leisure, supported residential care, welfare and medical facilities (including hospital care), and other non-residential activities. I consider this mix of activities results in uncertainty with regard to the location and scale of potential effects that may result from a proposed retirement village within the GRZ. I am not satisfied the requested matters of discretion are sufficient to address all the matters the Council may need to address in the consideration of a resource consent for a proposed retirement village on a site in the GRZ. I consider the most appropriate method to provide for proposed retirement villages within the GRZ is via the existing discretionary activity rule GRZ-R21.
305. In my opinion, the Council requires the discretion to consider the effects of proposed retirement villages within all zones on a case-by-case basis to ensure the actual and potential effects on the environment are not contrary to the objectives and policies of the District Plan. I therefore recommend submission S64.35 - Retirement Villages Association of New Zealand be rejected.
306. With respect to submission S64.19 – Retirement Villages Association of New Zealand's request to include a new policy in the GRZ zone chapter to provide for the diverse and changing residential needs of communities, I do not consider this to be necessary. Providing for the changing needs of communities and changes to amenity values within the GRZ is already provided for via objectives GRZ-O2 – *Well-functioning Urban Environments*, GRZ-O3 – *Housing Variety*, and policies GRZ-P1D, GRZ-P1, and GRZ-P2. On this basis I recommend submission S64.19 be rejected.
307. Submission S64.34 – Retirement Villages Association of New Zealand requests a new policy be included in the GRZ to enable the density standards to be utilised as a baseline for the assessment of effects of new development. I note the consideration of an effects baseline is at the discretion of the Council under Sections 95D(b), 95E(2), and 104(2) of the RMA. It is at the discretion of the Council on a case-by-case basis whether to apply a permitted baseline during the consideration of a resource consent application. I consider that the requested policy is inappropriate, as in my opinion, the Council receives its ability and discretion to consider a permitted baseline via the RMA, not via a policy in the District Plan. On this basis I recommend submission S64.34 be rejected.
308. Submission S56.5 – Ministry of Education requests a new restricted discretionary rule be included in the GRZ chapter to specifically provide for education facilities. The requested rule includes a proposed public notification preclusion.
309. New education facilities within the General Residential Zone are provided for via existing discretionary activity rule GRZ-R21. I consider that due to the potential effects of new education facilities in residential zones (such as transport effects), it is appropriate that new education facilities continue to be provided for as an unrestricted discretionary activity under rule GRZ-R21. This will ensure the Council retains the discretion to make notification decisions on a case-by-case basis in accordance with the RMA.
310. I also note that as a requiring authority, the Minister has powers with respect to designations for new education facilities under Sections 168 – 186 of the RMA. I also note these provisions do not place

limits on the Council's discretion to notify notices of requirement for new education facilities within residential areas. I recommend submission S56.5 – Ministry of Education be rejected.

311. Submission S56.20 - Fire and Emergency New Zealand requests a new objective be included in the GRZ chapter to set out how three-waters infrastructure will be provided. I do not consider an objective specific to three waters infrastructure to be necessary within the GRZ chapter, as three waters infrastructure provisions and requirements are already in place via subdivision rules and matters of discretion within relevant rules. I also note the specific requirements for three waters infrastructure are specified in the Council's Code of Practice for Civil Engineering Works – which is a matter of discretion within relevant rules. I therefore recommend submission S56.20 - Fire and Emergency New Zealand be rejected.
312. Submission S56.27 – Fire and Emergency New Zealand requests a new restricted discretionary rule be inserted into the GRZ chapter to specifically provide for emergency service facilities. For similar reasons to those I provide above for the recommended rejection of the specific requested rule for retirement villages, I consider it is appropriate for the Council to retain full discretion over the potential establishment of emergency service facilities within the General Residential Zone. I consider the potential effects that may result from emergency service facilities in the GRZ will vary depending on site-specific circumstances, and could potentially be deemed more than minor. Such potential effects include transportation safety effects, noise and reverse sensitivity effects. I consider it appropriate the Council retains full discretion over the potential matters that need to be considered and addressed when considering a resource consent application for an emergency service facility within the GRZ. I therefore recommend submission S56.27 – Fire and Emergency New Zealand be rejected.

15.6.2 Recommendations

1. I recommend the following submissions be rejected:

- S64.19 – Retirement Villages Association of New Zealand
- S64.34 – Retirement Villages Association of New Zealand
- S64.35 - Retirement Villages Association of New Zealand
- S64.36 – Retirement Villages Association of New Zealand
- S56.5 – Ministry of Education
- S56.20 - Fire and Emergency New Zealand
- S56.27 – Fire and Emergency New Zealand

2. My recommendations in relation to all relevant further submissions reflect the recommendations on the relevant primary submission as shown in Appendix 1.

3. I recommend all other submissions and further submissions relevant to the General Residential Zone provisions that are not specifically identified and discussed in this report be accepted, accepted in part, or rejected for the reasons specified in Appendix 1.

15.6.3 Recommended Amendments to the IPI

313. I recommend the IPI provisions be amended as follows:

GRZ-P1

To provide for a range of building densities within the residential areas that are compatible in form and scale with the neighbourhood's planned urban built form and ~~character~~ amenity which takes into account the capacity of the infrastructure.

GRZ-P2

To ensure that the scale, appearance and siting of buildings, structures and activities are compatible in form and scale with the neighbourhood's planned urban built form and character amenity.

GRZ-P5

To encourage sites fronting streets to present ~~a pleasant and~~ coherent residential appearance.

GRZ-P9

To promote residential development that is consistent with the planned urban built form, appearance, and with a high level of amenity of the zone, and ensure that it has adequate access to infrastructural requirements, while recognising that amenity values develop and change over time.

GRZ-O1

The promotion of a high quality residential environment ~~which acknowledges the physical character that is~~ consistent with the planned urban built form of the residential areas and provides a choice of living styles and types, while recognising that character and amenity values develop and change over time.

GRZ-MC2

(2) Whether the building location, design, appearance and scale is compatible in form and scale with the neighbourhood's planned urban built character form.

GRZ background text – third sentence:

These residential areas make an important contribution towards a well-functioning urban environment; however, it is important to recognise that the past character, densities and styles of residential development currently enjoyed by the community will develop and change over time in response to the diverse and changing needs of the community and future generations. It is also important to note that there are areas within the Zone where permitted development may be modified or limited by qualifying matter areas.

GRZ – District-wide matters rule table:

Rules

District-wide matters

Each activity in the General Residential Zone ~~shall~~ must comply with the relevant qualifying matter area rules and standards, and permitted activity the relevant rules and standards in the District-wide matters section of the Plan as listed below:

GRZ-R11 – Add a matter of discretion as follows:

(13) The effects of the standard(s) not met.

15.6.4 Section 32AA Evaluation

314. In my opinion, the recommended amendments to the IPI in response to matters raised by submitters are more appropriate in achieving the objectives of the IPI than the notified provisions. In particular, I consider that:

1. The recommended amendments to the GRZ-P1, GRZ-P2, GRZ-P5, GRZ-P9, GRZ-O1 and GRZ-MC2 will better give effect to the direction of NPS-UD policy 6 regarding the consideration of the planned urban built form, and the removal of 'character' from the policy. The amendments are more efficient and effective than the notified provisions in achieving the objectives of the IPI.

2. The recommended amendments to GRZ-P1, GRZ-P2, GRZ-P5, GRZ-P9, GRZ-O1 and GRZ-MC2 will not have any greater environmental, social, economic, or cultural effects than the notified provisions. However, there will be benefits for plan implementation as a result of improved plan alignment with national direction, and the removal of potential conflict between the NPS-UD and these provisions.
3. The recommended amendments to the GRZ background text and the GRZ District-wide rules table to appropriately describe and refer to *qualifying matter areas* are more efficient and effective than the notified provisions in achieving the objectives of the IPI.
4. The recommended amendments to the GRZ background text and the GRZ District-wide rules table with respect to qualifying matter areas will not have any greater environmental, social, economic, or cultural effects than the notified provisions. However, there will be benefits for plan implementation as a result of improved clarity, and consistent application of provisions that manage qualifying matter areas across all IPI zone chapters.
5. The recommended amendment to rule GRZ-R11 to add a matter of discretion addressing the effects of permitted standards not met will ensure the rules cascade from permitted activity rules and standards for buildings to the relevant restricted discretionary activity rule will appropriately consider the effects of the permitted standard(s) not met. The amendments are more efficient and effective than the notified provisions in achieving the objectives of the IPI.
6. The recommended amendments to GRZ-R11 will not have any greater environmental, social, economic, or cultural effects than the notified provisions. However, there will be benefits for plan implementation as a result of the rules cascade for the consideration of buildings that do not comply with permitted standards addressing relevant effects under the restricted discretionary activity rule.

16 SUB-RES – Subdivision in the General Residential Zone

16.1 General Matters

16.1.1 Matters Raised by Submitters

315. Submissions on the SUB-GRZ chapter raise a wide variety of matters and seek a range of amendments to the IPI. The identification, discussion, and recommendations within this section of the report take a provision-by-provision approach – although where similar requested amendments are sought by a submitter across multiple SUB-RES provisions, I have grouped these together for the purpose of efficiency.
316. As with all IPI chapters, not all submissions and further submissions on the SUB-RES chapter are identified or discussed in this report, however all submissions and further submissions include specific recommendations within Appendix 1.
317. Submissions and the requested decisions that relate to general matters within the SUB-RES chapter include the following:

Submission No.	Decision Requested
S58.37 - Kāinga Ora: Homes and Communities	Inclusion of a non-notification preclusion statement for all Controlled and Restricted Discretionary Activity rules within the SUB-GEN - General Subdivision Chapter. See submission for specific requested amendments.
Opposed by:	

FS10 – Waka Kotaki; FS12 – KiwiRail;	
S58.39 - Kāinga Ora: Homes and Communities Opposed by: FS10 – Waka Kotaki; FS12 – KiwiRail; FS13 – NZ Defence Force.	Amend all Controlled and Restricted Discretionary Activity rules in SUB-RES-Subdivision in the General Residential Zone chapter to include a non-notification preclusion statement for all in this chapter. See submission for specific requested amendments.
S58.51 - Kāinga Ora: Homes and Communities	Delete all policy references from within all SUB-RES rules.
S58.58 - Kāinga Ora: Homes and Communities Opposed by FS12 - KiwiRail	Amend SUB-RES-R8, SUB-RES-R9, and SUB-RES-R10 to: (1). Remove appearance and landscaping from the matters of discretion. (2). Remove reference to consent notices being used for restricting development. (3). Remove the outcome of consultation from the matters of discretion.

16.1.2 Discussion

318. Submissions S58.37 and S58.39 - Kāinga Ora: Homes and Communities requests the inclusion of a non-notification preclusion statement for all controlled and restricted discretionary activity rules within the SUB-GEN - General Subdivision Chapter. I consider that the notification clauses within the SUB-GEN rules as notified are the most appropriate method to achieve the relevant objectives. All mandatory notification preclusions required by clause 5 of Schedule 3A of the RMA (the MDRS) have been incorporated into the relevant rules. I note the Council is not required to waive its discretion to make notification decisions on a case-by-case basis – apart from where it is directed to do so by the MDRS.
319. I agree with the further submitters that it is appropriate for the Council to retain its discretion to make notification decisions on a case-by-case basis in accordance with the RMA. I do not consider that the submitter has presented a convincing effects-based case for the Council to waive its discretion to make notification decisions on a case-by-case basis. I therefore recommend submission S58.37 - Kāinga Ora: Homes and Communities be rejected.
320. Submission S58.51 – Kāinga Ora: Homes and Communities requests all policy references be deleted from within all SUB-RES rules. I agree that policy references within rules in general are not necessary, and I also consider their inclusion runs the risk of the listed policies being incorrect or incomplete. In my experience, I have found that policy references within specific rules can generate uncertainty with respect to the application of section 104(1)(b)(vi) of the RMA – i.e., the requirement that when considering an application for a resource consent and any submissions received, the consent authority must have regard to any relevant provisions of the district plan or proposed district plan. I consider that *relevant provisions* can sometimes include other relevant policies from other chapters that are not listed within specific rules. In my opinion, the requirements of section 104(1)(b)(vi) of the RMA overrides lists of policies within rules. Notwithstanding my opinion on this, I consider that such lists create uncertainty and can result in complications and unnecessary debate during plan implementation. Although policy lists within rules are intended to assist plan implementation, I note

they are not a necessary or a required part of a district plan under section 75(1) of the RMA, and I consider they introduce an unnecessary level of complexity and risk.

321. For these reasons I recommend accepting the submitter's requested deletion of all policy references from within the SUB-RES chapter, however I also recommend taking the amendments further and deleting all policy references from within all rules in the IPI.
322. I therefore recommend submission S58.51 – Kāinga Ora: Homes and Communities be accepted, and that all policy references from within rules in the IPI be deleted as described in the 'Recommended Amendments to the IPI' section below, and as shown in Appendix 2.
323. Submission S58.58 – Kāinga Ora: Homes and Communities requests the following three amendments to rules SUB-RES-R8, SUB-RES-R9, and SUB-RES-R10 to:
- (1). Remove appearance and landscaping from the matters of discretion.
 - (2). Remove reference to consent notices being used for restricting development.
 - (3). Remove the outcome of consultation from the matters of discretion.
324. Points (2) and (3) are opposed by further submitter FS12 – KiwiRail, on the grounds the further submitter considers it appropriate to retain the use of consent notices and the outcome of consultation as matters of discretion.
325. I agree with submission S58.58 that it is appropriate to remove reference to 'appearance' from matter of discretion 1, and to delete matter of discretion 2 – Landscaping. In my opinion, these are elements of design that relate to development that accompanies or follows subdivision, rather than being components of subdivision itself. I consider the term 'appearance' is potentially inconsistent with the direction of NPS-UD policy 6 with respect to the consideration of amenity values. I also note that landscaping associated with residential units is already subject to the landscaping permitted activity standard as specified by the MDRS. I therefore recommend these aspects of the requested amendments to rules SUB-RES-R8, SUB-RES-R9, and SUB-RES-R10 be accepted.
326. However, I consider that retaining references to the use of consent notices to restrict development where necessary is an important resource management tool for the recording of conditions that must be complied with in perpetuity to avoid, remedy or mitigate adverse effects. In my opinion, without the use of consent notices, it is unlikely consent could be granted in some scenarios – such as where future development and buildings are to be avoided within parts of a site to avoid a significant natural hazard. I also note that consent notices are an important and necessary tool to manage potential reverse sensitivity effects such as noise and ventilation requirements for new residential units located near non-residential activities such as industrial or light industrial activities. I therefore recommend this aspect of submission S58.58's requested amendments to rules SUB-RES-R8, SUB-RES-R9, and SUB-RES-R10 be rejected.
327. With respect to submission S58.58 requesting the deletion of outcome of consultation from the matters of discretion from rules SUB-RES-R8, SUB-RES-R9, and SUB-RES-R10, I note the relevant matter of discretion is directed at specific scenarios as follows:
- The outcome of consultation with the owner of operator of regionally significant network utilities (excluding the National Grid) located on or in proximity to the site. Note: Rule SUB-RES-R7 covers subdivision within the Electricity Transmission Corridor.*
328. In my opinion, it is entirely appropriate to retain this as a matter of discretion for rules SUB-RES-R8, SUB-RES-R9, and SUB-RES-R10. I consider that the retention of matters of discretion regarding the outcome of consultation with relevant network utility operators, or renewable electricity generation

activities is an important resource management tool to ensure appropriate conditions are in place to enable the approval of applications in some scenarios. Consequently, I recommend this element of submission S58.58's requested amendments to rules SUB-RES-R8, SUB-RES-R9, and SUB-RES-R10 be rejected.

329. I therefore recommend submission S58.58 – Kāinga Ora: Homes and Communities be accepted in part, and that rules SUB-RES-R8, SUB-RES-R9, and SUB-RES-R10 be amended as shown in the 'Recommended Amendments to IPI' section below.

16.1.3 Recommendations

1. I recommend the submission S58.51 – Kāinga Ora: Homes and Communities be accepted:
2. I recommend that submission S58.58 – Kāinga Ora: Homes and Communities be accepted in part.
3. I recommend the following submission be rejected:
 - S58.37 - Kāinga Ora: Homes and Communities
 - S58.39 - Kāinga Ora: Homes and Communities
4. My recommendations in relation to all relevant further submissions reflect the recommendations on the primary submissions as set out above and within Appendix 1.
5. I recommend the IPI be amended as set out in the 'Recommended Amendments to IPI' section below.

16.1.4 Recommended Amendments to IPI

330. I recommend the IPI be amended as follows:

1. Policy references in all rules of the IPI: Delete all policy references as shown in Appendix 2.
2. SUB-RES-R8, SUB-RES-R9, and SUB-RES-R10: Amend the matters of discretion as follows (note consequential amendments to the numbering are also recommended in Appendix 1 but are not shown below):

SUB-RES-R8:

Council will restrict its discretion to, and may impose conditions on:

- (1) Design, ~~appearance~~ and layout of the subdivision.
- ~~(2) Landscaping.~~

SUB-RES-R9:

Council will restrict its discretion to, and may impose conditions on:

1. Design, ~~appearance~~ and layout of the subdivision.
- ~~2. Landscaping.~~

SUB-RES-R10:

Council will restrict its discretion to, and may impose conditions on:

3. Design, ~~appearance~~ and layout of the subdivision.
- ~~Landscaping.~~

16.1.5 Section 32AA Evaluation

331. In my opinion, the recommended amendments to the IPI in response to matters raised by submitters are more appropriate in achieving the objectives of the IPI than the notified provisions. In particular, I consider that:

1. The recommended deletion of all policy references from within IPI rules will remove uncertainty and reduce plan implementation risk due to the elimination of the possibility of relevant policies not being specifically listed. This will ensure implementation of all rules is carried out in accordance with 104(1)(b)(vi) of the RMA, resulting in more efficient and effective consenting processes. The amendments are more efficient and effective than the notified provisions in achieving the objectives of the IPI.
2. The recommended deletion of all policy references from within IPI rules will not have any greater environmental, social, cultural, or economic effects than the notified provisions. There will be benefits for plan implementation as a result of the elimination of risk and potential confusion on the application of section 104(1)(b)(vi) of the RMA during resource consent processes.
3. The recommended deletion of *appearance* and *landscaping* from the matters of discretion within rules within rules SUB-RES-R8, SUB-RES-R9, and SUB-RES-R10 will ensure the matters of discretion focus on matters that are relevant to subdivision; remove potential conflict with policy 6 of the NPS-UD with respect to the consideration of amenity values, and will also remove potential conflict with the permitted activity standard for landscaping associated with a residential unit. This will result in more efficient and effective consenting processes and more robust consent decisions. The amendments are more efficient and effective than the notified provisions in achieving the objectives of the IPI.
4. The recommended deletion of *appearance* and *landscaping* from the matters of discretion within rules within rules SUB-RES-R8, SUB-RES-R9, and SUB-RES-R10 will not have any greater environmental, social, cultural, or economic effects than the notified provisions. There will be benefits for plan implementation as a result of the removal of matters of discretion that are not relevant to subdivision in urban environments.

16.2 SUB-RES-P1

16.2.1 Matters Raised by Submitters

332. Submission S58.42 - Kāinga Ora: Homes and Communities requests policy SUB-RES-P1 is amended to delete reference to 'appearance' and replace 'planned built character of the area' with 'planned urban built form within the zone'.

16.2.2 Discussion

333. I agree the policy would benefit from reference to the 'planned urban built form', and the deletion of 'appearance', as I consider this would improve alignment with the direction of NPS-UD Policy 6. However, I recommended replacing 'appearance' with 'design' to strengthen the link to the Medium and High Density Design Guide.
334. I recommend submission S58.42 - Kāinga Ora: Homes and Communities be accepted in part, and that policy SUB-RES-P1 be amended as shown in the 'Recommended Amendments to the IPI' section below.

16.2.3 Recommendations

1. I recommend submission S58.42 - Kāinga Ora: Homes and Communities be accepted in part.
2. I recommend policy SUB-RES-P1 be amended as shown in the 'Recommended Amendments to the IPI' section below.

16.2.4 Recommended Amendments to IPI

335. I recommend the IPI be amended as follows:

1. SUB-RES-P1: amend as follows:

To ensure that the scale, ~~appearance~~ design and siting of buildings, structures and activities are compatible with the-planned urban built form ~~character~~ of the area.

16.2.5 Section 32AA Evaluation

336. In my opinion, the recommended amendments to the IPI in response to matters raised by submitters are more appropriate in achieving the objectives of the IPI than the notified provisions. In particular, I consider that:

1. The recommended amendments to SUB-RES-P1 will better align with the direction of the NPS-UD, and will provide a stronger link with the Medium and High Density Design Guide therefore improving plan implementation through the expression of clearer outcomes. The amendments are more efficient and effective than the notified provisions in achieving the objectives of the IPI.
2. The recommended amendments to SUB-RES-P1 will not have any greater environmental, social, cultural, or economic effects than the notified provisions. There will be benefits for plan implementation as a result of the IPI provisions being more closely aligned with national direction.

16.3 SUB-RES-P5

16.3.1 Matters Raised by Submitters

337. Submission S58.46 - Kāinga Ora: Homes and Communities requests policy SUB-RES-P5 is amended to refer to the 'planned urban built form' to align with wording of the NPS-UD more closely. The submitter also seeks a minor spelling change, and the deletion of reference to the General Residential Zone, and 'character'.

16.3.2 Discussion

338. I agree the policy would benefit from reference to the 'planned urban built form', and the deletion of character", as I consider this would improve alignment with the direction of NPS-UD Policy 6. However, I do not consider it necessary to remove the reference to the General Residential Zone, as the policy applies only to this zone.

339. I recommend submission S58.46 - Kāinga Ora: Homes and Communities be accepted in part, and that policy SUB-RES-P5 be amended as shown in the Recommended Amendments to the IPI section below.

16.3.3 Recommendations

1. I recommend submission S58.46 - Kāinga Ora: Homes and Communities be accepted in part.
2. I recommend policy SUB-RES-P5 be amended as shown in the 'Recommended Amendments to the IPI' section below.

16.3.4 Recommended Amendments to IPI

340. I recommend the IPI be amended as follows:

1. SUB-RES-P5: amend as follows:

To provide for subdivision that is compatible with the planned built ~~character~~ urban form of the General Residential Zone, and ensure that it has adequate access to infrastructure ~~and~~ requirements.

16.3.5 Section 32AA Evaluation

341. In my opinion, the recommended amendments to the IPI in response to matters raised by submitters are more appropriate in achieving the objectives of the IPI than the notified provisions. In particular, I consider that:

1. The recommended amendments to SUB-RES-P5 will better align with the direction of the NPS-UD, therefore improving plan implementation through the expression of clearer outcomes. The amendments are more efficient and effective than the notified provisions in achieving the objectives of the IPI.
2. The recommended amendments to SUB-RES-P5 will not have any greater environmental, social, cultural, or economic effects than the notified provisions. There will be benefits for plan implementation as a result of the IPI provisions being more closely aligned with national direction.

16.4 SUB-RES-P6

16.4.1 Matters Raised by Submitters

342. Submission S58.47 - Kāinga Ora: Homes and Communities requests policy SUB-RES-P6 is amended to specifically refer to subdivision to reflect the intent of the Indigenous Biodiversity Precinct provisions. The submitter also requests the Precinct be reclassified as an 'overlay' as described by the National Planning Standards.

16.4.2 Discussion

343. Policy SUB-RES-P6 refers to the Indigenous Biodiversity Precinct – which applies policy considerations for land use and subdivision resource consent applications. Therefore, I agree the policy wording would be improved by also referring to subdivision, although I consider slightly different wording would be more appropriate than that requested by the submitter due to the fact that all forms of subdivision are provided for within the General Residential Zone – i.e., while medium density residential subdivision is provided for, so is traditional density subdivision.

344. I have addressed the submitters request to change the name of the Indigenous Biodiversity Precinct to the 'Indigenous Biodiversity Overlay' in detail in section 34 of this report (Indigenous Biodiversity Precinct) under submission points S58.6 and S58.137 - Kāinga Ora: Homes and Communities. I recommend rejection of all submission points by submitter S58 that seek the same outcome via a general recommendation in section 34 that refers to the recommendations and reasons given in Appendix 1. I do not revisit the reasons for my recommendation here – please refer to section 34 of this report for more details.

345. On this basis I recommend submission S58.47 - Kāinga Ora: Homes and Communities be accepted in part, and that SUB-RES-P6 is amended as set out in the 'Recommended Amendments to the IPI' section below.

16.4.3 Recommendations

346. I recommend submission S58.47 - Kāinga Ora: Homes and Communities be accepted in part.
347. I recommend policy SUB-RES-P6 is amended as shown in the 'Recommended Amendments to the IPI' section below.

16.4.4 Recommended Amendments to the IPI

348. I recommend the IPI be amended as follows:

1. SUB-RES-P6: Amend as follows:

To provide for medium density housing and subdivision within the General Residential Zone, while encouraging the consideration of the protection and retention of indigenous biodiversity values within the Indigenous Biodiversity Precinct.

16.4.5 Section 32AA Evaluation

349. In my opinion, the recommended amendments to the IPI in response to matters raised by submitters are more appropriate in achieving the objectives of the IPI than the notified provisions. In particular, I consider that:
1. The recommended amendments to SUB-RES-P6 will improve the policy direction by reflecting purpose of the Indigenous Biodiversity Precinct to apply policy considerations to development and subdivision. This will ensure plan implementation of these provisions is more effective. The amendments are more efficient and effective than the notified provisions in achieving the objectives of the IPI.
 2. The recommended amendments to SUB-RES-P6 will not have any greater environmental, social, cultural, or economic effects than the notified provisions. There will be benefits for plan implementation as a result of the IPI provisions having greater clarity regarding their intent and applicability to development and subdivision.

16.5 SUB-RES-P7

16.5.1 Matters Raised by Submitters

350. Submission S58.48 - Kāinga Ora: Homes and Communities requests the deletion of policy SUB-RES-P7 as the submitter does not consider it to be relevant to the consideration of subdivision consent applications.

16.5.2 Discussion

351. Policy SUB-RES-P7 encourages development to achieve attractive and safe streets and public open spaces, including by providing for passive surveillance. This policy incorporates a mandatory MDRS standard.
352. Although at first glance the policy does not appear relevant to subdivision, in my opinion, it is relevant due to medium and high density subdivision layout and design being interlinked with the design and location of proposed residential units and site layout. I note in most medium and high density subdivisions, the proposed boundaries of allotments are made up, at least in part, of common walls between proposed residential units and allotments. I therefore recommend submission S58.48 be rejected.

16.5.3 Recommendations

1. I recommend the submission S58.48 - Kāinga Ora: Homes and Communities be rejected.

16.6 SUB-RES-P8

16.6.1 Matters Raised by Submitters

353. Submission S58.49 - Kāinga Ora: Homes and Communities requests the deletion of policy SUB-RES-P8 as the submitter does not consider it to be relevant to the consideration of subdivision consent applications.

16.6.2 Discussion

354. Policy SUB-RES-P8 seeks to enable housing to be designed to meet the day to day needs of residents. The policy incorporates a mandatory MDRS policy. My opinion on the applicability of the policy to subdivision is the same as I provide above with respect to policy SUB-RES-P7. In my opinion, the policy is relevant to subdivision due to medium and high density subdivision layout and design – including proposed allotment boundaries being interlinked with the design and location of proposed residential units and site layout. I therefore recommend submission S58.49 be rejected.

16.6.3 Recommendations

1. I recommend the submission S58.49 - Kāinga Ora: Homes and Communities be rejected.

16.7 SUB-RES-P9

16.7.1 Matters Raised by Submitters

355. Submission S58.50 - Kāinga Ora: Homes and Communities requests the deletion of policy SUB-RES-P9 as the submitter considers it is not applicable to subdivision.

16.7.2 Discussion

356. Policy SUB-RES-P9 incorporates a mandatory MDRS policy for providing for developments not meeting permitted activity status, while encouraging high quality developments. In this instance, I agree the policy is not relevant to subdivision as the IPI does not provide for subdivision as a permitted activity. I therefore recommend submission S58.50 - Kāinga Ora: Homes and Communities be accepted, and that policy SUB-RES-P9 be deleted as shown in the 'Recommended Amendments to the IPI' section below.

16.7.3 Recommendations

1. I recommend submission S58.50 - Kāinga Ora: Homes and Communities be accepted.
2. I recommend the IPI be amended as shown in the 'Recommended Amendments to the IPI' section below.

16.7.4 Recommended Amendments to the IPI

357. I recommend the IPI be amended as follows:

1. SUB-RES-P9: Delete as follows:

~~SUB-RES-P9 — Provide for developments not meeting permitted activity status, while encouraging high quality developments.~~

~~[s80H(1)(a)(ii) note: this provision incorporates the policies in clause 6 of Schedule 3A of the Act]~~

16.7.5 Section 32AA Evaluation

358. In my opinion, the recommended amendments to the IPI in response to matters raised by submitters are more appropriate in achieving the objectives of the IPI than the notified provisions. In particular, I consider that:

1. The recommended deletion of SUB-RES-P9 will ensure the policies relevant to subdivision in the residential zones are relevant to subdivision, therefore improving plan implementation through the expression of clearer outcomes. The amendments are more efficient and effective than the notified provisions in achieving the objectives of the IPI.
2. The recommended deletion of SUB-RES-P9 will not have any greater environmental, social, cultural, or economic effects than the notified provisions. There will be benefits for plan implementation as a result of the IPI provisions being appropriately located across the IPI chapters.

16.8 SUB-RES-R1

16.8.1 Matters Raised by Submitters

359. Submission S56.8 - Fire and Emergency New Zealand requests an amendment to rule SUB-RES-R1 to include reference to a new standard the submitter requests is included in the IPI under submission point S56.10 as follows:

SUB-RES-SXWater supply, stormwater, and wastewater

1. All activities shall comply with the water supply (including firefighting water supply), stormwater and wastewater standards in the Code of Practice for Civil Engineering Works.

360. Submission S58.52 - Kāinga Ora: Homes and Communities requests rule SUB-RES-R1 is amended to delete reference to 'appearance' and 'landscaping' as matters of control. The submitter does not consider these to be appropriate matters for the consideration of a subdivision consent. I note the submitter makes the same request for amendments to other rules in the SUB-RES chapter under submission points S58.53 and S58.56. My discussion and recommendations below equally applies to these submission points.

16.8.2 Discussion

361. Regarding submission S56.8 - Fire and Emergency New Zealand's request to amend rule SUB-RES-R1 to refer to a new standard that the submitter requests under another submission point, I do not recommend the reference be included on the basis that I do not recommend the new standard be incorporated under submission point S56.10 below.

362. However, I do recommend amendments below in response to submission S56.10 to rules SUB-RES-R1, SUB-RES-R2, SUB-RES-R6, SUB-RES-R8, SUB-RES-R9, SUB-RES-R10 to refer to the Council's Code of Practice for Civil Engineering Works. In my opinion this amendment is necessary to ensure three waters infrastructure are clearly identified as a matter the Council retains control and discretion over under these rules. On this basis I recommend submission S56.8 – Fire and Emergency New Zealand be rejected.

363. Regarding submission S58.52 - Kāinga Ora: Homes and Communities request to remove references to 'appearance' and 'landscaping', I agree it is appropriate to delete these from the matters of control for the following reasons:

- (a) The term *appearance* is not supported by the NPS-UD, and I consider it implies the Council will retain discretion over appearance for amenity purposes. In my opinion, this runs the risk of conflicting with the direction of NPS-UD policy 6, which requires a more enabling approach to the consideration of amenity effects resulting from urban development. I consider the rule should focus on design and layout matters that relate to encouraging development to achieve attractive and safe streets and public open spaces in accordance with the MDRS.
- (b) Landscaping associated with development is already managed via the Landscaped Area permitted activity standard that has been incorporated into the residential zone provisions in accordance with the MDRS.

364. On this basis I recommend submissions S58.52, S58.53 and S58.56 - Kāinga Ora: Homes and Communities be accepted, and rules SUB-RES-R1, SUB-RES-R2, and SUB-RES-R6 be amended as shown in the 'Recommended Amendments to the IPI' section below.

16.8.3 Recommendations

1. I recommend the following submissions be accepted:

- S58.52 - Kāinga Ora: Homes and Communities
- S58.53 - Kāinga Ora: Homes and Communities
- S58.56 - Kāinga Ora: Homes and Communities

2. I recommend submission S56.8 - Fire and Emergency New Zealand be rejected.

3. I recommend the IPI be amended as shown in the 'Recommended Amendments to the IPI' section below.

16.8.4 Recommended Amendments to the IPI

365. I recommend the IPI be amended as follows:

1. SUB-RES-R1: Amend as follows:

Council may impose conditions over the following matters:

- (1) Design, ~~appearance~~ and layout of the subdivision (excluding any minimum size or shape-related subdivision requirements).
- (2) ~~Landscaping.~~

2. SUB-RES-R2: Amend as follows:

Council may impose conditions over the following matters:

- (1) Design, ~~appearance~~ and layout of the subdivision.
- (2) ~~Landscaping.~~

3. SUB-RES-R6: Amend as follows:

Council may impose conditions over the following matters:

- (1) Design, ~~appearance~~ and layout of the subdivision.
- (2) ~~Landscaping.~~

16.8.5 Section 32AA Evaluation

366. In my opinion, the recommended amendments to the IPI in response to matters raised by submitters are more appropriate in achieving the objectives of the IPI than the notified provisions. In particular, I consider that:

1. The recommended deletion of the matters of control/discretion that refer to 'appearance' and 'landscaping' for subdivision consent applications under rules SUB-RES-R1, SUB-RES-R2, and SUB-RES-R6 will better align with the direction of NPS-UD policy 6 with respect to the consideration of amenity effects, and will also remove duplication of the consideration of landscaping that is already a permitted activity standard for development in the residential zones. These amendments will improve plan implementation through the removal of inappropriate matters of control/discretion. The amendments are more efficient and effective than the notified provisions in achieving the objectives of the IPI.
2. The recommended amendments to SUB-RES-R1, SUB-RES-R2, and SUB-RES-R6 will not have any greater environmental, social, cultural, or economic effects than the notified provisions. There will be benefits for plan implementation as a result of the IPI provisions being more closely aligned with national direction and the removal of inappropriate matters of control/discretion.

16.9 SUB-RES-R6

16.9.1 Matters Raised by Submitters

367. Submission S56.11 - Fire and Emergency New Zealand requests rule SUB-RES-R6 is amended as follows:

Subdivision that is not a controlled activity under rule SUB-RES-R1; and subdivision that does not comply with one or more of the standards under SUB-RES-S1 (1) SUB-RES-S3, and SUB-RES-SX.

Council will restrict its discretion to, and may impose conditions on: ...

368. These requested amendments would capture subdivision that does not comply with:

- a. the minimum allotment requirements under standard SUB-RES-S1 that apply where subdivision proposes the creation of one or more vacant allotments;
- b. the access standards for subdivision under standard SUB-RES-S3;
- c. the submitter's requested new standard as follows:

SUB-RES-SXWater supply, stormwater, and wastewater

1. All activities shall comply with the water supply (including firefighting water supply), stormwater and wastewater standards in the Code of Practice for Civil Engineering Works.

369. Submission S58.57 - Kāinga Ora: Homes and Communities requests rule SUB-RES-R6 is amended to remove the outcome of consultation from the matters of discretion. This is opposed by further submitters FS10 – Waka Kotahi, and FS12 – KiwiRail, and opposed in part by FS13 – New Zealand Defence Force.

16.9.2 Discussion

370. Regarding submission S56.11 - Fire and Emergency New Zealand's requested amendments to the rule, I note that rule SUB-RES-R6 is specifically for the management of proposed subdivision that will create one or more vacant allotments. This is consistent with the direction of clause 8 of Schedule 3A of the RMA – *Further rules about subdivision requirements*. In my opinion, as the rule specifically manages

subdivision that proposes the creation of vacant allotments, it is not appropriate to include subdivision that does not comply with the access standards of SUB-RES-S3, or the submitter's requested new three-waters standard.

371. I note that subdivision that does not comply with the access standards for subdivision under SUB-RES-S3 is captured by existing rule SUB-RES-R5. This rule is not part of the IPI as it is not necessary to make any amendments to it to incorporate the MDRS or give effect to the requirements of NPS-UD policies 3 or 4. On this basis I consider this part of the submitter's requested amendments are already addressed by existing district plan provisions.
372. Regarding the submitter's requested new standard 'SUB-RES-Sx', this is recommended to be accepted in part under submission point S56.10 within the 'Requested New Provisions' section below, and I make recommendations to amend SUB-RES-R6 under submission point S56.10 below. However, I do not recommend any amendments to SUB-RES-R6 in response to submission S56.11.
373. On this basis I recommend submission S56.11 - Fire and Emergency New Zealand be rejected.
374. Regarding submission S58.57 - Kāinga Ora: Homes and Communities request to remove the outcome of consultation from the matters of discretion of rule SUB-RES-R6, I recommend this be rejected. In my opinion, the retention of matters of discretion regarding the outcome of consultation with relevant network utility operators, or renewable electricity generation activities is an important resource management tool to ensure appropriate conditions are in place to enable the approval of subdivision consent applications in some scenarios. In this regard I agree with the reasoning provided by the further submitter's who oppose submission S58.57.

16.9.3 Recommendations

1. I recommend the following submissions be rejected:
 - S56.11 - Fire and Emergency New Zealand
 - S58.57 - Kāinga Ora: Homes and Communities
2. My recommendations in relation to relevant further submissions reflect the recommendations on the primary submissions as set out above and in Appendix 1.

16.10 SUB-RES-S1

16.10.1 Matters Raised by Submitters

375. Submission S58.54 - Kāinga Ora: Homes and Communities requests standard SUB-RES-S1 be amended to delete the minimum area threshold for subdivision that proposes the creation of one or more vacant allotments, and to replace this with a shape factor of 8m x 15m.

16.10.2 Discussion

376. I recommend the amendments sought by submission S58.54 - Kāinga Ora: Homes and Communities be rejected for the following reasons:
- (a) Standard SUB-RES-S1 manages subdivision where it has not been demonstrated that a complying residential unit can be constructed on all proposed allotments. The purpose of the minimum allotment size for vacant allotments is to ensure there is sufficient land area available for residential unit(s), outdoor living areas, and landscaping following subdivision.
 - (b) The requested 8m x 15m dimension requirement for vacant allotments would result in 120m² vacant allotments, without the need to demonstrate that a permitted activity residential unit

could be constructed. Depending on site-specific characteristics, such as slope and the potential presence of other physical or legal constraining factors, this could result in allotments that are too small to provide a permitted activity residential unit. The relevant matters of discretion under the rules do not address this, as the recommended minimum allotment size requirements are intended to overcome this potential outcome.

- (c) The Council is enabled by clause 8 of Schedule 3A of the RMA to specify minimum allotment sizes where vacant allotments are proposed as part of subdivision, and it is not demonstrated that a permitted activity residential unit can be constructed on each allotment. As discussed in the section 32 evaluation, the recommended allotments sizes are considered to be the most appropriate method to achieve the objectives. The submission does not demonstrate how the requested 8m x 15m dimension requirement for vacant allotments would be a more appropriate method to achieve the relevant objectives.
- (d) The minimum vacant allotment sizes specified in standard SUB-RES-S1 are existing standards and are therefore familiar to the community, developers, and the Council. I consider this familiarity will result in more efficient plan implementation for applications that propose vacant allotments due to the known environmental outcomes and development patterns that result from the existing minimum allotment size standard.

16.10.3 Recommendations

1. I recommend submission S58.54 - Kāinga Ora: Homes and Communities be rejected.
2. I recommend all submissions and further submissions relevant to the SUB-RES chapter that are not specifically addressed in this report are accepted, accepted in part, or rejected for the reasons provided in Appendix 1.

16.11 SUB-RES – Requested New Provisions

16.11.1 Matters Raised by Submitters

377. Submission S56.5 - Fire and Emergency New Zealand requests the addition of a new objective and a new policy in the SUB-GEN chapter as follows:

SUB-GEN-OX Three Waters Infrastructure

Three Waters infrastructure is provided as part of subdivision and development, and in a way that is: Integrated, Effective, Efficient, Functional, Safe, Sustainable, Resilient

SUB-GEN-PX Three Waters Servicing

- (a) All subdivision and development provide integrated Three Waters infrastructure and services to a level that is appropriate to their location and intended use.
- (b) Where there is inadequate three waters infrastructure for the planned built environment, and necessary upgrades and improvements are not feasible in the short to long term, then avoid further intensification until constraints are resolved.

378. Submission S56.10 - Fire and Emergency New Zealand requests the addition of a new standard into the SUB-RES chapter as follows:

SUB-RES-SX

Water supply, stormwater, and wastewater

1. All activities shall comply with the water supply (including firefighting water supply), stormwater and wastewater standards in the Code of Practice for Civil Engineering Works.

16.11.2 Discussion

379. Regarding submission S56.5 - Fire and Emergency New Zealand's requested new objective, I have reviewed the existing objectives in the District Plan that relate to three waters infrastructure and regionally significant infrastructure (which includes the Council's three-waters infrastructure). I have identified the following relevant objectives below:

NU-O3 To recognise and provide for the sustainable, secure and efficient use, operation, maintenance and upgrading and development of network utilities within the City.

SUB-GEN-O6 To recognise and protect the benefits of regionally significant network utilities and ensure their functions and operations are not compromised by other activities.

SUB-RES-O1 The management of the adverse effects of subdivision within residential areas.

380. Whilst this is not what I would consider to be particularly clear outcome statements for the provision of three-waters infrastructure as part of subdivision in residential zones, I note there is policy direction that provides more direction including:

SUB-RES-P5 To promote subdivision with a high level of amenity and ensure that it has adequate access to infrastructural requirements.

381. The relevant provisions to these objectives include subdivision matters of control and discretion that manage the provision of, and effects on network utilities and services. Three waters infrastructure is also required via permitted activity building rules and standards within the zone chapters chapter. I also consider that reference to the Council's Code of Practice for Civil Engineering Works within relevant provisions is an important component of ensuring the provision of three-waters infrastructure as part of the subdivision process.

382. Although I acknowledge the District Plan does not provide particularly strong direction in the form of a three-waters-specific objective, I have concerns regarding the practicality of the wording of submitter's requested three-waters objective and policy.

383. Regarding the requested new objective, based on the information provided by the submitter, I do not consider it practicable for the IPI to include sufficient information and direction on how to achieve *integrated, effective, efficient, functional, safe, sustainable, and resilient* three waters infrastructure. In my opinion, the submitter's requested policy and standard do not provide the level of information or direction that I consider would be necessary to demonstrate these components of the objective are met during the resource consent process.

384. With respect to the requested new policy, I have particular concerns regarding clause (b), which states:

b. Where there is inadequate three waters infrastructure for the planned built environment, and necessary upgrades and improvements are not feasible in the short to long term, then avoid further intensification until constraints are resolved.

385. My key concern relates to the suggested direction to *avoid* further intensification where there is inadequate three waters infrastructure in the short to long term. Although I do not disagree that this may be a sensible approach, in my opinion it is at odds with the level of permitted activity intensification and as-of-right subdivision the Council is required to enable across all residential zones via the IPI. In my opinion, the meaning of *avoid* as determined by the Courts¹³ (to 'not allow' or

¹³ ENVIRONMENTAL DEFENCE SOCIETY INCORPORATED v THE NEW ZEALAND KING SALMON COMPANY LIMITED [2014] NZSC 38 [17 April 2014] - at para 96.

'prevent the occurrence of') is not compatible with the level of subdivision and development the IPI is required to enable. I therefore recommend the submitter's requested policy be rejected.

386. Accordingly, I recommend submission S56.5 - Fire and Emergency New Zealand be rejected.
387. I note the requested method to achieve the requested new objective and policy (via submission S56.10) is a new standard that simply refers to compliance with the Council's Code of Practice for Civil Engineering Works. Whilst I agree this is an appropriate method to ensure three-waters infrastructure is provided as part of a subdivision, I do not consider a new standard to be necessary or appropriate to achieve this. The requested standard refers to a Code which contains a degree of discretion to be applied on a case-by-case basis by the Council regarding the most appropriate civil engineering methods to provide three-waters infrastructure. I consider this makes demonstrating compliance with the Code via a new standard to be particularly problematic. I also consider that requiring compliance with the Code for stormwater infrastructure as a standard may conflict with design requirements that may be necessary to achieve hydraulic neutrality under the proposed hydraulic neutrality permitted standard.
388. In my experience assisting the Council with the processing of subdivision consent applications, the use of the Code as a matter of control or discretion by the Council typically leads to specific conditions of consent being imposed. These conditions generally require more detailed engineering design to be carried out by the applicant, or inspections by the Council or other suitably qualified persons to confirm the appropriate three-waters infrastructure has been installed as part of the necessary physical works to support the subdivision. Approval of specific engineering design, or certification by the Council at a later date that all three-waters conditions have been met must occur prior to final certification of the subdivision pursuant to section 224(c) of the RMA.
389. I therefore do not consider it to be practicable to require demonstration of compliance with the Code as a standard within a subdivision rule. I consider that requiring this approach would result in significant expense to applicants to the point where applicants would simply not comply with the standard, and seek consent under the next rule category. I therefore recommend rejection of the requested new standard under submission S56.10.
390. However, while considering the submitter's requested amendments to the IPI I have identified a number of subdivision rules that do not list the Code as a matter of control or discretion. I consider this to be an error. I recommend amendments to the IPI to add the Code to the list of matters of control and discretion within all relevant rules – and on this basis I recommend submission S56.10 be accepted in part.

16.11.3 Recommendations

1. I recommend the submission S56.10 - Fire and Emergency New Zealand be accepted in part.
2. I recommend S56.5 - Fire and Emergency New Zealand be rejected.
3. I recommend the IPI be amended as shown in the 'Recommended Amendments to the IPI' section below.

16.11.4 Recommended Amendments to the IPI

391. I recommend the IPI be amended as follows:

1. SUB-RES-R1: Add a new matter of control as follows:

(10) The matters contained within the Council's Code of Practice for Civil Engineering Works.

2. SUB-RES-R2: Add a new matter of control as follows:
(10) The matters contained within the Council's Code of Practice for Civil Engineering Works.
3. SUB-RES-R6: Add a new matter of discretion as follows:
(10) The matters contained within the Council's Code of Practice for Civil Engineering Works.
4. SUB-RES-R8: Add a new matter of discretion as follows:
(15) The matters contained within the Council's Code of Practice for Civil Engineering Works.
5. SUB-RES-R9: Add a new matter of discretion as follows:
(15) The matters contained within the Council's Code of Practice for Civil Engineering Works.
6. SUB-RES-R10: Add a new matter of discretion as follows:
(15) The matters contained within the Council's Code of Practice for Civil Engineering Works.

16.11.5 Section 32AA Evaluation

392. In my opinion, the recommended amendments to the IPI in response to matters raised by submitters are more appropriate in achieving the objectives of the IPI than the notified provisions. In particular, I consider that:

1. The recommended amendments to the specific rules above to add a matter of control or discretion specifically referring to the Council's Code of Practice for Civil Engineering Works is a correction of a drafting error. The amendments will ensure all civil engineering matters are retained within the Council's discretion in the consideration of a subdivision consent application. The amendments are more efficient and effective than the notified provisions in achieving the objectives of the IPI.
2. The recommended amendments to the rules to will not have any greater environmental, social, cultural, or economic effects than the notified provisions. There will be benefits for plan implementation as a result of the Council's Code of Practice for Civil Engineering Works being retained as a matter or control or discretion during the consideration of subdivision consent applications under the rules – this effectively retains the status quo.

17 HRZ – High Density Residential Zone

17.1 General Matters

17.1.1 Matters raised by submitters

393. The following are the key submissions raise general matters that relate to the proposed High Density Residential Zone:

Submission No.	Decision Requested
S4.1 - Grant Foster	Rejection of any 3+ storey buildings within pre-existing neighbourhoods. A new and more considered approach to development within the city and working closer with developers to buy, build and develop blocks of land as opposed to single titles.
S12.1 - James Bade	Exempt the area bounded by Benzie Ave, Palfrey St, Brown St and Martin St be excluded from high density housing to protect the heritage of that area and maintain it as a key pleasant residential area close to the CBD.

S46.21 - Blue Mountains Campus Development Limited Partnership	BMC is actively planning future development for the balance of the site and is seeking to ensure that the District Plan provides for sufficient building heights and density of urban form, as required by the National Policy Statement for Urban Development (NPS-UD). If the structure plan intends that duplexes and terrace housing units are provided in the area, then reference to residential above ground level should be removed.
S58.138 - Kāinga Ora: Homes and Communities	Rewrite the HRZ chapter to remove the need for compliance with the permitted activity rules and standards that apply to the GRZ.
S58.139 - Kāinga Ora: Homes and Communities	Amend the HRZ chapter by inserting the HRZ rules and standards into this chapter, as detailed in Appendix 2 of the submission. See Appendix 2 of the submission for details.
S58.152 - Kāinga Ora: Homes and Communities	Rewrite all HRZ rules to remove the need for reference to the GRZ chapter. The HRZ should contain all rules, standards, matters of discretion and information requirements necessary to determine the activity status of an activity occurring in the HRZ.

17.1.2 Discussion

394. With respect to submission S4.1 - Grant Foster's request to not enable any 3+ storey buildings within pre-existing neighbourhoods, I note the Council is required by NPS-UD Policy 3(c)(i) and (ii) to enable building heights of at least six stories within a walkable catchment of the City Centre Zone and the passenger rail stations within the City. This walkable catchment is represented by the spatial extent of the proposed High Density Residential Zone. I therefore recommend submission S4.1 – Grant Foster be rejected.
395. Submission S12.1 - James Bade requests the area bounded by Benzie Ave, Palfrey St, Brown St and Martin St be excluded from high density housing to protect the heritage of that area and maintain it as a key pleasant residential area close to the CBD. I have investigated the area bounded by Benzie Avenue, Palfrey Street, Brown Street and Martin Street and confirm it is within a walkable catchment of the City Centre Zone and the Upper Hutt rail station. Therefore, the district plan is required to enable building heights of at least 6 stories pursuant to policy 3(c)(i) and (ii) of the NPS-UD. I have not identified any matters in the area that would justify the application of any additional qualifying matters pursuant to section 771 of the RMA. I therefore recommend submission S12.1 - James Bade be rejected.
396. With respect to the request by submission S46.21 - Blue Mountains Campus Development Limited Partnership to remove reference to residential above ground floor from the HRZ provisions, this submission point appears to be incorrectly summarised, as the HRZ provisions do not include such references. I specifically address all similar submissions of the Blue Mountains Campus Development Limited within the 'Development Area 1 - Wallaceville Structure Plan Development Area' in section 35 of this report. This specific topic is addressed a number of times in section 35 below, and I therefore recommend submission S46.21 - Blue Mountains Campus Development Limited Partnership be rejected.
397. Submissions S58.138 and S58.152 - Kāinga Ora: Homes and Communities request similar amendments to rewrite the HRZ chapter to remove the need for compliance with the permitted activity rules and standards that apply to the GRZ. Although I acknowledge the requested amendments are technically possible, on balance I consider that the structure of the HRZ and its cross-references to the GRZ provisions provides an efficient method to manage activities within the HRZ chapter in the same way as provided for in the GRZ without the need to duplicate all the relevant GRZ provisions in the HRZ

chapter. The HRZ provisions contain all the relevant rules, standards, matters of discretion, and information requirement for all activities that area managed differently to how they are managed in the GRZ. All other provisions are identical between the two zones, hence the proposed cross-reference structure. I therefore recommend submissions S58.138 and S58.152 - Kāinga Ora: Homes and Communities be rejected.

398. Regarding submission S58.139 - Kāinga Ora: Homes and Communities, the submitter has prepared requested replacement rules and standards for the entire HRZ, which are attached to Appendix 2 of the submission. I do not duplicate the submitter's requested rules and standards in this report; however, I note that the submitter's requested provisions include new rules and standards not currently included or proposed by the IPI in the General Residential Zone or the High Density Residential Zone – such as specific rule and standards for emergency service facilities, and specific discretionary rules for schools, show homes, offices, and retail. For the same reasons as I provide for the recommended rejection of submissions S58.138 and S58.152 - Kāinga Ora: Homes and Communities above, I also recommend that submission S58.139 - Kāinga Ora: Homes and Communities be rejected.
399. In addition, I note the submission does not include any analysis or justification that the requested new rules and standards offer a more appropriate method to achieve the relevant objectives of the IPI. I have not evaluated the requested new rules and standards in this way as I consider they fall beyond the remit of the purpose of the IPI to incorporate the MDRS, give effect to policy 3 of the NPS-UD, and provide for qualifying matters as provided for by policy 4 of the NPS-UD. Therefore, in the event the Panel wishes to test the merits of the requested new rules and standards, I will be able to provide more specific advice via the Council's right of reply.

17.1.3 Recommendations

1. I recommend the following submissions be rejected:
 - S4.1 – Grant Foster
 - S12.1 - James Bade
 - S46.21 - Blue Mountains Campus Development Limited Partnership
 - S58.138 - Kāinga Ora: Homes and Communities
 - S58.152 - Kāinga Ora: Homes and Communities
 - S58.139 - Kāinga Ora: Homes and Communities
2. I recommend all other submissions relevant to General Matters of the HRZ that are not specifically identified or addressed above be accepted, accepted in part, or rejected for the reasons specified in Appendix 1.

17.2 HRZ-O1 – Well-functioning Urban Environments (mandatory objective in clause 6 of Schedule 3A)

17.2.1 Matters Raised by Submitters

400. Submission S72.1 - Te Rūnanga o Toa Rangatira Inc requests objective be re-crafted to reflect environmental wellbeing in the drafting.

17.2.2 Discussion

401. Although I agree with submission S72.1 – Te Rūnanga o Toa Rangatira Inc that the objective is deficient with respect to including environmental consideration as a component of sustainable management as described in Section 5 of the RMA, I note the objective is a mandatory provision the Council is required to include within the HRZ without modification in accordance with clause 6 of Schedule 3A of the RMA. I therefore recommend submission S72.1 - Te Rūnanga o Toa Rangatira Inc be rejected.

17.2.3 Recommendations

1. I recommend submission S72.1 - Te Rūnanga o Toa Rangatira Inc be rejected.
2. I recommend all other submissions relevant to HRZ-O1 provisions that are not specifically identified or addressed above be accepted, accepted in part, or rejected for the reasons specified in Appendix 1.

17.3 HRZ-O2 – Housing Variety (mandatory objective in clause 6 of Schedule 3A)

17.3.1 Matters Raised by Submitters

402. The following submissions request amendments to objective HRZ-O2:

Submission No.	Decision Requested
S5.23 Bob Anker	Amend the clause [HRZ-O2] to show the correct height specification.
S28.6 Ara Poutama Aotearoa – Department of Corrections	Amend Objective HRZ-O2 as follows: HRZ-O2 Housing Variety A relevant residential zone <u>The high density residential zone</u> provides for a variety of housing types, <u>households</u> , and sizes that respond to a. Housing needs and demands; and b. The neighbourhood's planned urban built character, including 3- storey buildings.
S72.2 Te Rūnanga o Toa Rangatira Inc (late submission)	Reword the objective to expand and specify Housing Variety also includes Papakāinga and that the clause (b) is not supposed to limit Tangata Whenua's right to Papakāinga and cannot be held as a reason for proposing Papakāinga.

17.3.2 Discussion

403. I recommend all the submissions identified above be rejected on the grounds that objective HRZ-O2 is a mandatory MDRS provision the Council is required to include within the HRZ chapter. In my opinion, the Council does not have the discretion to make changes to this objective.

17.3.3 Recommendations

1. I recommend the following submissions be rejected:
 - S5.23 Bob Anker
 - S28.6 Ara Poutama Aotearoa – Department of Corrections
 - S72.2 Te Rūnanga o Toa Rangatira Inc (late submission)
2. I recommend all other submissions relevant to HRZ-O2 that are not specifically identified or addressed above be accepted, accepted in part, or rejected for the reasons specified in Appendix 1.

17.4 HRZ-P1 (clause 6 Schedule 3A mandatory policy)

17.4.1 Matters Raised by Submitters

404. Submission S35.5 - Wellington Electricity Lines Limited requests an amendment to HRZ-P1 (and GRZ-P1B) to include reference to regionally significant infrastructure.

17.4.2 Discussion

405. Regarding submission S35.5 – Wellington Electricity Lines Limited's requests to policy HRZ-P1, I note that the policy (and policy GRZ-P1B) incorporate a mandatory MDRS policy. In my opinion, the Council does not have the discretion to change the wording of these policies. I note that all existing provisions that manage potential reverse sensitivity effects on regionally significant infrastructure are recommended for retention as qualifying matters. I therefore recommend submission S35.5 – Wellington Electricity Lines Limited be rejected.

17.4.3 Recommendations

1. I recommend submission S35.5 Wellington Electricity Lines Limited be rejected.
2. I recommend all other submissions relevant to HRZ-P1 that are not specifically identified or addressed above be accepted, accepted in part, or rejected for the reasons specified in Appendix 1.
3. My recommendations in relation to any relevant further submissions reflect the recommendations on the primary submissions as set out above and within Appendix 1.

17.5 HRZ-P3 (clause 6 Schedule 3A mandatory policy)

17.5.1 Matters Raised by Submitters

406. Submission S72.5 - Te Rūnanga o Toa Rangatira Inc requests that HRZ-P3 be reworded to put some substance around the day-to-day and reword to expand on the wellbeing as it speaks to day-today needs also.

17.5.2 Discussion

407. I am uncertain what specific amendments are sought by the submission; however, I note policy HRZ-P3 incorporates a mandatory MDRS policy the Council is required to include in the HRZ chapter. In my opinion, the Council does not have the discretion to amend the policy due to the directive wording of section 77G(1) of the RMA. I therefore recommend S72.5 - Te Rūnanga o Toa Rangatira Inc be rejected.

17.5.3 Recommendations

1. I recommend submission S72.5 - Te Rūnanga o Toa Rangatira Inc be rejected.
2. I recommend all other submissions relevant to HRZ-P3 that are not specifically identified or addressed above be accepted, accepted in part, or rejected for the reasons specified in Appendix 1.

17.6 HRZ-P5

17.6.1 Matters Raised by Submitters

408. Submission S58.149 - Kāinga Ora: Homes and Communities requests amendments to HRZ-P5 to better align with the wording of NPS-UD policy 6 regarding the 'panned urban built form'. The submission also requests the addition of the terms 'appearance' and 'amenity'.
409. Submission S64.56 - Retirement Villages Association of New Zealand requests amendments to HRZ-P5 to refer to replace 'compatible in form and scale', with 'respond to'.

17.6.2 Discussion

410. I agree in part with the amendments requested to HRZ-P5 by submission S58.149 - Kāinga Ora: Homes and Communities. I agree the policy would be improved from including reference to 'urban', and

deletion of 'character' as I consider this would improve its consistency with the direction of NPS-UD Policy 6.

411. However, I do not agree that the additional words 'amenity' and 'appearance' should be added. I note objective 4 and policy 6 of the NPS-UD require the District Plan and decisions made under it to consider amenity values as a matter that develops and changes over time in response to the diverse and changing needs of people, communities, and future generations. I also note 'appearance' does not appear to be referred to in the NPS-UD, and on this basis, I consider adding it to policy HRZ-P5 may create uncertainty as to its meaning with respect to giving effect to the NPS-UD. Accordingly, I recommend submission S58.149 - Kāinga Ora: Homes and Communities be accepted in part, and that policy HRZ-P5 be amended as set out in the 'Recommended Amendments to IPI' section below.
412. Submission S64.56 – Retirement Villages Association of New Zealand, requests policy HRZ-P5 be amended to replace reference to the compatibility of form and scale of building densities with a neighbourhood's planned built urban form, with a reference to building densities 'responding to' the neighbourhood's planned built urban form. This is a similar amendment requested above by the submitter for the policies GRZ-P1 and GRZ-P2 under submissions S64.29 and S64.30.
413. I consider the requested amendments to be inferior to those of the notified IPI. I consider the 'compatibility of building densities with the planned urban built form' is a more appropriate term as it better provides for the consideration of restricted discretionary activities – noting that restricted discretionary activities within the HRZ that give effect to the IPI are actually part of the planned urban built form as expressed in relevant policies such as HRZ-P7 – which enables building heights up to 20 metres. I consider the requested replacement of the term 'compatibility' with 'responds to' would provide less direction to decision makers. I therefore recommend submission S64.56 - Retirement Villages Association of New Zealand be rejected.

17.6.3 Recommendations

1. I recommend submission S58.149 - Kāinga Ora: Homes and Communities be accepted in part.
2. I recommend submission S64.56 - Retirement Villages Association of New Zealand be rejected.
3. I recommend the IPI be amended as shown in the 'Recommended Amendments to the IPI' section below.

17.6.4 Recommended Amendments to IPI

414. I recommend the IPI be amended as follows:

1. HRZ-P5: Amend as follows:

To provide for a range of building densities within the residential areas that are compatible in form and scale with the neighbourhood's planned urban built form ~~character form~~.

17.6.5 Section 32AA Evaluation

415. In my opinion, the recommended amendments to the IPI in response to matters raised by submitters are more appropriate in achieving the objectives of the IPI than the notified provisions. In particular, I consider that:
1. The recommended amendments to HRZ-P5 will better align with the direction of the NPS-UD, therefore improving plan implementation through the expression of clearer outcomes. The amendments are more efficient and effective than the notified provisions in achieving the objectives of the IPI.
 2. The recommended amendments to HRZ-P5 will not have any greater environmental, social, cultural, or economic effects than the notified provisions. There will be benefits for plan

implementation as a result of the IPI provisions being more closely aligned with national direction.

17.7 HRZ-P6

17.7.1 Matters Raised by Submitters

416. Submission S33.12 - Fuel Companies request amendments to policy HRZ-P6 as follows:

Provide for and encourage medium and high density residential development ~~that is consistent with the Council's Medium and High Density Design Guide in Appendix 1~~ that achieves a built form that contributes to high-quality built environment outcomes including by:

- (i) Requiring designs to be consistent with Council's Medium and High Density Design Guide in Appendix 1; and
- (ii) Minimising reverse sensitivity effects on existing lawfully established non-residential activities.

17.7.2 Discussion

417. Regarding submission S33.12 - Fuel Companies request to amend policy HRZ-P6, I note the purpose of the policy is to provide policy direction for the consideration and application of the Medium and High Density Design Guide. I agree that addressing potential reverse sensitivity effects is an important resource management issue in the HRZ due to the significant increase in permitted development the IPI enables and the corresponding increased likelihood of reverse sensitivity effects arising. However, I consider a more effective method to address reverse sensitivity effects is via amendments to the relevant HRZ rules and standards, I recommend such amendments in response to other submissions elsewhere in this report. Therefore, I recommend submission S33.12 – Fuel Companies be rejected.

17.7.3 Recommendations

1. I recommend submission S33.12 - Fuel Companies be rejected.
2. I recommend all other submissions relevant to HRZ-P6 that are not specifically identified or addressed above be accepted, accepted in part, or rejected for the reasons specified in Appendix 1.
3. My recommendations in relation to any relevant further submissions reflect the recommendations on the primary submissions as set out in Appendix 1.

17.8 HRZ-R1

17.8.1 Matters Raised by Submitters

418. Submission S64.59 - Retirement Villages Association of New Zealand requests rule HRZ-R1 be amended to include a specific exclusion as follows:

Where:

a. Compliance is achieved with all permitted activity rules and standards that apply to the General Residential Zone (excluding building height, height in relation to boundary, and building coverage).

17.8.2 Discussion

419. The amendment sought by the submitter would have the effect of excluding the HRZ permitted activity standards that are more lenient than the equivalent standards within the GRZ from the rule. I note this is not necessary as HRZ-R1 already states:

All permitted activity rules, standards, matters, and information requirements that apply to the General Residential Zone except as specifically provided for in this table.

Should there be any conflict between the High Density Residential Zone and the General Residential Zone provisions, the provisions of the High Density Residential Zone prevail.

420. I also consider the existing wording of HRZ-R1 provides for greater flexibility in the event IPI recommendations are made to add additional density standards to the HRZ chapter that are more lenient than those provided for the GRZ.

421. I therefore recommend submission S64.59 - Retirement Villages Association of New Zealand be rejected.

17.8.3 Recommendations

1. I recommend submission S64.59 - Retirement Villages Association of New Zealand be rejected.
2. I recommend all other submissions relevant to HRZ-R1 that are not specifically identified or addressed above be accepted, accepted in part, or rejected for the reasons specified in Appendix 1.

17.9 HRZ-R2

17.9.1 Matters Raised by Submitters

422. The following submissions are specific to HRZ-R2:

Submission No.	Decision Requested
S58.153 - Kāinga Ora: Homes and Communities Opposed by FS13 – New Zealand Defence Force Supported and opposed in part by: FS14 – Retirement Villages Association of New Zealand Inc. FS15 – Ryman Healthcare Limited	<ol style="list-style-type: none"> 1. Amend HRZ-R2 to include the following non-notification clauses: <p style="margin-left: 40px;"><u>Restriction on notification:</u></p> <p style="margin-left: 80px;"><u>iii. An application for resource consent under this rule which does not comply with HRZ-S3 is precluded from being publicly notified.</u></p> <p style="margin-left: 80px;"><u>iv. An application for resource consent under this rule which does not comply with HRZ-S5 is precluded from being either publicly or limited notified.</u></p> 2. Insert a new restricted discretionary activity and discretionary activity rules into the HRZ chapter for commercial activities on ground floor of residential areas. Requested new rules include limits on GFA, hours of operation, and matters of discretion covering design, appearance and siting of the commercial activity, noise and illumination, and signage. See the submission for specific requested amendments.
S64.60 - Retirement Villages Association of New Zealand	Amend HRZ-R2 is as follows: <u>....3. Activity status: Restricted discretionary Where: a) Compliance is not achieved with one or more of the standards under HRZ-R2.1.a, and the activity is for the construction of buildings associated with a retirement village.</u> <u>Matters of discretion are restricted to:</u> <ol style="list-style-type: none"> (1) <u>The effects arising from exceeding any of the following High Density Residential Zone standards: HRZ-S2, HRZ-S3 and HRZ-S4.</u> (2) <u>The effects arising from exceeding any of the following General Residential Zone standards: GRZ-S4, GRZ-S5, GRZ-S14, GRZ-S15 and GRZ-S16.</u> (3) <u>The effects of the retirement village on the safety of adjacent streets or public open spaces;</u> (4) <u>The effects arising from the quality of the interface between the retirement village and adjacent streets or public open spaces;</u> (5) <u>The extent to which articulation, modulation and materiality addresses adverse visual dominance effects associated with building length;</u>

	<p>(6) <u>When assessing the matters in 1 – 4, consider: (a) The need to provide for efficient use of larger sites; and (b) The functional and operational needs of the retirement village.</u></p> <p>(7) <u>The positive effects of the construction, development and use of the retirement village.</u></p> <p><u>For clarity, no other rules or matters of discretion relating to the effects of density apply to buildings for a retirement village.</u></p> <p><u>Notification status: An application for resource consent for a restricted discretionary activity under this rule is precluded from being publicly notified. An application for resource consent for a restricted discretionary activity under this rule that complies with HRZ-S2, HRZ-S3, HRZ-S4 and GRZ-S4 is precluded from being limited notified.</u></p>
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17.9.2 Discussion

423. Submission S58.153 - Kāinga Ora: Homes and Communities requests three matters which I consider are best discussed separately comprising:
1. Restriction on public notification clause for HRZ-R2 for applications that do not comply with the maximum permitted activity height in relation to boundary standard HRZ-S3;
 2. Restriction on public and limited notification clause for HRZ-R2 for application that do not comply with the maximum permitted activity number of residential units per site standard HRZ-S5; and
 3. Inserting a new restricted discretionary activity and discretionary activity rules into the HRZ chapter for commercial activities on ground floor of residential areas.
424. Regarding the third request, I have discussed the request for a new restricted discretionary activity rule for commercial activities in the HRZ in detail below under submission S58.158 - Kāinga Ora: Homes and Communities in the 'Requests for New Provisions' section. I recommend the requested new rule above be rejected for the same reasons as I provide for submission S58.158 – Kāinga Ora: Homes and Communities.
425. With respect to submission S58.153's first request for a limited notification preclusion, I consider the IPI includes all notification preclusion clauses that required by clause 5 of Schedule 3A of the RMA. The proposed permitted activity height in relation to boundary standard HRZ-S3 is more lenient than that within the GRZ. Although the Council is not required to restrict its discretion to publicly notify a resource consent application that does not comply with HRZ-S3, in my opinion it is unlikely that breaching the standard would result in significant adverse effects on the environment that go beyond specifically identified affected persons. Therefore, I recommend the requested public notification preclusion regarding HRZ-S3 is accepted.
426. Regarding the submitter's second notification preclusion request, I note that clause 5(2) of Schedule 3A of the RMA restricts the Council's ability to publicly or limited notify an application that proposes the construction of four or more residential units on a site that comply with the MDRS density standards (excluding the MDRS standard that limits the permitted number of residential units on a site to 3). In my opinion, this notification preclusion does not apply to the HRZ if more than 6 residential units are proposed on a site that comply with the more lenient HRZ density standards, as clause 5(2) of Schedule 1 of the RMA does not, on my reading, provide for this scenario.
427. However, I do consider that precluding public notification for applications that only fail to comply with the maximum number of residential units per site standard is appropriate, as high density residential

housing is anticipated, encouraged, and provided for by the objectives and policies of the HRZ zone. High density residential development of at least six stories is part of the planned built urban form of the zone.

428. Notwithstanding this, I do not consider it appropriate to limit the ability of the Council to make limited notification decisions on resource consent application under this rule. This is because the purpose of limiting the number of permitted residential units on a site in the HRZ is to enable the consideration of the design and layout outcomes of the Medium and High Density Design Guide, and to ensure the relevant objectives of the HRZ are achieved. In my opinion, failure to address some elements of the design guide could result in minor or more than minor adverse effects of specifically identified persons. Therefore, the I recommend this requested amendment to HRZ-R2 be rejected.
429. In summary of my recommendations on submission S58.153 - Kāinga Ora: Homes and Communities, I recommend it be accepted in part, and that public notification preclusions are added to rule HRZ-R2 where a proposal fails to comply with the relevant standards. I have not amalgamated these standards within the recommended notification preclusions due to the potential cumulative effects if non-compliance with both standards are combined – in these instances I consider public notification could be a potential outcome.
430. Submission S64.60 - Retirement Villages Association of New Zealand requests rule HRZ-R2 be amended to include the submitter's requested retirement village-specific provisions. I have addressed and recommended the rejection of similar requested amendments by the submitter to the General Residential Zone in section 15 above under submission number S64.35 - Retirement Villages Association of New Zealand, and the General IPI-Wide chapter in section 13 above under submission numbers S64.138, S64.139, S64.141, S64.142, S64.144, S64.145, S64.146, and S64.147. My recommendation to reject the requested new provisions within sections 13 and 15 of this report above are equally applicable to the HRZ and submission S64.60. On this basis, I recommend submission S64.60 - Retirement Villages Association of New Zealand be rejected.

17.9.3 Recommendations

1. I recommend submission S58.153 - Kāinga Ora: Homes and Communities be accepted in part.
2. I recommend submission S64.60 - Retirement Villages Association of New Zealand be rejected.
3. My recommendations in relation to any relevant further submissions reflect the recommendations on the primary submissions as set out above and within Appendix 1.
4. I recommend the IPI be amended as shown in the 'Recommended Amendments to the IPI' section below, and as shown in Appendix 2.

17.9.4 Recommended Amendments to IPI

431. I recommend the IPI be amended as follows:

1. HRZ-R2: Amend as follows:

Activity status: Restricted discretionary

Where:

- a. Compliance is not achieved with one or more of the standards under HRZ-R2.1.a

Restriction on notification:

1. Public notification of an application is precluded for an application that only fails to comply with standard 1.a.ii – Height in relation to boundary.

Public notification of an application is precluded for an application that only fails to comply with standard 1.a.iv. – Number of residential units per site.

17.9.5 Section 32AA Evaluation

432. In my opinion, the recommended amendments to the IPI in response to matters raised by submitters are more appropriate in achieving the objectives of the IPI than the notified provisions. In particular, I consider that:

1. The recommended amendments to rule HRZ-R2 to include specific public notification preclusions are more appropriate for non-compliance with the specifically identified permitted activity standards, and improve the framework of the rule with respect to the anticipated built urban form of the HRZ as described by the HRZ objectives and policies. The amendments will improve plan implementation through providing greater certainty to applicants regarding public notification. The amendments are more efficient and effective than the notified provisions in achieving the objectives of the IPI.
2. The recommended amendments to HRZ-R2 will not have any greater environmental, social, cultural, or economic effects than the notified provisions. There will be benefits for plan implementation as a result of the public notification preclusions within rule HRZ-R2 being more appropriate in light of the anticipated urban built form of the HRZ and any resulting adverse effects on the environment that may arise from non-compliance with the specifically identified permitted activity standards.

17.10 HRZ-R3, HRZ-R5, HRZ-R6, and HRZ-R7

17.10.1 Matters Raised by Submitters

433. Submitter S58 – Kāinga Ora: Homes and Communities makes the same general request to amend these rules as follows:

Submission No.	Decision Requested
S58.154 - Kāinga Ora: Homes and Communities	Rewrite HRZ-R3 to remove the need for compliance with the controlled activity rules, standards, matters and information requirements that apply to the GRZ.
S58.15 - Kāinga Ora: Homes and Communities	Rewrite HRZ-R5 to remove the need for compliance with the discretionary activity rules that apply to the GRZ.
S58.156 - Kāinga Ora: Homes and Communities	Rewrite HRZ-R6 to remove the need for compliance with the non-complying activity rules that apply to the GRZ.
S58.156 - Kāinga Ora: Homes and Communities	Rewrite HRZ-R7 to remove the need for compliance with the non-complying activity rules that apply to the GRZ.

17.10.2 Discussion

434. Although there is no technical reason why a separate and complete chapter cannot be prepared for the HRZ so it does not refer to the GRZ provisions where the provisions are identical, I recommend retaining the HRZ structure and cross-referencing as notified. In my opinion the HRZ provisions cross-referencing to the GRZ provisions where they are identical reduces district plan complexity and unnecessary duplication of provisions between chapters.

435. I therefore recommend submissions S58.154, S58.155, S58.156, and S58.157 - Kāinga Ora: Homes and Communities be rejected.

17.10.3 Recommendations

1. I recommend the following submissions be rejected:

- S58.154 - - Kāinga Ora: Homes and Communities
- S58.155 - - Kāinga Ora: Homes and Communities
- S58.156 - - Kāinga Ora: Homes and Communities
- S58.157 - Kāinga Ora: Homes and Communities

17.11 HRZ-R8

17.11.1 Matters Raised by Submitters

436. Submission S5.26 - Bob Anker requests HRZ-R8 be amended to refer to the correct height specified in UFD-P2.
437. Submission S33.18 - Fuel Companies requests the matters of discretion for rule HRZ-R8 be amended to include the consideration of reverse sensitivity effects on existing lawfully established non-residential activities. This is opposed by further submitter FS8 – Kāinga Ora.
438. Submission S58.170 - Kāinga Ora: Homes and Communities requests that either HRZ-R8 or HRZ-R2 be amended so there is only one restricted discretionary rule that applies for buildings that exceed the maximum permitted height standard. The submission also requests that the maximum permitted height standard be amended to 22m.

17.11.2 Discussion

439. Regarding submitter S5.26 - Bob Anker's request to ensure the building height managed by rule HRZ-R8 is consistent with the height specified in HRZ-P7, I agree there are discrepancies that need to be corrected within the IPI for the stated maximum permitted height of buildings in the High Density Residential Zone.
440. Policy 3 of the NPS-UD requires the district plan to enable building heights of at least 6 stories within walkable catchments of the City Centre Zone and rapid transit stops. The height the IPI intends to enable as a permitted activity or six story buildings is 20 metres – as shown in HRZ-R8. I note HRZ-P7 incorrectly refers to permitted heights of 26m. I recommend this be corrected by amending HRZ-P7 to refer to 20m. I note a consequential amendment is also necessary to UFD-P2, as this also includes the same incorrect reference to 26m. Accordingly, I recommend submission S5.26 – Bob Anker be accepted in part, and the IPI be amended as set out in the 'Recommended Amendments to IPI' section below.
441. Regarding submission S33.18 – Fuel Companies request to include reverse sensitivity effects as a matter of discretion to rule HRZ-R8, I note the requested amendment is no longer appropriate as I am recommending the deletion of HRZ-R8 below under submission S58.170 - Kāinga Ora: Homes and Communities. Notwithstanding this, I consider the issue raised by the submitter is adequately addressed via the recommended matters of discretion to the standards referred to in rule HRZ-R2.2 (which essentially duplicates rule HRZ-R8). I therefore recommend submission S33.18 – Fuel Companies be rejected.
442. Submission S58.170 - Kāinga Ora: Homes and Communities requests an amendment to ensure there is only one restricted discretionary rule that applies for buildings that exceed the maximum permitted height standard. Rules HRZ-R2.2 and HRZ-R8 are both restricted discretionary activity rules that capture buildings that exceed the maximum permitted height of 20m. Rule HRZ-R2.2 does this by referring to breaching permitted standard HRZ-S2 – Building Height, while rule HRZ-R8 specifically captures buildings that exceed 20m in height. I agree with the submitter that only one restricted discretionary activity rule is required, and I therefore recommend the deletion of HRZ-R8, as I consider rule HRZ-R2.2 to be more appropriately drafted by referring to the permitted height standard HRZ-S2.

However, I note that rule HRZ-R2.2 requires the addition of matters of discretion that relate to the breached standards under permitted activity rule HRZ-R2. Accordingly, I recommend this component of submission S58.170 be accepted.

443. Regarding submission S58.170's request to increase the permitted height standard to 22 metres, I note the Council is not required by the NPS-UD to enable buildings height of at least six stories as a *permitted activity*. I have taken my understanding for the term plan enabled from clause 3.4(1) of the NPS-UD, which describes plan-enabled as meaning either a permitted, controlled, or restricted discretionary activity. Therefore, should 20m not be sufficient permitted height for the design of some six stories, I am satisfied the IPI still enables heights beyond this as a restricted discretionary activity.
444. I am mindful that the IPI has received a number of submissions opposing the heights and density of urban form the IPI proposes to enable within the HRZ. These submissions are mainly from residents, and I address the majority of these submissions at the beginning of this report where I address matters of scope in section 12 above. Although I recommend these submissions be rejected, they do highlight a level of discomfort within at least some members of the community with respect to the potential effects that may result from the significant increase in permitted heights and density of urban form proposed by the IPI within the HRZ. I express my view and discomfort in section 12 above that I consider the implementation of policy 3(c)(i) and (ii) of the NPS-UD has the potential to result in significant adverse effects in some instances as a result of loss of direct sunlight into adjacent residential units.
445. For these reasons, I am reluctant to recommend any increase in permitted activity height greater than 20m, and I note buildings that exceed 20m in height are still enabled via restricted discretionary activity resource consent. In my opinion, retaining the 20m permitted height standard is the most appropriate method to achieve the IPI objectives, as I consider a greater permitted height may have a negative impact on enabling all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety - as specified by objective 1 of the NPS-UD, and IPI objective HRZ-O1. I therefore recommend this aspect of submission S58.170 be rejected.
446. I therefore recommend submission S58.170 – Kāinga Ora: Home and Communities be accepted in part, and the IPI be amended as set out in the 'Recommended Amendments to IPI' section below.

17.11.3 Recommendations

1. I recommend the following submissions be accepted in part:
 - S5.26 – Bob Anker
 - S58.170 – Kāinga Ora: Home and Communities
2. I recommend submission S33.18 – Fuel Companies be rejected.
3. My recommendations in relation to all relevant further submissions reflect the recommendations on the primary submissions as set out above and within Appendix 1.
4. I recommend the IPI be amended as shown in the 'Recommended Amendments to the IPI' section below.

17.11.4 Recommended Amendments to IPI

447. I recommend the IPI be amended as follows:

1. HRZ-R8: Delete as follows:

HRZ-R8	Buildings within the High Density Residential Zone that exceed 20 metres in height.	<p>Matters of discretion are restricted to:</p> <p>(1) — Height and sunlight access.</p> <p>(2) — Effects on public spaces.</p> <p>(3) — Setbacks and coverage.</p> <p>(4) — Landscaping and screening.</p> <p>(5) — Privacy effects.</p> <p>(6) — The matters contained in the Medium and High Density Design Guide in Appendix 1.</p> <p>(10) — Whether the building location, design, appearance, and scale is compatible in form and scale with the neighbourhood's planned built character.</p>
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2. HRZ-R2.2: Amend as follows:

2. Activity status: Restricted discretionary

Where:

a. Compliance is not achieved with one or more of the standards under HRZ-R2.1.a

Council will restrict its discretion to, and may impose conditions on the matters of discretion of any infringed standard.

3. HRZ-P7: Amend as follows:

Enable more people to live in the High Density Residential Zone by enabling residential building heights up to ~~20~~metres.

4. UFD-P2: Amend as follows:

...

2. *enabling building heights up to ~~20~~metres and greater densities within the High Density Residential Zone. The High Density Residential Zone comprises areas within a walkable catchment of the following train stations and centres:*

...

17.11.5 Section 32AA Evaluation

448. In my opinion, the recommended amendments to the IPI in response to matters raised by submitters are more appropriate in achieving the objectives of the IPI than the notified provisions. In particular, I consider that:

1. The recommended amendments to rule HRZ-R2.2 will ensure the appropriate matters of discretion are considered in the processing of resource consents under the rule. The recommended deletion of rule HRZ-R8 will eliminate duplication between the HRZ rules. These amendments will improve plan implementation through enabling the consideration of relevant matters of discretion and the simplification of rules within the HRZ chapter. The amendments are more efficient and effective than the notified provisions in achieving the objectives of the IPI.
2. The recommended amendments to HRZ-R2.2 and HRZ-R8 will not have any greater environmental, social, cultural, or economic effects than the notified provisions. There will be benefits for plan implementation as a result of the IPI provisions being appropriately linked with relevant matters of discretion, and the elimination of duplication between rules that manage the same activity.

3. The recommended amendments to HRZ-P7 and UFD-P2 correct errors in the specific height enabled with the HRZ as a permitted activity. These amendments will improve plan implementation through ensuring the relevant policies and rules for the HRZ accurately state the permitted height that forms part of the anticipated built urban form for the zone. The amendments are more efficient and effective than the notified provisions in achieving the objectives of the IPI.
4. The recommended amendments to HRZ-P7 and UFD-P2 will not have any greater environmental, social, cultural, or economic effects than the notified provisions. There will be benefits for plan implementation as a result of the removal of conflicting provisions from the IPI.

17.12 HRZ-S2 – Building Height

17.12.1 Matters Raised by Submitters

449. The key submissions that request amendments are as follows:

Submission No.	Decision Requested
S33.14 - Fuel Companies Opposed by FS8 - Kāinga Ora Supported by FS13 – New Zealand Defence Force	Amend Standard HRZ-S2 to include the following matter of discretion: <u>(8) Reverse sensitivity effects on existing lawfully established non-residential activities.</u>
S58.159 - Kāinga Ora: Homes and Communities Supported by FS14 – Retirement Villages Association of New Zealand; and FS15 – Ryman Healthcare	Amend HRZ-S2 to provide building heights of: a. 22m; or b. 43m within 0m to 400m of the City Centre Zone or rapid transit stops. c. 36m within 400m to 800m of the edge of the City Centre Zone or rapid transit stops. d. 29m within 0m to 800m of the edge of the Town Centre Zone
S58.161 - Kāinga Ora: Homes and Communities	Delete all HRZ-S2 Matters of Discretion and replace them with the submitters requested matters of discretion as follows: a. <u>a. Whether topographical or other site constraints make compliance with the standard impractical.</u> b. <u>Streetscape and visual amenity effects;</u> c. <u>Dominance, privacy and shading effects on adjoining sites.</u>
S64.61 - Retirement Villages Association of New Zealand	Amend HRZ-S2 the matters of discretion for HRZ-S2 to exclude retirement villages as follows: Matters of Discretion where Permitted Activity Standard(s) are not met Matters of discretion are restricted to: ... 6. The matters contained in the Medium and High Density Design Guide in Appendix 1. <u>7. For retirement villages, the matters of discretion under HRZ-R2(3)(a)(1)-(7) apply.</u>

17.12.2 Discussion

450. Regarding submission S33.14 - Fuel Companies request to add the consideration of reverse sensitivity effects to the matters of discretion for HRZ-S2, I agree reverse sensitivity effects in general should be within the Council's matters of discretion for the consideration of resource consents where the maximum building height standard of HRZ-S2 is not met. I consider that residential buildings that breach the permitted height standard in the High Density Residential Zone are likely, in some scenarios, to place additional people in closer proximity to adjacent non-residential activities compared to permitted activity development. In my opinion, this can increase the likelihood of reverse sensitivity effects arising.
451. However, I do not consider it necessary to include references to 'existing lawfully established non-residential activities'. I consider that the IPI definition for reverse sensitivity provides certainty on the meaning of the term. I therefore recommend submission S33.14 - Fuel Companies be accepted in part, and HRZ-S2 be amended as set out in the 'Recommended Amendments to IPI' section below.
452. Submission S58.159 - Kāinga Ora: Homes and Communities requests the maximum building height under HRZ-S2 be amended to include specific building heights depending upon the specific distance from the City Centre Zone, rapid transit stops, or the Town Centre Zone. The IPI proposes a permitted building height within the HRZ of up to 20 metres (six stories). Heights above this require restricted discretionary resource consent with the Medium and High Density Design Guide a matter of discretion. As detailed in the section 32 evaluation, this approach is considered to be the most appropriate method to achieve the HRZ objectives, as it is considered to achieve a balance between encouraging and enabling high density residential development, while also providing a consent path for the consideration of heights greater than this on a case-by-case basis.
453. In my opinion, HRZ-S2 as notified is the most appropriate method to give effect to the requirements of NPS-UD Policy 3(c)(i) and (ii). I consider that the submitter's requested amendments to HRZ-S2 could result in significant adverse effects on specific persons as a permitted activity, and that this is not a more appropriate method to achieve the relevant objectives. I also note there is no requirement within the NPS-UD to identify walkable catchments around town centre zones. I therefore recommend submission S58.159 - Kāinga Ora: Homes and Communities be rejected.
454. Submission S58.161 - Kāinga Ora: Homes and Communities requests the deletion of all matters of discretion for standard HRZ-S2 and their replacement with three matter of discretion prepared by the submitter. This requested amendment is related to the submitter's multiple requests to delete the Medium and High Density Design Guide from the IPI, and to treat it as non-statutory guidance outside of the District Plan. I recommend this approach is rejected under multiple submissions within the report, but primarily within section 20 of this report where I address all submissions on design guides.
455. I do not consider the submitter's requested replacement matters of discretion to be a more appropriate method to achieve the HRZ objectives, as the requested amendments relate to matters that are already matters of discretion for HRZ-S2 - including matters that are addressed in the Medium and High Density Design Guide. I therefore recommend submission S58.161 - Kāinga Ora: Homes and Communities be rejected.
456. Submission S64.61 - Retirement Villages Association of New Zealand requests amendments to include retirement village-specific provisions within the HRZ chapter, I recommend the submission be rejected. I do not recommend introducing specific provisions for buildings within retirement villages as I consider that depending on site design, layout, and interaction with adjoining sites, buildings within retirement villages have the potential to result in the same effects adverse effects as all other buildings within the HRZ.
457. Retirement villages within the HRZ are provided for via discretionary activity rule GRZ-R21. Taking into account the potential effects that could result from the scale and mix of uses within retirement villages

within the HRZ, I do not consider it appropriate to limit the Council's discretion for the consideration of the actual and potential effects that may result from new retirement villages.

17.12.3 Recommendations

1. I recommend the following submissions be accepted in part:
 - S33.14 - Fuel Companies
2. I recommend the following submissions be rejected:
 - S58.159 - Kāinga Ora: Homes and Communities
 - S58.161 - Kāinga Ora: Homes and Communities
 - S64.61 - Retirement Villages Association of New Zealand
3. I recommend all other submissions relevant to HRZ-S2 provisions that are not specifically identified or addressed above be accepted, accepted in part, or rejected for the reasons specified in Appendix 1.
4. My recommendations in relation to any relevant further submissions reflect the recommendations on the primary submissions as set out above and within Appendix 1.
5. I recommend the IPI be amended as shown in the 'Recommended Amendments to the IPI' section below.

17.12.4 Recommended Amendments to IPI

458. I recommend the IPI be amended as follows:

1. HRZ-S2: Amend the matters of discretion as follows:

(8) Reverse sensitivity effects.

17.12.5 Section 32AA Evaluation

459. In my opinion, the recommended amendments to the IPI in response to matters raised by submitters are more appropriate in achieving the objectives of the IPI than the notified provisions. In particular, I consider that:

1. The recommended amendments to HRZ-S2 to add a matter of discretion that addresses potential reverse sensitivity effects will ensure the Council has the ability to consider and prepare conditions on resource consents to address this potential effect where appropriate, therefore improving plan implementation and environmental outcomes where residential uses are in close proximity to non-residential activities. The amendments are more efficient and effective than the notified provisions in achieving the objectives of the IPI.
2. The recommended amendments to HRZ-S2 will not have any greater environmental, social, cultural, or economic effects than the notified provisions. There will be benefits for plan implementation and outcomes for residential and non-residential activities as a result of the appropriate consideration and addressing of potential reverse sensitivity effects resulting from residential intensification.

17.13 HRZ-S3 – Height in Relation to Boundary

17.13.1 Matters Raised by Submitters

460. The submissions below request amendments to HRZ-S3 as follows:

Submission No.	Decision Requested
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<p>S33.15 - Fuel Companies</p> <p>Opposed by FS8 - Kāinga Ora</p> <p>Supported by FS13 – New Zealand Defence Force</p>	<p>Amend Standard HRZ-S3 to include the following matter of discretion:</p> <p><u>(7) Reverse sensitivity effects on existing lawfully established non-residential activities.</u></p>
<p>S58.162 - Kāinga Ora: Homes and Communities</p> <p>Supported by FS14 – Retirement Villages Association of New Zealand; and FS15 – Ryman Healthcare</p>	<p>Amend HRZ-S3 as follows:</p> <p>All buildings and structures must not project beyond a:</p> <p>(a) <u>60° recession plane measured from a point 19m vertically above ground level along the first 22m of the side boundary as measured from the road frontage;</u></p> <p>(b) <u>60° recession plane measured from a point 8m vertically above ground level along all other boundaries;</u></p> <p>(c) <u>Except no part of any building or structure may project beyond a:</u></p> <p>i. <u>60° recession plane measured from a point 4m vertically above ground level along any boundary that adjoins a site in the Medium Density Residential Zone.</u></p>
<p>S58.164 - Kāinga Ora: Homes and Communities</p>	<p>Delete all HRZ-S3 Matters of Discretion and replace them with the submitters requested matters of discretion as follows:</p> <p><u>1. Dominance, privacy, and shading effects on adjoining sites</u></p>
<p>S64.62 - Retirement Villages Association of New Zealand</p>	<p>Amend to exclude retirement villages as follows:</p> <p>(5). HRZ-S3 Height in relation to boundary ... Matters of Discretion where Permitted Activity Standard(s) are not met</p> <p>(a) Matters of discretion are restricted to: ...</p> <p><u>(b) For retirement villages, the matters of discretion under HRZ-R2(3)(a)(1)-(7) apply.</u></p>

17.13.2 Discussion

461. Regarding submission S33.15 - Fuel Companies request to add the consideration of reverse sensitivity effects to the matters of discretion for HRZ-S3, I agree reverse sensitivity effects in general should be within the Council's matters of discretion for the consideration of resource consents where the maximum height in relation to boundary standard of HRZ-S3 is not met. I consider that residential buildings that breach the height in relation to boundary standard in the High Density Residential Zone are likely, in some scenarios, to place more people in closer proximity to adjacent non-residential activities compared to permitted activity development. In my opinion, this may increase the likelihood of reverse sensitivity effects arising.
462. However, I do not consider it necessary to include references to *existing lawfully established non-residential activities*, as I note the IPI definition for reverse sensitivity provides certainty on the meaning of the term. I therefore recommend submission S33.15 - Fuel Companies be accepted in part, and HRZ-S3 be amended as set out in the 'Recommended Amendments to IPI' section below.
463. Submission S58.162 - Kāinga Ora: Homes and Communities requests a number of amendments to HRZ-S3 that would have the effect of increasing the level of permitted activity development under the height in relation to boundary standard, except where a site adjoins the General Residential Zone – where the measurement point above ground level would be reduced from the 5m proposed by the IPI, to 4m.

464. The IPI recession plane proposed under HRZ-S3 has been developed in accordance with independent urban design advice (Boffa Miskell Ltd)¹⁴ that takes into account actual and potential effects of height envelope encroachments within residential areas.
465. In my opinion, the submitter's requested amendments to HRZ-S3 would significantly increase the level of permitted development in proximity to other existing residential buildings, apart from where a boundary adjoins the General Residential Zone. I consider this approach overlooks the potential effects on existing residents within the HRZ. In my opinion, it would be inappropriate to enable such a high level of potential adverse effect on neighbouring residential sites without the consideration of potentially affected persons, and methods to avoid, remedy or mitigate adverse effects. I consider such an approach could result in outcomes that are contrary to the HRZ objectives. On this basis I recommend submission S58.162 - Kāinga Ora: Homes and Communities be rejected.
466. Submission S58.164 - Kāinga Ora: Homes and Communities requests the deletion of all matters of discretion for standard HRZ-S3 and their replacement with a single matter of discretion that addresses dominance, privacy, and shading effects on adjoining sites. This requested amendment is related to the submitter's multiple requests to delete the Medium and High Density Design Guide from the IPI, and to treat it as non-statutory guidance outside of the District Plan. I recommend this approach is rejected under multiple submissions within the report, including within section 20 of this report where I address all submissions on design guides.
467. I do not consider the submitter's requested replacement matters of discretion to be a more appropriate method to achieve the HRZ objectives, as the requested amendments relate to matters that are already matters of discretion for HRZ-S3 - including matters that are addressed in the Medium and High Density Design Guide. I therefore recommend submission S58.164 - Kāinga Ora: Homes and Communities be rejected.
468. With respect to submission S64.62 - Retirement Villages Association of New Zealand's request for retirement village-specific provisions within the HRZ chapter, I recommend the submission be rejected. I do not recommend introducing specific provisions for buildings within retirement villages as I consider that depending on site design, layout, and interaction with adjoining sites, buildings within retirement villages have the potential to result in the same effects adverse effects as all other buildings within the HRZ.
469. Retirement villages within the HRZ are provided for via discretionary activity rule GRZ-R21. Taking into account the potential effects that could result from the scale and mix of uses within retirement villages within the HRZ, I do not consider it appropriate to limit the Council's discretion for the consideration of the actual and potential effects that may result from new retirement villages.

17.13.3 Recommendations

1. I recommend submission S33.15 - Fuel Companies be accepted in part.
2. I recommend the following submissions be rejected:
 - S58.162 - Kāinga Ora: Homes and Communities
 - S58.164 - Kāinga Ora: Homes and Communities
 - S64.62 - Retirement Villages Association of New Zealand
3. My recommendations in relation to any relevant further submissions reflect the recommendations on the primary submissions as set out above and within Appendix 1.

¹⁴ Appendix E to the IPI section 32 evaluation:

<https://www.upperhuttcity.com/files/assets/public/districtplan/ipi/appendix-e-boffa-miskell-evaluation.pdf>

4. I recommend the IPI be amended as shown in the 'Recommended Amendments to the IPI' section below.

17.13.4 Recommended Amendments to IPI

470. I recommend the IPI be amended as follows:

1. HRZ-S3: Amend matters of discretion as follows:

(7) Reverse sensitivity effects.

17.13.5 Section 32AA Evaluation

471. In my opinion, the recommended amendments to the IPI in response to matters raised by submitters are more appropriate in achieving the objectives of the IPI than the notified provisions. In particular, I consider that:

1. The recommended amendments to HRZ-S3 to add a matter of discretion that addresses potential reverse sensitivity effects will ensure the Council has the ability to consider and prepare conditions on resource consents to address this potential effect where appropriate, therefore improving plan implementation and environmental outcomes where residential uses are in close proximity to non-residential activities. The amendments are more efficient and effective than the notified provisions in achieving the objectives of the IPI.
2. The recommended amendments to HRZ-S3 will not have any greater environmental, social, cultural, or economic effects than the notified provisions. There will be benefits for plan implementation and outcomes for residential and non-residential activities as a result of the appropriate consideration and addressing of potential reverse sensitivity effects resulting from residential intensification.

17.14 HRZ-S4 – Building Coverage

17.14.1 Matters Raised by Submitters

472. Submission S33.16 - Fuel Companies requests the addition of the consideration of reverse sensitivity effects on existing lawfully established non-residential activities as a matter of discretion for HRZ-S4. This is opposed by further submitter FS8 – Kāinga Ora, and supported by FS13 – New Zealand Defence Force.
473. Submission S58.166 - Kāinga Ora: Homes and Communities requests the deletion of all matters of discretion for HRZ-S4, with the submitters requested new matters of discretion inserted as follows:
- a. Streetscape and visual amenity effects; and
 - b. Dominance effects on adjoining properties.
 - c. Whether topographical or other site constraints make compliance with the standard impractical.

17.14.2 Discussion

474. I agree with submission S33.16 - Fuel Companies that the consideration of potential reverse sensitivity effects may be appropriate for proposals that do not comply with the maximum building coverage standard HRZ-S4. In my opinion, buildings that breach the site coverage standard in the High Density Residential Zone may, in some scenarios, place more people in closer proximity to adjacent non-residential activities compared to permitted activity development. I consider this may increase the likelihood of reverse sensitivity effects arising.
475. However, I do not consider it necessary to include references to *existing lawfully established non-residential activities* as the IPI definition for reverse sensitivity provides certainty on the meaning of the term. I therefore recommend submission S33.16 - Fuel Companies be accepted in part, and that

the matters of discretion for HRZ-S4 be amended as set out in the 'Recommended Amendments to IPI' section below.

476. Regarding submission S58.166 – Kāinga Ora request to replace the matters of discretion for HRZ-S4, I do not consider the requested new matters of discretion to be more appropriate than those proposed by the IPI. I consider the Medium and High Density Design Guide adequately address the matters requested by the submitter, and therefore recommend submission S58.166 - Kāinga Ora: Homes and Communities be rejected.

17.14.3 Recommendations

1. I recommend submission S33.16 - Fuel Companies be accepted in part.
2. I recommend submission S58.166 - Kāinga Ora: Homes and Communities be rejected.
3. My recommendations in relation to all relevant further submissions reflect the recommendations on the primary submissions as set out above and within Appendix 1.
4. I recommend the IPI be amended as shown in the 'Recommended Amendments to the IPI' section below.

17.14.4 Recommended Amendments to IPI

477. I recommend the IPI be amended as follows:

1. HRZ-S4: Amend matters of discretion as follows:

(7) Reverse sensitivity effects.

17.14.5 Section 32AA Evaluation

478. In my opinion, the recommended amendments to the IPI in response to matters raised by submitters are more appropriate in achieving the objectives of the IPI than the notified provisions. In particular, I consider that:

1. The recommended amendments to HRZ-S4 to add a matter of discretion that addresses potential reverse sensitivity effects will ensure the Council has the ability to consider and prepare conditions on resource consents to address this potential effect where appropriate, therefore improving plan implementation and environmental outcomes where residential uses are in close proximity to non-residential activities. The amendments are more efficient and effective than the notified provisions in achieving the objectives of the IPI.
2. The recommended amendments to HRZ-S4 will not have any greater environmental, social, cultural, or economic effects than the notified provisions. There will be benefits for plan implementation and outcomes for residential and non-residential activities as a result of the appropriate consideration and addressing of potential reverse sensitivity effects resulting from residential intensification.

17.15 HRZ-S5 – Number of Residential Units Per Site

17.15.1 Matters Raised by Submitters

479. Submission S33.17 - Fuel Companies requests a matter of discretion be added to HRZ-S5 to include reverse sensitivity effects on lawfully established non-residential activities. This submission is opposed by further submitter FS8 – Kāinga Ora on the grounds the further submitter does not consider that the presence of existing lawfully established activities in proximity to residential areas enabled for intensification does not, in and of itself, present a reverse sensitivity effect warranting additional

controls or management. The submission is supported by further submitter FS13 – New Zealand Defence Force.

480. Submission S58.168 - Kāinga Ora: Homes and Communities requests all the matters of discretion under HRZ-S5 be deleted and replaced with the submitter's requested matters of discretion as follows:
- (1) The scale, form, and appearance of the development is compatible with the planned urban built form of the neighbourhood;
 - (2) The development contributes to a safe and attractive public realm and streetscape;
 - (3) The extent and effects on the three waters infrastructure, achieved by demonstrating that at the point of connection the infrastructure has the capacity to service the development.
 - (4) The degree to which the development delivers quality on-site amenity and occupant privacy that is appropriate for its scale; and
 - (5) The extent and effect of non-compliance with any relevant standard as specified in the associated assessment criteria for the infringed standard.
481. Submission S58.169 - Kāinga Ora: Homes and Communities requests HRZ-S5 be amended to introduce specific building heights within a walkable catchment of the City Centre Zone or Town Centre Zone as follows:
- a. CCZ
 - i. 0m to 400m: 43m
 - ii. 400m to 800m: 36m
 - b. TCZ
 - i. 0m to 800m: 29m

17.15.2 Discussion

482. Regarding submission S33.17 – Fuel Companies request to include the consideration of reverse sensitivity effects under standard HRZ-S5, I note the submitter has made similar requests across the IPI, and I address some of these requests in sections 14 and 20 of this report. Consistent with my opinion expressed elsewhere in this report, I agree with submitter S33 that reverse sensitivity effects in general should be within the Council's matters of discretion for the consideration of resource consents where the maximum number of residential units per site under standard of HRZ-S5 is not met.
483. In my opinion, increasing the permitted number of residential units per site in the High Density Residential Zone may, in some scenarios, place more people in closer proximity to adjacent non-residential activities compared to permitted activity development. This may increase the likelihood of reverse sensitivity effects arising. Therefore, I consider it is appropriate to add this as a matter of discretion to the standard. However, I recommend a simplified approach to that sought by the submitter as I consider the definition for *reverse sensitivity* provides certainty on the meaning of the term. I recommend submission S33.17 – Fuel Companies be accepted in part, and standard HRZ-S5 be amended as set out in the 'Recommended Amendments to IPI' section below.
484. Regarding the request by submission S58.168 - Kāinga Ora: Homes and Communities to replace the matters of discretion under HRZ-S5, I note the request is consistent with the submitter's IPI-wide requests to delete all references to the Medium and High Density Design Guide, and to introduce the submitter's preferred matters of discretion. I address this IPI-wide requested amendments in detail and recommend rejection of all relevant submissions in sections 14 and 20 of this report where I address submissions specific to the MDRS in the General Residential Zone, and design guides.
485. With respect to submission S58.168's specific requested matters of discretion for HRZ-S5, I note:
- a. Requested new matters of discretion (1) and (2) appear to duplicate parts of NPS-UD and the MDRS. I consider that the requested matter of discretion (1) that refers to the to the

planned urban built form repeats NPS-UD policy 6 content. I also consider that the requested matter of discretion (2) that includes the consideration of a development's contribution towards a safe and attractive public realm and streetscape simply repeats the mandatory MDRS policy 3, which has been incorporated into the HRZ chapter as policy HRZ-P2.

- b. Regarding requested matter of discretion (3), I agree it would be appropriate to include a matter of discretion that addresses the provision of and effects on utilities and services. I note the heights and density of urban form enabled within the HRZ could result in a significant number of additional residential units in the form of apartments, and I consider this could place a significantly greater burden on three waters utilities and services compared to the status quo. In the event an apartment building is constructed via land use consent due to non-compliance with HRZ-S5, but without an accompanying subdivision consent, I consider it would be appropriate to consider effects on infrastructure and services as part of the land use consent. I therefore recommend a matter of discretion be added to HRZ-S5 that is consistent with other rules in the IPI and District Plan as follows: *Provision of and effects on utilities and services*. I consider the wording requested by the submitter would be more appropriate as a standard rather than a matter of discretion, and therefore I do not recommend use of the submitter's requested wording.
 - c. I consider the submitter's requested matter of discretion (4) that addresses on-site amenity and occupant privacy is already addressed via my recommendation to retain the Medium and High Density Design Guide as a matter of discretion.
 - d. I do not consider the submitter's requested new matter of discretion (5) to be necessary. I consider that the Council already has the discretion to consider the extent and effect of non-compliance with any relevant standard under sections 95D(b), 95E(2), and 104(2) of the RMA. These provisions enable the Council to disregard effects if a rule in the District Plan permits an activity with those effects (i.e., the permitted baseline).
486. I therefore recommend submission S58.168 - Kāinga Ora: Homes and Communities be accepted in part, and that the matters of discretion for standard HRZ-S5 be amended as shown in the 'Recommended Amendments to IPI' section below.
487. Regarding submission S58.169 - Kāinga Ora: Homes and Communities request that HRZ-S5 be amended to introduce specific building heights within a walkable catchment of the City Centre Zone or Town Centre Zone, I note the requested permitted activity heights are significantly greater than those proposed by the IPI. I also note the requested heights are provided for within the HRZ via a restricted discretionary activity under rule HRZ-R2.2. I have noted my concerns elsewhere in this report regarding the potential adverse effects that may result from the increased height enabled by the permitted height standard of 20m within the HRZ proposed by the IPI. I do not recommend increasing permitted activity heights beyond those proposed by the IPI as I consider the most appropriate method to achieve the IPI objectives for the HRZ is to enable the case-by-case consideration of proposals for buildings that propose to exceed the permitted height standard. I note the submission does not demonstrate why the requested height increases are the most appropriate method to achieve the relevant objectives, and why they are appropriate as permitted activity standards in the context of Upper Hutt City. I therefore recommend submission S58.169 - Kāinga Ora: Homes and Communities be rejected.

17.15.3 Recommendations

1. I recommend the following submissions be accepted:
2. I recommend the following submissions be accepted in part:

- S33.17 – Fuel Companies
 - S58.168 - Kāinga Ora: Homes and Communities
3. I recommend submission S58.169 - Kāinga Ora: Homes and Communities be rejected.
 4. I recommend all other submissions relevant to HRZ-S5 that are not specifically identified or addressed above be accepted, accepted in part, or rejected for the reasons specified in Appendix 1.
 5. My recommendations in relation to all relevant further submissions reflect the recommendations on the primary submissions as set out above and within Appendix 1.
 6. I recommend the IPI be amended as shown in the 'Recommended Amendments to the IPI' section below.

17.15.4 Recommended Amendments to IPI

488. I recommend the IPI be amended as follows:

1. HRZ-S5: Add matters of discretion as follows:

(7) Reverse sensitivity effects.

(8) Provision of and effects on utilities and services.

17.15.5 Section 32AA Evaluation

489. In my opinion, the recommended amendments to the IPI in response to matters raised by submitters are more appropriate in achieving the objectives of the IPI than the notified provisions. In particular, I consider that:

1. The recommended amendments to HRZ-S5 to add a matter of discretion that addresses potential reverse sensitivity effects will ensure the Council has the ability to consider and prepare conditions on resource consents to address this potential effect where appropriate, therefore improving plan implementation and environmental outcomes where residential uses are in close proximity to non-residential activities. The amendments are more efficient and effective than the notified provisions in achieving the objectives of the IPI.
2. The recommended amendments to HRZ-S5 will not have any greater environmental, social, cultural, or economic effects than the notified provisions. There will be benefits for plan implementation and outcomes for residential and non-residential activities as a result of the appropriate consideration and addressing of potential reverse sensitivity effects resulting from residential intensification.
3. The recommended amendments to HRZ-S5 to add a matter of discretion that addresses effects on infrastructure and services will ensure the Council has the ability to consider and prepare conditions on resource consents to address this potential effect where appropriate, or in extreme cases, refuse consent should the capacity of infrastructure not be sufficient to support the proposed scale of development – and where this situation cannot be addressed via conditions of consent. This will improve plan implementation and environmental outcomes where services are unable to accommodate the level of proposed development. The amendments are more efficient and effective than the notified provisions in achieving the objectives of the IPI.

4. The recommended amendments to HRZ-S5 will not have any greater environmental, social, cultural, or economic effects than the notified provisions. There will be benefits for plan implementation and outcomes for residential and non-residential activities as a result of the appropriate consideration and addressing of potential effects on infrastructure and services that may result from residential intensification.

17.16 High Density Residential Zone – Requests for New Provisions

17.16.1 Matters Raised by Submitters

The following submissions request new provisions be included in the High Density Residential Zone chapter:

Submission No.	Decision Requested
S28.7 - Ara Poutama Aotearoa – Department of Corrections Supported by FS8 – Kāinga Ora	Add a new Policy HRZ-P9 as follows: <u>HRZ-P9 Enable a variety of housing types and households with a mix of densities within the General Residential Zone, including 3-storey attached and detached dwellings, and low-rise apartments.</u>
S51.7 - Ministry of Education	Add a new HRZ Policy as follows: <u>HRZ – P9: Development is supported by educational facilities.</u>
S56.30 - Fire and Emergency New Zealand	Add a new restricted discretionary activity rule for emergency service facilities within the High Density Residential Zone as follows: <u>HRZ-RX Emergency Service Facility</u> <u>1. Activity status: Restricted Discretionary</u> <u>Matters of discretion are restricted to:</u> 1. <u>The extent to which the activity may adversely impact on the anticipated character and amenity values of the High Density Residential Zone</u> 2. <u>The effects of the activity on the existing and anticipated function and role of the High Density Residential Zone.</u> 3. <u>The potential of the activity to compromise other activities that are enabled in the High Density Residential Zone.</u> 4. <u>The extent to which the adverse effects of the activity can be avoided, or appropriately remedied or mitigated.</u> 5. <u>The functional need or operational need for the emergency service facility to be located in the High Density Residential Zone.</u>
S58.158 - Kāinga Ora: Homes and Communities	Insert a new restricted discretionary activity and discretionary activity rules into the HRZ chapter for commercial activities on ground floor of residential areas. As follows: <u>Commercial Activity</u> 5. <u>Activity status: Restricted Discretionary</u> <u>Where:</u> a. <u>The commercial activity is limited to the ground floor tenancy of an apartment building;</u> b. <u>The gross floor area of the commercial activity/activities does not exceed 200m²; and</u> c. <u>The hours of operation are between:</u> <u>i. 7.00am and 9.00pm Monday to Friday; and</u> <u>ii. 8.00am and 7.00pm Saturday, Sunday, and public holidays.</u> <u>Matters of discretion are restricted to:</u>

	<p><u>1. The design, appearance and siting of the activity;</u></p> <p><u>2. Noise and illumination;</u></p> <p><u>3. Signage.</u></p> <p><u>2. Activity status: Discretionary</u></p> <p><u>Where:</u></p> <p><u>a. Compliance is not achieved with the matters specified in HRZ-RX(1)(a), (b) and/or (c) of this rule.</u></p>
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17.16.2 Discussion

490. I recommend the new policy requested by submission S28.7 - Ara Poutama Aotearoa – Department of Corrections be rejected. I consider the requested policy would duplicate the content of other HRZ provisions including HRZ-O2, while also duplicating provisions within the General Residential Zone. I also note the requested new policy refers to the General Residential Zone. I do not consider the requested new policy to accurately reflect the planned built urban form of the High Density Residential Zone.
491. Regarding submission S51.7 – Ministry of Education's requested new policy directing that development within the High Density Residential Zone should be supported by education facilities, I do not see how such a policy could be practicably implemented in existing residential zones. In my opinion, the provision of and location of new educational facilities is not typically a matter that is within the control of the Council or developers at the time development is planned in existing residential areas.
492. I note that the provision of *additional infrastructure* as defined by the NPS-UD includes social infrastructure such as schools and healthcare facilities. In my opinion, the most appropriate time of the planning process to consider the provision of education facilities to support development is when preparing a plan change for the rezoning of new areas for residential development to provide sufficient land to meet future housing demand, and when preparing a Future Development Strategy in accordance with subpart 4 of the NPS-UD. In my opinion, the duty on the Council to engage with providers of additional infrastructure to achieve integrated land use and infrastructure as required by policy 10(b) of the NPS-UD) would not be given any additional weight by the inclusion of the requested new policy. It is unclear to me how the proposed policy could be given effect to by decision makers under the District Plan for existing residential zones, as I consider that decisions on the provision of new education facilities to support development are made by education facility providers.
493. New education facilities within the High Density Residential Zone are provided for via catch-all discretionary activity rule GRZ-R21. I also note the Minister is defined as a requiring authority pursuant to section 166 of the RMA. This provides the Minister with the power to lodge with the Council a notice of requirement for a new school(s) pursuant to the procedures specified under sections 168 – 186 of the RMA. This provides an alternative route for the submitter to justify and authorise the creation of new education facilities within residential zones. For these reasons I recommend submission S51.7 – Ministry of Education be rejected.
494. Submission S56.30 – Fire and Emergency New Zealand request a new restricted discretionary activity be included for emergency service facilities within the High Density Residential Zone. I have considered the requested new rule and the matters of discretion, however I do not consider it to be a more effective method to achieve the relevant objectives than the existing discretionary rule for the following reasons:
- a. I do not consider the requested matters of discretion to be sufficient to enable the consideration of all potential effects on the environment, such as road safety and transport effects, non-residential effects on residents within the HRZ such as hours of operation and

noise effects, cumulative effects of non-residential activities within the HRZ, and reverse sensitivity effects.

- b. I consider some of the requested matters of discretion to be at odds with the direction of the IPI and policy 6 of the NPS-UD – such as *the extent to which the activity may adversely impact on the anticipated character and amenity values of the High Density Residential Zone*.

495. In my opinion, an effective restricted discretionary activity rule for emergency service facilities in the HRZ would need to include such a long list of matters of discretion it would essentially be a discretionary activity. In my experience, such restricted discretionary activity rules are less effective or efficient than a simple discretionary activity. I also note that unless specifically listed as a matter of discretion, positive effects that may result from an activity cannot be considered.

496. I consider that the existing district plan policy direction that would apply to a resource consent application for an emergency service facility within a residential zone under discretionary activity rule GRZ-R21 provides sufficiently broad direction on the consideration of the scale of the effects as follows:

GRZ-P3 To ensure that non-residential activities within residential areas do not cause significant adverse environmental effects.

497. In my opinion, this policy directs applicants and the Council to focus their attention on significant adverse effects that may arise from non-residential activities within the residential zones. I consider this to be an effective method to achieve the residential zone objectives. In my opinion, for the reasons above I consider it to be appropriate for the Council to retain full discretion over the potential establishment of emergency service facilities within the High Density Residential Zone.

498. For these reasons I recommend submission S56.30 – Fire and Emergency New Zealand be rejected.

499. Submission S58.158 - Kāinga Ora: Homes and Communities requests the inclusion of a new restricted discretionary activity rule into the HRZ chapter for commercial activities on ground floor of apartment buildings within the HRZ. I have considered the requested new rule, however I have similar concerns as those I provide above with respect to submission S56.30 – Fire and Emergency New Zealand. In addition to my opinion that the existing district plan provisions to manage commercial activities within residential zones are appropriate (discretionary activity rules GRZ-R18 (veterinarian, medical and health clinics), and GRZ-R21), I note the following with respect to the submitter's requested new rule:

- a. I consider the requested matters of discretion to be inadequate to manage all potential effects on the environment that may result from commercial activities in residential zones. Commercial activities are defined as *any activity trading in goods, equipment or services. It includes any ancillary activity to the commercial activity (for example administrative or head offices)*. Other potential matters are not mentioned such as effects on the safe and efficient operation of the transport network, reverse sensitivity effects, and the potential effects of commercial activities on the role of the centres zones.
- b. The submission does not include any evidence that demonstrates the potential effects of a 200m² commercial activities on the ground floor of apartments buildings in a residential area.
- c. It is unclear what the threshold would be for a building to be considered an apartment building versus a multi-unit residential development. Neither the District Plan nor the IPI includes a definition for apartment building. I consider this makes the trigger for the applicability of the rule unclear.

500. I consider the existing district plan provisions to provide the most appropriate method to achieve the relevant objectives of the District Plan. In my opinion it is appropriate for the Council to retain full discretion over proposed commercial activities on the ground floor of apartment buildings in the HRZ. In addition, I have reservations that the requested new rule falls under the limitations of an IPI under section 80E of the RMA.

501. Therefore, I recommend submission S58.158 - Kāinga Ora: Homes and Communities be rejected.

17.16.3 Recommendations

1. I recommend the following submissions be rejected:
 - S28.7 - Ara Poutama Aotearoa – Department of Corrections
 - S51.7 – Ministry of Education
 - S56.30 – Fire and Emergency New Zealand
 - S58.158 - Kāinga Ora: Homes and Communities
2. My recommendations in relation to any relevant further submissions reflect the recommendations on the primary submissions as set out above and within Appendix 1.

18 SUB-HRZ – Subdivision in the High Density Residential Zone

18.1 General Matters

18.1.1 Matters Raised by Submitters

502. The following are the key submissions relevant to general matters within the SUB-HRZ chapter:

Submission No.	Decision Requested
S5.8 - Bob Anker	Amend the document to give consistency of definitions within and between various sections of the District Plan.
S56.16 - Fire and Emergency New Zealand	Add a new standard as follows: <u>SUB-HRZ-SX</u> <u>Water supply, stormwater, and wastewater</u> <u>2. All activities shall comply with the water supply (including firefighting water supply), stormwater and wastewater standards in the Code of Practice for Civil Engineering Works.</u>
S58.60 - Kāinga Ora: Homes and Communities	Delete SUB-HRZ chapter 'and include rules in the SUB-RES'.

18.1.2 Discussion

503. Regarding submission S5.8 – Bob Anker's request for amendments to ensure consistency between various sections of the plan, I have made recommendations to achieve this in response to submission point S5.4 – Bob Anker. This includes recommendations to amend the description of the methodology used in the identification of walkable catchments that define the spatial extent of the High Density Residential Zone.
504. No amendments are recommended in response to submission S5.8 – Bob Anker, and on this basis, I recommend the submission be accepted in part.
505. Submission S56.16 - Fire and Emergency New Zealand requests the SUB-HRZ chapter be amended to include a new standard that requires three waters infrastructure to be provided in accordance with the Council's Code of Practice for Civil Engineering Works. I detail my reasons for why I consider it to be inappropriate to require compliance with the Code as a standard in a rule for three waters infrastructure in the GRZ chapter within section 16.11 of this report. The reasoning I provide within the SUB-RES chapter for submission S56.10 applies equally to the SUB-HRZ chapter. Therefore, for ease of reference I include below my reasoning from section 6.11:

"... I do not consider a new standard to be necessary or appropriate to achieve this – particularly as the requested standard refers to a Code which contains a degree of discretion to be applied on

a case-by-case basis by the Council regarding the most appropriate civil engineering methods to provide three-waters infrastructure.

In my experience assisting the Council with the processing of subdivision consent applications, the use of the Code as a matter of control or discretion by the Council typically leads to specific conditions of consent being imposed. These conditions generally require more detailed engineering design to be carried out by the applicant, or inspections by the Council or other suitably qualified persons to confirm the appropriate three-waters infrastructure has been installed as part of the physical works necessary to support the subdivision. Approval of specific engineering design, or certification by the Council at a later date that all three-waters conditions have been met must occur prior to final certification of the subdivision pursuant to section 224(c) of the RMA.

I therefore do not consider it to be practicable to require demonstration of compliance with the Code as a standard within a subdivision rule. I consider that requiring this approach would result in significant expense to applicants. I therefore recommend rejection of the requested new standard under submission S56.10. However, while considering the submitter's requested amendments to the IPI I have identified a number of subdivision rules that do not list the Code as a matter of control or discretion. I consider this to be an error. I recommend amendments to the IPI to add the Code to the list of matters of control and discretion within all relevant rules – and on this basis I recommend submission S56.10 be accepted in part."

506. With respect to the inclusion of the Council's Code of Practice for Civil Engineering Works as a matter of discretion within the SUB-HRZ chapter, I have reviewed the relevant standards and restricted discretionary subdivision matters of discretion, which I consider to be:
- (a) Restricted discretionary Rule SUB-HRZ-R6;
 - (b) Matters of discretion for standard SUB-HRZ-S1; and
 - (c) Matters of discretion for standard SUB-HRZ-S2.
507. I have identified the same lack of reference to the Council's Code of Practice for Civil Engineering Works within the matters of discretion for these provisions. I therefore recommend submission S56.16 - Fire and Emergency New Zealand be accepted in part, and the above provisions are amended to include reference to the Code as shown in the 'Recommended Amendments to the IPI' section below.
508. Submission S58.60 - Kāinga Ora: Homes and Communities requests the deletion of the SUB-HRZ chapter and include the SUB-HRZ provisions within the SUB-RES chapter. I recommend this submission be rejected on the basis I consider it is appropriate that the subdivision provisions for the HRZ are contained within the SUB-HRZ chapter. In my opinion, this recognises the different heights and density of urban form anticipated within the two residential zones. I consider the separate approach taken by the IPI will avoid confusion during plan implementation of the provisions once they become operative.

18.1.3 Recommendations

1. I recommend the following submissions be accepted in part:
 - S5.8 – Bob Anker
 - S56.16 - Fire and Emergency New Zealand
2. I recommend submission S58.60 - Kāinga Ora: Homes and Communities be rejected.
3. I recommend all other submissions relevant to the SUB-HRZ provisions that are not specifically identified or addressed above be accepted, accepted in part, or rejected for the reasons specified in Appendix 1.
4. My recommendations in relation to any relevant further submissions reflect the recommendations on the primary submissions as set out in Appendix 1.

5. I recommend the IPI be amended as shown in the 'Recommended Amendments to the IPI' section below.

18.1.4 Recommended Amendments to IPI

509. I recommend the IPI be amended as follows:

1. SUB-HRZ-R6: Add the following to the matters of discretion:
 - h. The matters contained within the Council's Code of Practice for Civil Engineering Works.
2. SUB-HRZ-S1: Add the following to the matters of discretion:
 - (23) The matters contained within the Council's Code of Practice for Civil Engineering Works.
3. SUB-HRZ-S2: Add the following to the matters of discretion:
 - (11) The matters contained within the Council's Code of Practice for Civil Engineering Works.

18.1.5 Section 32AA Evaluation

510. In my opinion, the recommended amendments to the IPI in response to matters raised by submitters are more appropriate in achieving the objectives of the IPI than the notified provisions. In particular, I consider that:

1. The recommended amendments to the matters of discretion for rule SUB-HRZ-R6, standard SUB-RES-S1, and standard SUB-HRZ-S2 to include reference to the Council's Code of Practice for Civil Engineering Works will ensure the Council is able to retain discretion and impose appropriate conditions to ensure compliance with the code. This corrects a drafting error, and will improve plan implementation through the avoidance of unanticipated outcomes. The amendments are more efficient and effective than the notified provisions in achieving the objectives of the IPI.
2. The recommended amendments to SUB-HRZ-R6, standard SUB-RES-S1, and standard SUB-HRZ-S2 reflect resource consent practice already carried out by the Council, and will not have any greater environmental, social, cultural, or economic effects than the notified provisions. There will be benefits for plan implementation as a result of the IPI provisions ensuring the Council retains discretion over the Code of Practice for Civil Engineering Works.

18.2 SUB-HRZ-O2

18.2.1 Matters Raised by Submitters

511. Submission S50.13 - Waka Kotahi requests amendments to objective SUB-HRZ-O2 to ensure all modes and users are catered for rather than only walkers.

18.2.2 Discussion

512. The submitter requests SUB-HRZ-O2 be amended as follows:

High quality urban infrastructure is constructed to facilitate the demands of urban intensification and highly ~~walkable~~ accessible urban environments for all modes and users.

513. I agree an amendment to change the term 'walkable' to 'accessible' would better align with the wording of Policy 1(c) of the NPS-UD. I also consider this change would better give effect to Objective 1 of the NPS-UD, and Objective 1 of the MDRS in acknowledging the role of infrastructure in achieving well-functioning urban environments.
514. However, as the objective applies to all infrastructure, in my opinion it would be inappropriate to narrow its focus to only transportation related infrastructure. Therefore, the submitter's request to include reference to 'for all modes and users' is recommended for rejection.

515. I therefore recommend submission S50.13 - Waka Kotahi is accepted in part, and that objective SUB-HRZ-O2 is amended as shown in the 'Recommended Amendments to the IPI' section below.

18.2.3 Recommendations

1. I recommend submission S50.13 - Waka Kotahi be accepted in part.
2. I recommend all other submissions relevant to SUB-HRZ-O2 that are not specifically identified or addressed above be accepted, accepted in part, or rejected for the reasons specified in Appendix 1.
3. I recommend the IPI be amended as shown in the 'Recommended Amendments to the IPI' section below.

18.2.4 Recommended Amendments to IPI

516. I recommend the IPI be amended as follows:

1. SUB-HRZ-O2: Amend as follows:

High quality urban infrastructure is constructed to facilitate the demands of urban intensification and highly ~~walkable~~ accessible urban environments.

18.2.5 Section 32AA Evaluation

517. In my opinion, the recommended amendments to the IPI in response to matters raised by submitters are more appropriate in achieving the objectives of the IPI than the notified provisions. In particular, I consider that:

1. The recommended amendments to SUB-HRZ-O2 will better align with the direction of the NPS-UD, therefore improving plan implementation through the expression of clearer outcomes. The amendments are more efficient and effective than the notified provisions in achieving the objectives of the IPI.
2. The recommended amendments to SUB-HRZ-O2 will not have any greater environmental, social, cultural, or economic effects than the notified provisions. There will be benefits for plan implementation as a result of the IPI provisions being more closely aligned with national direction.

18.3 SUB-HRZ-O3

18.3.1 Matters Raised by Submitters

518. Submission S43.8 – KiwiRail requests SUB-HRZ-O3 be amended to add reference to addressing potential reverse sensitivity effects as follows:

High quality intensive residential development is provided in close proximity to rapid transport stops, community facilities and commercial activities in multistorey flats and apartments—in a manner that ensures the ongoing safe and efficient operation of transport networks and minimises potential reverse sensitivity effects.

519. Submission S43.8 is opposed by FS8 – Kāinga Ora: Homes and Communities, and supported in part by further submitter FS13 – New Zealand Defence Force.

18.3.2 Discussion

520. Although I agree with submitter S43 that the ongoing safe and efficient operation of transport networks and addressing potential reverse sensitivity effects are important resource management

issues in general, I do not consider it necessary to add reference to these matters in objective SUB-HRZ-O3.

521. In my opinion, focusing the objective on *ensuring* development is undertaken in a manner than *ensures* the ongoing safe and efficient operation of transport networks is not consistent with the level of as-of-right subdivision the IPI enables within walkable catchments such as that enabled by controlled activity rules SUB-HRZ-R1 or SUB-HRZ-R2. In my opinion, the provisions that provide for controlled activity subdivision will not *ensure* the outcome sought by the submitter will be achieved for the transport network, however, they do provide for the consideration of potential reverse sensitivity effects as a matter of control where a relevant permitted activity standard for residential units is not met.
522. The addition of the consideration of potential reverse sensitivity effects is recommended to be added to HRZ and GRZ standards for the construction of buildings. These amendments are recommended in response to other submission points of submitter S43 – KiwiRail, and S33 – Fuel Companies. In my opinion, the matter of potential reverse sensitivity effects is appropriately addressed by the recommended amendments to the IPI in response to other submissions.
523. For these reasons I recommend submission S43.8 – KiwiRail be rejected.

18.3.3 Recommendations

1. I recommend submission S43.8 – KiwiRail be rejected:
2. I recommend all other submissions relevant to HRZ-O3 that are not specifically identified or addressed above be accepted, accepted in part, or rejected for the reasons specified in Appendix 1.
3. My recommendations in relation to any relevant further submissions reflect the recommendations on the primary submissions as set out above and in Appendix 1.

18.4 SUB-HRZ-P2

18.4.1 Matters Raised by Submitters

524. The following submissions are relevant to SUB-HRZ-P2:

Submission No.	Decision Requested
S5.12 - Bob Anker	Council to institute a more comprehensive study as to the actual transport needs of the community in a revised Urban environment. Establish what a community focussed public transport network needs to look like for it to be effective. Present the outcome to GWRC and Government.
S41.23 - Greater Wellington Regional Council	Retain SUB-HRZ-P2 as notified.
S43.9 – KiwiRail Supported by: FS10 - Waka Kotahi Opposed by: FS8 - Kāinga Ora: Homes and Communities	Amend SUB-HRZ-P4 (Note: the requested amendments are to SUB-HRZ-P2) as follows: 'Recognise the benefits of wider adoption of public transport through the increase of density along public transport corridors and within walkable catchments of centres, <u>while ensuring development is undertaken in a manner that ensures the ongoing safe and efficient operation of transport networks and minimises potential reverse sensitivity effects.</u> '

18.4.2 Discussion

525. Submission S5.12 – Bob Anker requests the Council to institute a more comprehensive study as to the transport needs of the community. Despite the submission being referenced as relevant to policy SUB-HRZ-P2, I have been unable to identify any requested amendments to the IPI under this submission point. I do not consider the decision requested is a matter that can pursued via the IPI and therefore recommend submission S5.12 – Bob Anker be rejected.
526. Submission S41.23 – Greater Wellington Regional Council's request to retain SUB-HRZ-P2 as notified is recommended to be accepted in part on the basis that I recommend amendments to the policy in response to submission S43.9 – KiwiRail as I discuss below.
527. With respect to submission S43.9 - KiwiRail requesting the addition of reverse sensitivity matters to policy SUB-HRZ-P2, I consider that adding a reference to 'minimising potential reverse sensitivity effects' to the policy would be consistent with relevant rules in the SUB-HRZ chapter that list reverse sensitivity effects in general as a matter of discretion. Therefore, I do not consider that adding the consideration of potential reverse sensitivity effects only on transport networks to be appropriate. In my opinion, this would have the effect of limiting the consideration of reverse sensitivity effects under the policy to effects on transport networks. I note the policy refers to centres, and I consider this implies other non-residential activities - not solely the transport network.
528. On this basis I recommend submission S43.9 - KiwiRail be accepted in part, and that policy SUB-HRZ-P2 is amended to add reference to 'minimising potential reverse sensitivity effects' as shown in the 'Recommended Amendments to the IPI' section below.

18.4.3 Recommendations

1. I recommend the following submissions be accepted in part:
 - S41.23 – Greater Wellington Regional Council's
 - S43.9 - KiwiRail
2. I recommend the following submissions be rejected:
 - S5.12 – Bob Anker
3. My recommendations in relation to all relevant further submissions reflect the recommendations on the primary submissions as set out above and within Appendix 1.
4. I recommend the IPI be amended as shown in the 'Recommended Amendments to the IPI' section below.

18.4.4 Recommended Amendments to IPI

529. I recommend the IPI be amended as follows:

1. SUB-HRZ-P2: Amend as follows:

Recognise the benefits of wider adoption of public transport through the increase of density along public transport corridors and within walkable catchments of centres, while minimising potential reverse sensitivity effects.

18.4.5 Section 32AA Evaluation

530. In my opinion, the recommended amendments to the IPI in response to matters raised by submitters are more appropriate in achieving the objectives of the IPI than the notified provisions. In particular, I consider that:
1. The recommended amendments to SUB-RES-P2 will better align with matters of discretion within the SUB-HRZ chapter that list reverse sensitivity effects as a matter of control or discretion. This provides more accurate alignment between the policy and relevant rules. The

amendments are more efficient and effective than the notified provisions in achieving the objectives of the IPI.

2. The recommended amendments to SUB-RES-P2 will not have any greater environmental, social, cultural, or economic effects than the notified provisions. There will be benefits for plan implementation as a result of the IPI rules being more closely aligned with relevant policies and improving the consideration of potential effects on the environment including potential reverse sensitivity effects.

18.5 SUB-HRZ-P4

18.5.1 Matters Raised by Submitters

531. Submission S5.13 – Bob Anker requests a typographical correction to SUB-HRZ-P4 as follows:

Maintain and enhance pedestrian facilities established in urban areas within a walkable distance to urban railway stations and the centre zones to increase walking accessibility and safety.

532. Submission S50.14 - Waka Kotahi requests amendments to SUB-HRZ-P4 to include active transport and transport accessibility. I note this submission point has been prepared by the submitter as relevant to policy SUB-HRZ-P2, however the submitter's requested amendments apply to SUB-HRZ-P4. Therefore, I address the requested relief in this section of the report.

18.5.2 Discussion

533. I agree with the amendment requested by submission S5.13 – Bob Anker to correct a typographical error. I recommend the submission be accepted, and policy SUB-HRZ-P4 be amended as set out in the 'Recommended Amendments' to the IPI section below.
534. Submission S50.14 – Waka Kotahi requests that references to 'pedestrian facilities' be amended to refer to 'active transport facilities' to capture the various forms of active transport in addition to walking. I agree this is an appropriate amendment as it improves the policy consistency with NPS-UD policy 1(c), which refers to accessibility via active transport as a component of well-functioning urban environments. Consequently, I recommend the submission S50.14 – Waka Kotahi be accepted, and policy SUB-HRZ-P4 be amended as set out in the 'Recommended Amendments' to the IPI section below.

18.5.3 Recommendations

1. I recommend the following submissions be accepted:
 - S5.13 – Bob Anker
 - S50.14 – Waka Kotahi
2. I recommend all other submissions relevant to SUB-HRZ-P4 that are not specifically identified or addressed above be accepted, accepted in part, or rejected for the reasons specified in Appendix 1.
3. I recommend the IPI be amended as shown in the 'Recommended Amendments to the IPI' section below.

18.5.4 Recommended Amendments to IPI

535. I recommend the IPI be amended as follows:

2. SUB-HRZ-P4: Amend as follows:

Maintain and enhance ~~pedestrian~~ active transport facilities established in urban areas within a walkable distance to urban railway stations and the centre zones to increase ~~walking~~ transport accessibility and safety.

18.5.5 Section 32AA Evaluation

536. In my opinion, the recommended amendments to the IPI in response to matters raised by submitters are more appropriate in achieving the objectives of the IPI than the notified provisions. In particular, I consider that:

1. The recommended amendments to SUB-HRZ-P4 correct a typographical error and improve alignment with the NPS-UD therefore improving plan implementation through improved clarity of the meaning of the policy. The amendments are more efficient and effective than the notified provisions in achieving the objectives of the IPI.
2. The recommended amendments to SUB-HRZ-P4 will not have any greater environmental, social, cultural, or economic effects than the notified provisions. There will be benefits for plan implementation as a result of the IPI provisions having greater clarity of meaning and more accurately giving effect to national direction.

18.6 SUB-HRZ-R1

18.6.1 Matters Raised by Submitters

537. Submission S56.14 - Fire and Emergency New Zealand requests SUB-HRZ-R1 be amended as follows:

1. b. ii. *Each residential unit complies with the following rules and standards:*

(x) SUB-HRZ-SX

2. a. *Compliance is not achieved.... under ~~HRZ-SUB-R1~~ SUB-HRZ-R1*

18.6.2 Discussion

538. Regarding submission S56.14 – Fire and Emergency's requested new standard 'SUB-HRZ-SX' requiring three waters infrastructure to be provided in accordance with the Council's Code of Practice for Civil Engineering Works, I discuss this in detail and recommend the requested new standard be rejected in chapter 16 of this report under submission point S56.5 - Fire and Emergency New Zealand. I do not revisit this requested new standard in this section as the reasons I provide in chapter 16 for recommending the standard is not incorporated into the IPI apply to all instances of the submitters' requested new standard across multiple chapters. Please refer to section 16.11 of this report for details.

539. Regarding submission S56.14's requested amendment to the rule number, I agree this corrects a typographical error and I therefore recommend submission S56.14 be accepted in part. I recommend rule SUB-HRZ-R1 be amended as set out in the Recommended Amendments to the IPI section below.

18.6.3 Recommendations

1. I recommend submission S56.14 - Fire and Emergency New Zealand be accepted in part.
2. I recommend the IPI be amended as shown in the 'Recommended Amendments to the IPI' section below.

18.6.4 Recommended Amendments to IPI

540. I recommend the IPI be amended as follows:

3. Rule SUB-RES-R1.2.a: Amend as follows:

2. Activity status: Restricted discretionary

Where:

- a. Compliance is not achieved with one or more of the standards specified under HRZ-SUB-HRZ-R1.

18.6.5 Section 32AA Evaluation

541. In my opinion, the recommended amendments to the IPI in response to matters raised by submitters are more appropriate in achieving the objectives of the IPI than the notified provisions. In particular, I consider that:

1. The recommended amendment to correct a typographical error within rule SUB-RES-R1.2.a will result in more efficient plan implementation through improved clarity. The amendments are more efficient and effective than the notified provisions in achieving the objectives of the IPI.
2. The recommended amendments to rule SUB-RES-R1.2.a will not have any greater environmental, social, cultural, or economic effects than the notified provisions. There will be benefits for plan implementation as a result of the IPI provisions including correct rule references.

18.7 SUB-HRZ-R4

18.7.1 Matters Identified by Report Author

542. There were no submissions on SUB-HRZ-R4, however I have identified the need for an amendment to this rule to add a matter of discretion that links to the appropriate standard. This is currently missing, which is a drafting error.

18.7.2 Discussion

543. Although there are no submissions on rule SUB-HRZ-R4, I consider there is scope to make amendments to it on the grounds I have included it in this report. In my opinion, this falls under the powers of the Hearings Panel under clause 99(2) of Schedule 1 of the RMA. I have also cited clause 16(2) of the RMA as the basis for the recommended amendment in the event the Hearings Panel prefers that approach to addressing the recommended amendment.

18.7.3 Recommended Amendments to the IPI

544. I recommend rule SUB-HRZ-R4 be amended as follows:

SUB-HRZ-R4	Subdivision that complies with all the standards under SUB-HRZ-S1 but does not comply with one or more of the standards under SUB-HRZ-S2.
	<p><u>1.</u> Activity status: Restricted Discretionary</p> <p><u>Council will restrict its discretion to and may impose conditions on the matters of discretion specified under SUB-HRZ-S2.</u></p>

18.7.4 Section 32AA Evaluation

545. In my opinion, the recommended amendments to the IPI in response to issues identified by the author of this report are more appropriate in achieving the objectives of the IPI than the notified provisions. In particular, I consider that:

1. The recommended amendments to rule SUB-HRZ-R4 to add the absent matter of discretion that is relevant to standard SUB-HRZ-S2 will ensure the Council is able to implement the rule. This

corrects a drafting error and will improve plan implementation through the avoidance of unanticipated outcomes. The amendments are more efficient and effective than the notified provisions in achieving the objectives of the IPI.

2. The recommended amendments to SUB-HRZ-R4 will not have any greater environmental, social, cultural, or economic effects than the notified provisions. There will be benefits for plan implementation as a result of the IPI provisions ensuring the Council retains discretion over the matters specified by standard SUB-HRZ-S2.

18.8 SUB-HRZ-R9

18.8.1 Matters Raised by Submitters

546. Submission S5.16 – Bob Anker requests that SUB-HRZ-R9 is amended to remove the maximum allotment size limit.

18.8.2 Discussion

547. As addressed in the section 32 evaluation, the purpose of the maximum allotment size within rule SUB-HRZ-R9 is to encourage high density residential subdivision and development (as opposed to low-density development) within the zone to encourage the efficient use and development of land that is within a walkable catchment of rapid transit stops and the City Centre Zone.
548. I consider that proposed subdivision within the High Density Residential Zone that proposes the creation of large allotments greater than 800m² has the potential to undermine the intent of the zone to encourage and provide for greater housing densities within a walkable catchment of the City Centre Zone and rapid transit stops. However, upon further consideration I consider the proposed activity status of non-complying to be overly onerous when considered alongside the direction of the relevant objective and policies. I note there is no policy direction that requires large allotment subdivision to be *avoided* within walkable catchments of the City Centre Zone or rapid transit stops, and I therefore consider non-complying status to be overly onerous and out of step with the policy direction.
549. I consider discretionary activity status for subdivisions that propose the creation of allotments greater than 800m² to be a more appropriate method to achieve the relevant objectives, while providing the Council with sufficient discretion to determine such applications on their individual merits.
550. I therefore recommend submission S5.16 be accepted, and that rule SUB-RES-R9 be deleted as shown in the 'Recommended Amendments to the IPI' section below. Subdivision that would have fallen under rule SUB-RES-R9 will now be managed under discretionary activity catch-all rule SUB-RES-R8. As no minimum allotment sizes are proposed within the HRZ, a consequential amendment is also recommended to delete rule SUB-HRZ-R5, which was to provide for subdivision creating vacant allotments up to 800m². This was intended to create a transition between controlled activity subdivision, and subdivision proposing the creation of large vacant allotments. With the recommended deletion of non-complying rule SUB-RES-R9, I consider it is appropriate to also delete rule SUB-RES-R5.

18.8.3 Recommendations

1. I recommend submission S5.16 – Bob Anker be accepted.
2. I recommend all other submissions relevant to SUB-HRZ provisions that are not specifically identified or addressed above be accepted, accepted in part, or rejected for the reasons specified in Appendix 1.
3. My recommendations in relation to any relevant further submissions reflect the recommendations on the primary submissions as set out in Appendix 1.

4. I recommend the IPI be amended as shown in the 'Recommended Amendments to the IPI' section below.

18.8.4 Recommended Amendments to IPI

551. I recommend the IPI be amended as follows:

1. Rule SUB-RES-R9: Delete as follows:

SUB-HRZ-R9	Subdivision creating one or more vacant allotments with a net site area greater than 800m². The following are excluded from this rule: (i) The creation of vacant allotments with a net site area greater than 800m² that are to vest in Council or the Wellington Regional Council. (ii) Subdivision for network utilities. (iii) Balance allotments created as part of a staged subdivision.
1. Activity Status: Non-Complying	

2. SUB-RES-R5: Delete as follows:

SUB-HRZ-R5	Subdivision that proposes to create one or more vacant allotments where one or more allotments has a net site area greater than 300m² but no greater than 800m².
1. Activity status: Restricted Discretionary	

18.8.5 Section 32AA Evaluation

552. In my opinion, the recommended amendments to the IPI in response to matters raised by submitters are more appropriate in achieving the objectives of the IPI than the notified provisions. In particular, I consider that:

1. The recommended deletion of SUB-RES-R9 and SUB-RES-R5 will better align with the direction of the SUB-HRZ objectives and policies, while still continuing to give effect to the NPS-UD through providing for high quality intensive residential development within close proximity to rapid transit stops and the City Centre Zone. The activity status change from non-complying to discretionary will improve plan implementation as this better reflects the policy direction regarding well-functioning urban environments as it recognises that some people may require larger allotments to enable them to provide for their social, economic, and cultural wellbeing. The amendments are more efficient and effective than the notified provisions in achieving the objectives of the IPI.
2. The recommended deletion of SUB-RES-R9 and SUB-RES-R5 will not have any greater environmental, social, cultural, or economic effects than the notified provisions. There will be benefits for plan implementation as a result of the activity status of subdivisions that would have fallen under rule SUB-RES-R9 being more appropriate with respect to the relevant policy direction for the HRZ and the NPS-UD.

19 Walkable Catchments

19.1 General

19.1.1 Matters Raised by Submitters

553. Four submitters request specific amendments to the methodology underpinning, and spatial extent of the walkable catchment that defines the extent of the proposed High Density Residential Zone. The submissions are as follows:

Submission No.	Decision Requested
S14.1- Duncan Cameron	Revise the proposed high density planning extent with a logical layout around the CBD and regional shopping centres only.
S19.1 - Serge Ritossa	Revert to the MDRZ zone as it relates to my area in and around Seddon Street.
S50.1 - Waka Kotahi	Amend the walkable catchment from the edge of the City Centre Zone, Town Centre Zone and rapid transit stops to a minimum of 800m, unless constrained by natural geographic barriers such as State Highway 2 / the Hutt River.
S50.2 and S50.27 - Waka Kotahi Supported by FS4 – Greater Wellington Regional Council	Develop a walkable catchment of between 200-400m around Local Centres to enable high density development within this catchment.
S50.26 - Waka Kotahi	Amend the extent of High Density Residential Zoning to give effect to a walkable catchment of 800m from train stations, the Town Centre Zone, and the City Centre Zone.
S50.27 - Waka Kotahi	Amend the High Density Residential Zoning to extend 200-400m around Local Centre Zones.
S58.2 - Kāinga Ora: Homes and Communities Opposed by FS13 – New Zealand Defence Force Opposed in part by FS4 - Greater Wellington Regional Council Supported by FS14 - Retirement Villages Association of New Zealand Inc.; and FS15 – Ryman Healthcare Limited	<ol style="list-style-type: none"> 1. Expand the High Density Residential Zone and additional height controls, as shown in Appendix 4, within walkable catchments of centres and train stations, which reflect general principles of: <ol style="list-style-type: none"> a) 15min/1200m walkable catchment from the edge of the City Centre Zone (CCZ) – with increased heights within 800m/10min walkable catchment of the CCZ, demonstrated with a Height Variation Control overlay; b) 10min/800m walkable catchment from the edge of Town Centre Zone (TCZ) – with increased heights within 400m/5-10min walkable catchment of the TCZ, demonstrated with a Height Variation Control overlay; c) 10min/800m walkable catchment from existing and planned rapid transit stops. 2. Apply additional height up to 18m in the Medium Density Residential Zone within 400m/5-10min walkable catchment of Local Centre Zone (LCZ). 3. Where a lower order centre falls within a walkable catchment of a higher-order centre or train station, enable heights consistent with the height enabled in adjacent residential zones. 4. Accept all changes sought from Kāinga Ora to the planning maps as shown in Appendix 4 of the submission.
S58.151 - Kāinga Ora: Homes and Communities	Amend HRZ-P7 to enable the following building heights within the specified walkable catchments: <ol style="list-style-type: none"> a. CCZ and rapid transit stops

Supported by FS14 - Retirement Villages Association of New Zealand Inc.; and FS15 – Ryman Healthcare Limited	i. 0m to 400m: 43m
	ii. 400m to 800m: 36m
	iii. 800 to 1200m: 22m
	b. TCZ
	i. 0m to 800m: 22m

19.1.2 Discussion

554. Submission S14.1 – Duncan Cameron requests the spatial extent of the proposed High Density Residential zone is revised with a logical layout around the CBD and regional shopping centres only. As described in the section 32 evaluation, the extent of walkable catchments delineated by the proposed High Density Residential Zone have been identified firstly using the distance travelled by a 10 minute walk from the edge of the City Centre Zone and the passenger rail stations in the City. The spatial extent was then refined to identify a practical boundary that offers the best opportunity to mitigate potential height transition impacts on existing residents at the interface of the proposed High Density Residential Zone with the General Residential Zone. In some instances, such as a strip along the western side of Fergusson Street, this exercise resulted in a strip of properties being removed from the proposed HRZ, while in other areas it resulted in properties being included within the HRZ. I am satisfied the spatial extent of the High Density Residential Zone gives effect to the requirements of NPS-UD policy 3(c)(i) and (ii), and therefore recommend submission S14.1 – Duncan Cameron be rejected.
555. Submission S19.1 - Serge Ritossa requests that the area around Seddon Street is not zoned as High Density Residential Zone. The submitter's property on Seddon Street and the surrounding area is located within a walkable catchment of the City Centre Zone and the Upper Hutt rail station. Consequently, the district plan is required to enable building heights of at least 6 stories in this area in accordance with policy 3(c)(i) and (ii) of the NPS-UD. I have not identified any justification for the application of a new qualifying matters in the area to provide for a reduced height than that required by the NPS-UD. Consequently, I recommend submission S19.1 - Serge Ritossa be rejected.
556. Submission S50.1 – Waka Kotahi requests the walkable catchment from the edge of the City Centre Zone, Town Centre Zone and rapid transit stops be increased to a minimum of 800m, unless constrained by natural geographic barriers such as State Highway 2 / the Hutt River. As described in the section 32 evaluation, the Council has identified the extent of the walkable catchment from the edge of the City Centre Zone and rapid transit stops in consultation with the community. An approximate 10 minute walking time has been used, with adjustments then made to the spatial extent to rationalise the transition of the zone boundary and to mitigate potential significant height transition effects on existing residents where the High Density Residential Zone meets the General Residential Zone. I am supportive of this practical approach to identifying the spatial extent of the High Density Residential Zone as it takes into account potential real-world effects.
557. Submission S50.1 also requests the IPI adopts an 800m walkable catchment around Upper Hutt City Centre Zone. I note such an approach would, in my opinion, be a blunt approach that would include a greater spatial area to that proposed by the IPI, but with none of the ground-truthing and refinement. I note there is no requirement under the NPS-UD to adopt a walkable catchment of a specified distance. In my opinion, it is the decision of the Council in consultation with the Upper Hutt community to identify an appropriate walkable catchment for their community that appropriately gives effect to the requirements of policy 3 of the NPS-UD. The submitter may wish to provide Upper Hutt-specific evidence prior or during the hearing that demonstrates why an 800m walkable catchment from the edge of the Upper Hutt City Centre Zone is a more appropriate method to achieve the objectives of

the IPI than the approach proposed by the IPI. On this basis I recommend submission S50.1 - Waka Kotahi be rejected.

558. Submissions S50.2 and S50.27 - Waka Kotahi request a walkable catchment of between 200m and 400m is applied around Local Centres to enable high density development within this catchment. I note the requirements of policy 3(d) do not require the identification or application of a walkable catchment from the edge of Local Centre Zones. Policy 3(d) requires the Council to provide building heights and density of urban form commensurate with the level of commercial activities and community services within and adjacent to local centres. In my opinion, the IPI has given effect to this by:

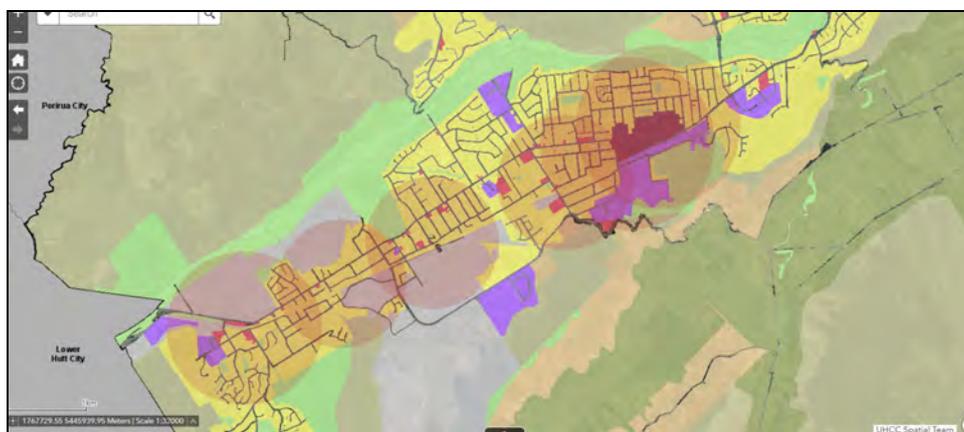
- (a) Applying the High Density Residential Zone to sites adjacent to Local Centre Zones where these sites are within the walkable catchment of the City Centre Zone and rapid transit stops; and
- (b) Applying the MDRS to sites adjacent to Local Centre Zones where these sites are within the General Residential Zone.

559. The spatial extent of Local Centre Zones in Upper Hutt are not large, and in my opinion the building heights and density of urban form provided adjacent to the Local Centre Zones is commensurate with the level of commercial activities and community services within the Local Centre Zones. I consider the Council is not required to do more than this in giving effect to the requirements of the NPS-UD. I am also mindful that the Council has consulted with the Upper Hutt community on building heights and densities in these locations, and that the submissions do not include any technical justification to demonstrate that either:

- (a) The IPI does not give effect to the requirements of NPS-UD policy 3(d); or
- (b) The submitter's requested approach to giving effect to NPS-UD policy 3(d) would be a more appropriate method to achieve the objectives of IPI.

560. The submitter may wish to provide more information prior to or during the hearing regarding the above. Consequently, I recommend submissions S50.2 and S50.27 – Waka Kotahi be rejected.

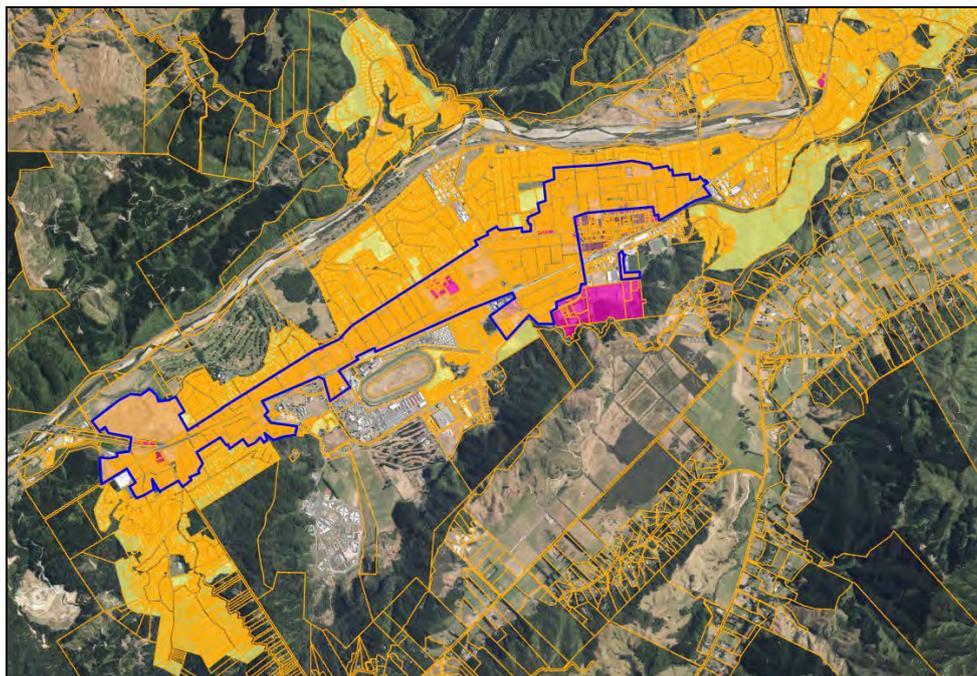
561. Submission S50.26 – Waka Kotahi requests the extent of High Density Residential Zoning is amended to give effect to a walkable catchment of 800m from train stations, the Town Centre Zone, and the City Centre Zone. I have addressed the submitter's request for an 800m walkable catchment from the City Centre Zone under submission S50.1 above, therefore I will not revisit that request here with the exception of displaying a visual estimate below of what an 800m walkable catchment around the City Centre Zone, Town Centre Zone, and rapid transit stops would look like on the District Plan maps:



Requested 800m walkable catchment from CCZ, rapid transit stops, and TCZ

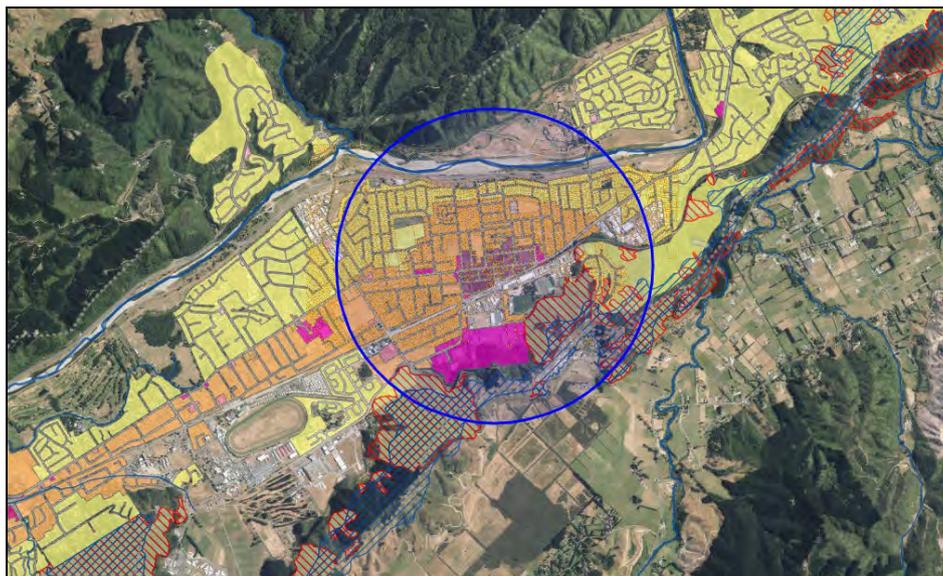
562. I contrast this with the IPI's proposed extent of the High Density Residential Zone below (blue outline) that has been ground-tested, avoids non-residential zones, and has been refined to provide an effects-

based transition between the General Residential Zone and the proposed High Density Residential Zone:



IPI proposed extent of High Density Residential Zone

563. In my opinion, the IPI proposes a more appropriate walkable catchment from the edge of the City Centre Zone and rapid transit stops than that requested by the submitter, as the IPI has taken a more refined approach than simply applying an arbitrary distance. In my experience, real-world walking times to reach a specific distance can vary greatly due to the presence of physical barriers, such as main roads and railway lines, and the actual routes available via roads and pedestrian routes. I therefore consider adopting an arbitrary 800m walkable catchment would result in some high density residential development being enabled within areas that are less suitable due to their difficulty in reaching the City Centre Zone or rapid transit stops via walking. I therefore apply the same reasoning to recommending the rejection of applying an 800m walkable catchment from rapid transit stops in Upper Hutt as I do for submission number S50.1 above.
564. With respect to the submitter's request to extend an 800m walkable catchment from the edge of the Town Centre Zone, in my opinion, such an approach is neither required nor supported by the NPS-UD. Policy 3(d) does not require the application of a walkable catchment from the edge of a Town Centre Zone, and I do not see any technical justification for the requested 800m walkable catchment approach included with the submission. I therefore recommend submission S50.26 – Waka Kotahi be rejected.
565. Submission S58.2 - Kāinga Ora: Homes and Communities requests as suite of amendments to significantly extend the spatial extent of walkable catchments, and to increase heights within walkable catchments via the application of a 'height variation control overlay'. The submitter requests a 15min / 1200m walkable catchment for the edge of City Centre Zone, with a 'variable height control overlay' to provide for greater heights depending upon the specific distance or walking time from the edge of the City Centre Zone. I do not recommend adopting a complicated approach such as this in Upper Hutt, and for visual context I provide the following image of what an approximate 1200m walkable catchment from the CCZ would look like below:



Estimate of requested 1.2km walkable catchment.

566. To test walkability, I used Google Maps to estimate the walking time from a number of random residential sites from the outer extent of the requested 1.2km walkable catchment, my findings were:
- 16 Kea Grove, Eldersea, to 28 Gibbons Street (the closest edge of the CCZ): 21 minutes' walk time
 - 28 Riversdale Road, Clouston Park, to 43 Queens Street (the closest edge of the CCZ): 21 minutes' walk time.
 - 9 Doug Jensen Steet, Wallaceville, to 26 Brown Street (the closest edge of the CCZ): 19 minutes' walk time.
567. When I combine these estimated walk times with the visual representation of the requested 1.2km walkable catchment, I consider the scale of the walkable catchment to be out of scale in the context of Upper Hutt. I also consider the requested significant increase in walkable catchment is not a requirement of the NPS-UD. I am satisfied the walkable catchments proposed by the IPI appropriately gives effect to the requirements of the NPS-UD in the context of Upper Hutt. I note that in contrast to the section 32 evaluation, the submission does not include an Upper Hutt-specific justification for the requested amendments to the spatial extent of the walkable catchment around the CCZ.
568. With respect to the submission S58.2's requested amendments to permitted heights via the application of a 'height variation control overlay', I do not recommend putting in place such a complicated approach in the absence of any Upper Hutt-specific evidence that justifies the requested approach would be more effective at achieving the relevant objectives of the IPI. In my opinion, the IPI's simple proposed approach towards the heights and densities of urban form within the High Density Residential Zone strikes the most appropriate balance between encouraging high density residential development via permitted heights, while enabling greater heights and densities of urban form via the resource consent process.
569. I am mindful of the level of change the communities within the proposed High Density Residential Development may experience as a result of the incorporating the MDRS and implementing the requirements of the NPS-UD into the residential area. I do not recommend increasing the level of permitted activity adverse effects residents in these areas may experience. I am satisfied the approach proposed by the IPI is the most appropriate method to achieve the objectives of the IPI and to give effect to the requirements of policy 3 of the NPS-UD. For these reasons I recommend submission S58.2 - Kāinga Ora: Homes and Communities be rejected.

570. Submission S58.151 - Kāinga Ora: Homes and Communities requests amendments to policy HRZ-P7 to enable greater heights within specific distances from the CCZ and TCZ. I recommend submission S58.151 be rejected for the same reasons I provide above with respect to the requested 'height variation control overlay'. I do not consider the submitter's requested amendments offer a more appropriate method to achieve the objectives of the IPI, or to give effect to the requirements of the NPS-UD in the Upper Hutt context. I also note all the specific heights the submitter requests can be considered via IPI restricted discretionary activity rules. I support the retention of this approach as in my opinion, it would ensure an appropriate consideration of the actual and potential effects on the environment is carried out, and this will ensure the IPI objectives are achieved.

19.1.3 Recommendations

1. I recommend the following submissions be rejected:

- S14.1 – Duncan Cameron
- S19.1 – Serge Ritossa
- S50.1 - Waka Kotahi
- S50.2 – Waka Kotahi
- S50.26 – Waka Kotahi
- S50.27 - Waka Kotahi
- S58.2 - Kāinga Ora: Homes and Communities
- S58.151 - Kāinga Ora: Homes and Communities

2. I recommend all other submissions relevant to walkable catchments that are not specifically identified or addressed above be accepted, accepted in part, or rejected for the reasons specified in Appendix 1.

3. My recommendations in relation to any relevant further submissions reflect the recommendations on the primary submissions as set out in Appendix 1.

20 Design Guides

20.1 Matters Raised by Submitters

571. A number of submitters request amendments to the design guides that can be summarised as:

- Requesting amendments to the content of the Medium and High Density Design Guide;
- Requesting to delete the Medium and High Density Design Guide, and the City Centre Design Guide and replace them with matters of discretion, and use the design guides as non-regulatory guidance that sits outside of the District Plan.
- Requesting the inclusion of reference to reverse sensitivity effects within the Medium and High Density Design Guide;
- Requesting amendments to exclude retirement villages from having to consider the matters contained in the design guides.
- A request to review the design guides with Tangata Whenua to ensure Design Guides address Tangata Whenua principles and values and amend appropriate parts of the Plan to reflect Tangata may want to use their own design guide when and if such guidance is available.

572. The following is a summary of the relevant submitters and the decisions requested:

Submission No.	Decision Requested
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S33.25 - Fuel Companies	Amend the Medium and High Density Design Guide so that it includes the following as an early-stage design criteria for medium and high density housing: <u>Identifying current or proposed non-residential activities nearby may also influence how the development responds; for example, minimising noise impacts of commercial activities and sites near main roads and railways.</u>
S50.25 - Waka Kotahi – New Zealand Transport Agency Opposed by: FS14 – Retirement Villages Association of New Zealand Inc. FS15 – Ryman Healthcare Limited	Retain the Medium and High Density Design Guide, and the City Centre Design Guide as notified.
S58.4 - Kāinga Ora: Homes and Communities Supported and opposed in part by: FS14 – Retirement Villages Association of New Zealand Inc. FS15 – Ryman Healthcare Limited	<ol style="list-style-type: none"> 1. Request the Design Guides and design guidelines are removed from within the District Plan and are treated as non-statutory tool, outside of the District Plan. 2. Delete all references to the Design Guides and design guidelines. 3. Where particular design outcomes are to be achieved, these should be specifically stated in matters of discretion or assessment. 4. If the Council does not provide the relief sought, in deleting the Design Guides and design guidelines and references to such guidelines in the District Plan, Kāinga Ora seeks that the design guidelines are amended, simplified and written in a manner that is easy to follow. The outcomes sought in the guidelines should read as desired requirements with sufficient flexibility to provide for a design that fits and works on site, rather than rules that a consent holder must follow and adhere to. Otherwise, it is considered that there is no flexibility and scope to create a design that fits with specific site characteristics and desired built form development. 5. Kāinga Ora seeks the opportunity to review these guidelines if they are to remain a statutory document. <p>Note: the decisions requested under this submission point is followed through by specific submission points on all zone chapters seeking the same or similar relief on all relevant provisions. These specific submission points are not replicated here, however my recommendations and reasons for my recommendations are the same for all these submission points that seek the same or similar decisions.</p>
S58.26 - Kāinga Ora: Homes and Communities Supported and opposed in part by: FS14 – Retirement Villages Association of New Zealand Inc.	Delete the reference to the Design Guide in Appendix 1 of the IPI and replace with a list of the specific design matters which Council seek be achieved.

FS15 – Ryman Healthcare Limited	
S58.126 - Kāinga Ora: Homes and Communities	<p>Amend GRZ-R12 as follows: Delete Matter of Discretion (1) of rule GRZ-R12 and replace it with references to the compatibility in scale, form and appearance with the planned urban built form, and the development of safe and attractive public realm and streetscape. See submission for specific requested amendments.</p> <p>Note: the decision requested under this submission point is duplicated by specific submission points on all IPI zone chapters seeking the same relief on all relevant provisions – i.e., to delete reference to the Medium and High Density Design Guide and replace it with a new list of matters of discretion. These specific submission points are not addressed here, however my recommendations and reasons for my recommendations are the same for all these submission points that seek the same or similar decisions.</p>
S58.381 - Kāinga Ora: Homes and Communities	<p>Amend CCZ-P2 as follows:</p> <ol style="list-style-type: none"> 1. Remove the Design Guidelines from within the District Plan and treat them as a non-statutory tool, outside of the District Plan. Add a note added where reference is made to such guidelines as follows: <p><u>Note: Best practice urban design guidance is contained within the Council’s Design Guidelines.</u></p> 2. Delete all references to the Design Guidelines. 3. Where particular design outcomes are to be achieved, these should be specifically stated in matters of discretion or assessment, such as and not limited to: <ol style="list-style-type: none"> i <u>Provides an effective public private interface;</u> ii <u>Provides a well-functioning site;</u> iii <u>Provides high quality buildings.</u> iv <u>Responds to the natural environment.</u> 4. If the requested relief is not provided the submitter seeks that the design guidelines are amended, simplified, and written in a manner that is easy to follow. The outcomes sought in the guidelines should read as desired requirements with sufficient flexibility to provide for a design that fits and works on site, rather than rules that a consent holder must follow and adhere to. The submitter requests the opportunity to review these guidelines if they are to remain a statutory document. <p>Note: the decision requested to provisions that refer to the City Centre Design Guide under this submission point is duplicated across multiple specific submission points. These specific submission points are not addressed here, however my recommendations and reasons for my recommendations are the same for all these submission points that seek the same or similar decisions.</p>
S64.20 - Retirement Villages Association of New Zealand	<p>Seek the following changes to the General Residential Zone background text:</p> <ul style="list-style-type: none"> - Expressly exclude retirement villages from the applicability of the Medium and High Density Design Guide; and - Specifically acknowledge that retirement villages and / or accommodation for the ageing population is anticipated / provided for in the General Residential Zone.
S64.63 - Retirement Villages Association of New Zealand	<p>Amend the matters of discretion for HRZ-S4 to exclude retirement villages as follows...</p> <p>Matters of Discretion where Permitted Activity Standard(s) are not met</p> <p>(a) Matters of discretion are restricted to:</p>

	<p>5. The matters contained in the Medium and High Density Design Guide in Appendix 1.</p> <p>(b) For retirement villages, the matters of discretion <u>under HRZ-R2(3)(a)(1)-(7) apply.</u></p> <p>Note: the decision requested by this submission point is duplicated across multiple provisions which I do not specifically identify or discuss in this report. However, my recommendations and reasons for my recommendations are the same for all these submission points that seek the same or similar decisions.</p>
S64.125 - Retirement Villages Association of New Zealand	<p>Amend CCZ-P5 as follows:</p> <p>... Where located along identified active frontages, require new built development and activities to:</p> <p>2. Be consistent with the City Centre Design Guide. Avoid new built development and activities that prevent or interrupt a continuous active street frontage along identified active frontages. <u>Encourage new built development and activities to provide a continuous active street frontage along identified active frontages, whilst considering the individual site characteristics and environment.</u></p>
S64.131 - Retirement Villages Association of New Zealand	<p>Amend CCZ-S8 to integrate consideration of individual site characteristics / circumstances. Seek to also exclude retirement villages from the applicability of the City Centre Design Guide.</p> <p>Amend CCZ-S8 as follows: Active Frontages Matters of discretion are restricted to: ... 4) Consistency with the City Centre Design Guide. <u>This matter of discretion does not apply to retirement villages.</u></p> <p>Also amend standard to exclude retirement villages from the matters of discretion.</p>
S64.134 - Retirement Villages Association of New Zealand	<p>Seek that retirement villages are expressly excluded from having to apply the Medium and High Density Design Guide across the entire IPI.</p> <p>Note: the decision requested by this submission point is duplicated across multiple provisions which I do not specifically identify or discuss in this report. However, my recommendations and reasons for my recommendations are the same for all these submission points that seek the same or similar decisions.</p>
S72.19 - Te Rūnanga o Toa Rangatira Inc (late submission) Opposed by FS14 – Retirement Villages Association of New Zealand	<p>Introduce new Medium and High Density Design Guide - Review these design guides with Tangata Whenua to ensure Design Guides address Tangata Whenua principles and values and amend appropriate parts of the Plan to reflect Tangata may want to use their own design guide when and if such guidance is available.</p>

20.1.1 Discussion

573. Submission S33.25 – Fuel Companies requests the Medium and High Density Design Guide includes additional advice on the identification of nearby commercial activities, roads, and railways and responding to these in the design of a proposed development. This requested amendment directly relates to submitter S33's numerous submission points that request the inclusion of provisions throughout the IPI to address potential reverse sensitivity effects.
574. Although I agree that addressing potential reverse sensitivity effects is an important part of the design process, I consider that addressing potential reverse sensitivity effects is already adequately provided throughout the IPI by the following provisions (note: some of the provisions below include amendments to add reference to reverse sensitivity effects that I recommend in response to other submissions):

- (a) SUB-RES-MC1(6) – Residential Subdivision matters for consideration;
- (b) SUB-HRZ-P2 – HRZ Policy;
- (c) SUB-HRZ-S1 – Permitted standards for HRZ (matters of discretion);
- (d) SUB-IND-MC1 – Subdivision in Industrial Zone – Matters for Consideration;
- (e) GRZ-R11 – Buildings that do not comply with permitted standards (matters of discretion);
- (f) GRZ-R12A – More than 4 residential units on a site (matters of discretion);
- (g) GRZ-R12B – Residential units that are not a PA (matters of discretion);
- (h) HRZ-S2 – Building Height standard (matters of discretion);
- (i) HRZ-S3 – Height in Relation to Boundary standard (matters of discretion);
- (j) HRZ-S4 – Building Coverage standard (matters of discretion);
- (k) HRZ-S5 – 6 residential units per site standard (matters of discretion);
- (l) HRZ-R8 – Buildings that exceed 20m height (matters of discretion);
- (m) NCZ-P2 – Residential Activity;
- (n) NCZ-S6 - Noise and Ventilation standard (matters of discretion);
- (o) LCZ-P2 – Residential Activity;
- (p) LCZ-S6 – Noise and Ventilation standard (matters of discretion);
- (q) MUZ-P2 – Residential Activities;
- (r) MUZ-P3 – Other Activities;
- (s) MUZ-R17 – Retirement Village (matters of discretion);
- (t) MUZ-S4 – Noise and Ventilation standard (matters of discretion);
- (u) TCZ-P2 – Residential Activity;
- (v) TCZ-S6 – Noise and Ventilation standard (matters of discretion);
- (w) CCZ-P2 – Residential Activity;
- (x) CCZ-P3 – Other Activities;
- (y) CCZ-P5 – Noise and Ventilation standard (matters of discretion); and
- (z) CCZ-R19 – Retirement Village (matters of discretion).

575. I consider that this suite of provisions covers all relevant IPI zones where residential development may encounter the potential for reverse sensitivity effects. I am therefore of the view that the issue of reverse sensitivity effects should be front-of-mind when designing residential subdivision and development. I do not consider it necessary for the design guide to duplicate the focus on addressing potential reverse sensitivity effects from the above provisions. I therefore recommend submission S33.25 – Fuel Companies be rejected.
576. Submission S50.25 - Waka Kotahi – New Zealand Transport Agency, requests the Medium and High Density Design Guide, and the City Centre Design Guide be retained as notified. I do not recommend any amendments to the design guides in response to any submissions, and therefore recommend submission S50.25 - Waka Kotahi – New Zealand Transport Agency be accepted.
577. Submissions S58.4, S58.26, S58.126, and S58.381 - Kāinga Ora: Homes and Communities, are specific examples of submitter S58's multiple requests across all relevant IPI chapters to delete the design guides from the IPI and to treat them as non-statutory guidance that sits outside of the District Plan. The submissions also request amendments across all relevant IPI chapters to replace the design guides with specific amendments to multiple provisions to specifically list the desired design outcomes sought by the Council. The submitter also requests that if the requested amendments are not accepted, that the submitter is provided with the opportunity to review the design guides.
578. Firstly, I consider that submitter S58 – Kāinga Ora has already had the opportunity to review the design guides via the IPI submission process. Therefore, I do not recommend that the submitter is provided with an additional opportunity to request amendments to the design guides – however the submitter may wish to do so prior to the hearing. Notwithstanding this, I am concerned that other parties who may be interested in the design guides would not have an opportunity to consider any additional requested amendments and make a further submission on them.

579. Regarding submitter 58's substantive requested amendments across the IPI under multiple submission reference numbers to delete the design guides from the IPI and treat them as non-statutory guidance, and to replace references to the design guides with a list of the submitter's specific design outcomes, I recommend these all be rejected for the reasons I outline below.
580. As addressed in the section 32 evaluation, I consider the use of design guides is the most appropriate method to enable the Council to give effect to Objective 1 of the NPS-UD, and MDRS Objective 1, and Policies 3 and 4, and the relevant objectives of the IPI. In my opinion, design guides provide clear guidance and direction on the community's expectations on design outcomes to:
- a. Create well-functioning urban environments as required by objective 1 and policy 1 of the NPS-UD;
 - b. Create well-functioning urban environments that enables all people and communities to provide for their social, economic and cultural wellbeing, and for their health and safety as required by Objective 1 of the MDRS;
 - c. Encourage development to achieve attractive and safe streets and public open spaces, including by providing for passive surveillance as required by policy 3 of the MDRS; and
 - d. To enable housing to be designed to meet the day-to-day needs of residents as required by policy 4 of the MDRS.
581. By contrast, I consider the submitter's requested list of design outcomes to replace the design guides across all relevant IPI chapters would provide significantly less direction and certainty to applicants and decision makers on design outcomes to achieve the IPI objectives and give effect to the NPS-UD. In my opinion, simply including a list of outcomes requested by the submitter such as 'providing an effective public private interface', or 'provides a well-functioning site', provides little direction or guidance to applicants or decision makers on how to design buildings to achieve these outcomes. I consider such an outcome would potentially result in more difficult and contentious resource consent processes.
582. The Council has extensive experience in the implementation of residential design guidance in the district plan via the Design Guide for the Residential Centres Precinct (the IPI proposes to delete this as it conflicts with the MDRS and requirements of NPS-UD policy 3). I have assisted the Council with processing of a number of resource consent applications for comprehensive residential developments using the existing design guide. In my experience, the use of the design guide encourages developers to address the design outcomes when designing a scheme plan, thus providing greater certainty as to the desired design outcomes. I have noted this results in design outcomes consistent with the design guide, and also provides a relatively efficient and effective resource consent process for applicants and decision makers.
583. For these reasons, I recommend the submitter's multiple requests under multiple submission point reference numbers to delete the design guides from the IPI and treat them as non-statutory guidance be rejected. As a consequence of this recommendation, I also recommend the submitter's multiple requests under multiple submission point reference numbers to replace references to design guides with the submitter's requested specific design outcomes be rejected.
584. Submissions S64.20, S64.63, S64.131, and S64.134 – Retirement Villages Association of New Zealand, seek amendments to the IPI to exclude retirement villages from being subject to the Medium and High Density Design Guide, and the City Centre Design Guide. The submitter also makes various other submissions seeking this general outcome within all zones. I have not specifically included all these submission points in this section of the report. However, the reasons for my recommendations on this theme of submitter S64's submission points requesting similar amendments the IPI are the same as those I provide below. Please see Appendix 1 for all specific submission points.

585. I recommend submissions S64.20, S64.63, S64.131, and S64.134 – Retirement Villages Association of New Zealand, and all similar submission points by submitter S64 across the IPI be rejected for the following reasons:

1. Requests to exclude retirement villages from matters of discretion that refer to design guides:
 - (a) Within the City Centre Zone, retirement villages are specifically provided for as a restricted discretionary activity under rule CCZ-R19. The matters of discretion for retirement villages under this rule do not list the City Centre Design Guide. Therefore, no specific exclusions are recommended to the CCZ zone provisions.
 - (b) Within the High Density Residential Zone and the General Residential Zone, retirement villages are provided for via catch-all discretionary rule GRZ-R21. I consider that depending on the proposed design and layout of a retirement village and its interaction with public areas such as roads and open spaces, the design guide could be a relevant matter the Council wishes to consider.

586. Submission S64.125 Retirement Villages Association of New Zealand, requests CCZ-P5 be amended to delete reference to the City Centre Design Guide, and replace it with the following:

Encourage new built development and activities to provide a continuous active street frontage along identified active frontages, whilst considering the individual site characteristics and environment.

587. New buildings and structures within the City Centre Zone are a restricted discretionary activity under rule CCZ-R13, where compliance is achieved with a list of permitted standards. One listed standard is CCZ-S8 – Active Street Frontages. The active street frontages standard sets out the following requirements:

Active Frontages

Along active frontages identified on the planning maps:

- a. *All new buildings and ground level additions or alterations to existing buildings must be built up to and oriented towards the road or public space boundary;*
- b. *A veranda must be provided that:*
 - i. *Extends along the entire length of the building frontage;*
 - ii. *Provides continuous shelter with any adjoining veranda; and*
 - iii. *Has a minimum setback of 500mm from any kerb face;*
- c. *At least 55% of the ground floor building frontage must be display windows or transparent glazing; and*
- d. *The principal public entrance to the building must be located on the front boundary.*

588. A matter of discretion under standard CCZ-S8 is *consistency with the City Centre Design Guide*. Therefore, the City Centre Design Guide only applies under rule CCZ-R13 where the permitted standards of CCZ-S8 – Active Frontages are not met. As I have stated above with respect to my opinion on the use of a design guide within the residential zones, I consider the use of design guides to be an effective and efficient method to achieve the relevant objectives of the IPI. For the City Centre Zone, I consider the City Centre Design Guide to be an important method to achieve objectives CCZ-O1 - *Purpose of the CCZ- City Centre Zone*, and CCZ-O2 - *Character and Qualities of the CCZ- City Centre Zone*.

589. I do not consider the submitter's requested deletion of reference to the design guide within policy CCZ-P5 to be appropriate as I consider that it would create a disconnect between CCZ-P5 and the relevant objectives, rules and standards. I also note that the consideration of individual site

characteristics and the environment is already provided by the resource consent process, therefore making the requested wording unnecessary. Consequently, I recommend submission S64.125 – Retirement Villages Association of New Zealand be rejected.

590. Submission S72.19 – Te Rūnanga o Toa Rangatira Inc requests the Medium and High Density Design Guide be reviewed with Tangata Whenua to ensure Design Guides address Tangata Whenua principles and values, and to amend appropriate parts of the Plan to reflect Tangata may want to use their own design guide when and if such guidance is available. Whilst I appreciate the reasons behind the request, I do not consider such a review could be carried out within the IPI process as I consider it would not provide an avenue for other persons interested in the design guide to consider any proposed amendments and make a further submission on them. I therefore recommend submission S72.19 be rejected.

20.1.4 Recommendations

1. I recommend the following submissions be rejected:
 - S33.25 – Fuel Companies
 - S58.4 - Kāinga Ora: Homes and Communities
 - S58.26 - Kāinga Ora: Homes and Communities
 - S58.126 - Kāinga Ora: Homes and Communities
 - S58.381 - Kāinga Ora: Homes and Communities
 - S64.20 – Retirement Villages Association of New Zealand
 - S64.63 – Retirement Villages Association of New Zealand
 - S64.125 – Retirement Villages Association of New Zealand
 - S64.131– Retirement Villages Association of New Zealand
 - S64.134 – Retirement Villages Association of New Zealand
 - S72.19 – Te Rūnanga o Toa Rangatira Inc
2. I recommend submission S50.25 - Waka Kotahi – New Zealand Transport Agency be accepted.
3. I recommend all other submissions relevant to design guides across all IPI chapters that are not specifically identified or addressed above be accepted, accepted in part, or rejected for the specific reasons provided above and in Appendix 1.
4. My recommendations in relation to any relevant further submissions reflect the recommendations on the primary submissions as set out in Appendix 1.

21 City Centre Zone

21.1 General Matters

21.1.1 Matters Raised by Submitters

591. The key submissions on general matters relevant to the CCZ are as follows:

Submission No.	Decision Requested
S72.17 - Te Rūnanga o Toa Rangatira Inc Opposed by FS14 – Retirement Villages Association of New Zealand; and	City Centre Zone introduction / Background, CCZO1, CCZ-O3, CCZO4, CCZ-S2 and CCZ-S4 and CCZR12 - Include provisions where Tangata Whenua values apply that these standards need to have more space and less or no additional height.

FS15 – Ryman Healthcare	
S58.374 - Kāinga Ora: Homes and Communities Opposed by: FS4 – Greater Wellington Regional Council; and FS13 – New Zealand Defence Force	(a) Amend the CCZ spatial extent as follows: Accept the changes the submitter requests to the planning maps as shown in Appendix 4 of the submission to expand the extent of the City Centre zone. (b) If the relief sought in this submission point and Appendix 4 of the submission are not granted, the following relief is sought: i. Expansion of CCZ as proposed in this submission – height variation control of 45m to HRZ.
S64.119 - Retirement Villages Association of New Zealand	The submitter requests a number of amendments to the introduction text for the CCZ as shown in Appendix 1.
S72.18 - Te Rūnanga o Toa Rangatira Inc	CCZ-City Centre Zone - Deletion Matters of Discretion - These need to be retained in the Plan to give signal to developers that a consent application can be vetoed on the basis of cumulative effects, lack of infrastructure and most importantly whether there are any Tangata Whenua values are breached.

21.1.2 Discussion

592. Regarding submission S72.17 - Te Rūnanga o Toa Rangatira Inc's request to amend the CCZ background, introduction text and the listed objectives, standards and rule, I do not know what specific amendments are sought to provide more space and less or no additional height. The submitter may wish to provide more specific information prior to or during the hearing to enable the consideration of specific amendments to these provisions. On this basis, I recommend submission S72.17 - Te Rūnanga o Toa Rangatira Inc be rejected.
593. I have considered the requested changes to the spatial extent of the CCZ as requested by S58.374 - Kāinga Ora: Homes and Communities. The submitter requests the rezoning of multiple residential zoned sites adjacent to the CCZ be rezoned to CCZ. I have the following concerns regarding the requested expansion of the CCZ:
- a. None of the residential zoned property owners have been directly consulted with regarding a proposed change in zoning from High Density Residential Zone to City Centre Zone. I do not consider it appropriate to rezone private property to another zone via a submission on a plan change, unless all affected property owners have been directly consulted with (prior to notification of a plan change) and been given the opportunity to provide feedback on a draft plan change and make a submission on a proposed plan change.
 - b. None of the affected property owners will have an opportunity to appeal the change in zoning from residential to CCZ. I note clause 107 of Schedule 1 of the RMA prevents appeals to the Environment Court on decisions on the IPI.
 - c. The NPS-UD does not require the Council to enlarge the spatial extent of any centres.
 - d. The submission does not include any evidence to demonstrate the requested extension of the spatial extent of the CCZ is a more appropriate method to achieve the IPI objectives compared to the notified IPI.
 - e. The HBA does not identify the need for the Council to expand the spatial extent of the CCZ into adjacent residential zoned land. I note the HBA identifies a shortage of sufficient housing capacity to meet the modelled demand, and I consider the requested rezoning

could exacerbate this by removing residential zoned land that is appropriate for high density residential subdivision and development.

594. Submission S58.374 also requests that in the event the requested changes to the spatial extent of the CCZ are not recommended to be accepted, then the submitter requests the HRZ provisions be amended to enable building heights of 45m within the submitter's requested 'height variation control' provisions. This is a matter I have addressed in detail within the High Density Residential Zone chapter in section 17 of this report. In short, I do not recommend the submitter's requested height variation control provisions are accepted on the basis I consider they would be likely to result in potential significant adverse effects on some residents in the HRZ due such a significant increase in permitted activity building height.
595. I note the submitter's requested height is enabled via existing IPI provisions via a restricted discretionary activity. As discussed in the section 32 evaluation, I consider the IPI provisions as notified to be the most appropriate method to achieve the objectives. I therefore recommend submission S58.374 - Kāinga Ora: Homes and Communities be rejected.
596. Submission S64.119 - Retirement Villages Association of New Zealand requests a number of amendments to the introduction text for the CCZ. I do not reproduce these in this report; however, I do consider some amendments in response to this submission are appropriate. I consider some amendments would improve consistency with the NPS-UD, and I recommend these be accepted.
597. However, I consider other requested amendments are inconsistent with the objectives of the CCZ or are unnecessary as they appear to attempt to cement discretionary decisions the Council has under the RMA – such as the application of a permitted baseline during the consideration of a resource consent application.
598. I recommend submission S64.119 - Retirement Villages Association of New Zealand be accepted in part, and that the CCZ introduction text be amended as set out in the 'Recommended Amendments to IPI' section below.
599. Submission S72.18 - Te Rūnanga o Toa Rangatira Inc requests the retention of the CCZ matters of discretion. My assumption is the submitter is referring to the existing *Matters for Consideration* that are proposed to be deleted as part of amending the City Centre Zone provisions. The Matters for Consideration refer to cumulative effects, however the submitter may wish to confirm whether my assumption is correct during the hearing.
600. If my assumption is correct, I note the Matters for Consideration within the City Centre Zone chapter that are proposed for deletion are not referred to as matters of discretion within the CCZ rules, and therefore in my opinion, they do not have legal status as matters of discretion.
601. Although I consider the Matters for Consideration may provide useful guidance during the consideration of resource consent applications for discretionary (unrestricted) and non-complying activities, I note a district plan is not required to identify the specific matters that will be considered by the Council in the consideration of discretionary and non-complying activity resource consents. On this basis I consider the Council is free to consider any matter it deems relevant for discretionary and non-complying activities, including cumulative effects, pursuant to Sections 104(a) and (c), and 104B of the RMA. I consider the proposed deletion of the matters of discretion will remove potential implementation uncertainty with respect to the legal status of the matters for consideration. For these reasons I recommend submission S72.18 - Te Rūnanga o Toa Rangatira Inc be rejected.

21.1.3 Recommendations

1. I recommend the following submissions be accepted in part:
 - S64.119 - Retirement Villages Association of New Zealand
2. I recommend the following submissions be rejected:

- S72.17 - Te Rūnanga o Toa Rangatira Inc's
- S72.18 - Te Rūnanga o Toa Rangatira Inc
- S58.374 - Kāinga Ora: Homes and Communities

3. I recommend all other submissions relevant to CCZ general matters that are not specifically identified or addressed above be accepted, accepted in part, or rejected for the specific reasons provided above and in Appendix 1.
4. I recommend all submissions and further submission that are relevant to the CCZ that are not specifically identified or discussed in this report be accepted, accepted in part, or rejected for the specific reasons provided in Appendix 1.
5. My recommendations in relation to any relevant further submissions reflect the recommendations on the primary submissions as set out above and within Appendix 1.
6. I recommend the IPI be amended as set out in the 'Recommended Amendments to IPI section below.

21.1.4 Recommended Amendments to IPI

602. I recommend the IPI be amended as follows:

1. CCZ introductory text: Amend as follows:

High-density development and intensification is enabled and encouraged while ~~maintaining and improving~~ recognising that amenity values develop and change over time in response to the diverse and changing needs of people, communities and future generations especially in the public realm.

... New buildings and development are well designed and reflect the ~~high quality urban environment~~ planned urban built form of the City Centre Zone.

21.1.5 Section 32AA Evaluation

603. In my opinion, the recommended amendments to the IPI in response to matters raised by submitters are more appropriate in achieving the objectives of the IPI than the notified provisions. In particular, I consider that:

1. The recommended amendments to the CCZ introduction text will better align with the direction of NPS-UD regarding the consideration of the planned urban built form, and the consideration of amenity values changing over time in response to the changing needs of people and communities. The amendments are more efficient and effective than the notified provisions in achieving the objectives of the IPI.
2. The recommended amendments to the CCZ introduction text will not have any greater environmental, social, or cultural effects than the notified provisions. However, there will be benefits for plan implementation as a result of improved plan alignment with national direction, and the removal of potential conflict between the NPS-UD and these provisions.

21.2 CCZ-O2

21.2.1 Matters Raised by Submitters

604. Submission S50.22 – Waka Kotahi requests CCZ be amended to refer to 'access to active and public transport' and delete the reference to 'a strong pedestrian focus'.

21.2.2 Discussion

605. I do not consider it appropriate to amend Objective CCZ-O2 as requested by submission S50.22. I consider that the objective wording reflects the aim of street frontages – which is to create a lively environment with a strong pedestrian focus. In my opinion, this focus on pedestrians is consistent

with the use of footpaths along active street frontages. I therefore recommend submission S50.22 – Waka Kotahi be rejected.

21.2.3 Recommendations

1. I recommend submission S50.22 – Waka Kotahi be rejected.
2. I recommend all other submissions relevant to CCZ-O2 that are not specifically identified or addressed above be accepted, accepted in part, or rejected for the specific reasons provided in Appendix 1.

21.3 CCZ-P1

21.3.1 Matters Raised by Submitters

606. Submission S50.23 - Waka Kotahi requests policy CCZ-P1 be amended to add reference to 'access to active and public transport'.
607. Submission S58.380 - Kāinga Ora: Homes and Communities requests policy CCZ-P1 be amended by deleting reference to 'character' and inserting reference to 'planned urban built form'.
608. Submission S64.122 - Retirement Villages Association of New Zealand requests an amendment to policy CCZ-P1 to delete reference to 'and amenity values'.

21.3.2 Discussion

609. Regarding submission S50.23 – Waka Kotahi's request to add reference to access to active and public transport', I do not consider the requested amendment to be appropriate. I note the policy encourages activities with a strong pedestrian focus to locate along roads with active street frontages to create a vibrant interface with public spaces. In my opinion, this is a different focus to that requested by the submitter – which is to change the focus of the policy to refer to access to active and public transport. In my opinion, the existing focus of policy CCZ-P1 on pedestrians is consistent with the use of footpaths along street frontages and aligns with the wording of objective CCZ-O1. I therefore recommend submission S50.23 – Waka Kotahi be rejected.
610. I agree the amendments to CCZ-P1 requested by submission S58.380 - Kāinga Ora: Homes and Communities will ensure the policy more appropriately gives effect to policy 6 of the NPS-UD. I agree the deletion of reference to 'character', and the insertion of 'planned urban built form' are more appropriate than the notified version of CCZ-P1. Accordingly, I recommend submission S58.380 - Kāinga Ora: Homes and Communities be accepted, and that policy CCZ-P1 be amended as set out in the 'Recommended Amendments to IPI' section below.
611. I do not recommend any amendments to CCZ-P1 in response to submission S64.122 - Retirement Villages Association of New Zealand. In my opinion the amendments I recommend above in response to submission S58.380 are the most appropriate amendments to policy CCZ-P1. I also consider that retention of reference to 'amenity values' reflects the objectives of the CCZ with respect to the creation of pleasant public spaces. I do not consider this to be contrary to policy 6 of the NPS-UD with respect to the consideration of amenity values, as the relevant provisions set desired outcomes for the public realm, rather than direct specific amenity outcomes on privately owned sites. I therefore recommend submission S64.122 - Retirement Villages Association of New Zealand be rejected.

21.3.3 Recommendations

1. I recommend submission S58.380 - Kāinga Ora: Homes and Communities be accepted.
2. I recommend the following submissions be rejected:
 - S50.23 - Waka Kotahi

- S64.122 - Retirement Villages Association of New Zealand

3. I recommend policy CCZ-P1 be amended as set out in the 'Recommended Amendments to IPI' section below.

21.3.4 Recommended Amendments to IPI

612. I recommend the IPI be amended as follows:

1. CCZ-P1: Amend as follows:

Enable a wide range of activities that are compatible with the anticipated purpose, ~~character~~ planned urban built form and amenity values of the CCZ- City Centre Zone.

21.3.5 Section 32AA Evaluation

613. In my opinion, the recommended amendments to the IPI in response to matters raised by submitters are more appropriate in achieving the objectives of the IPI than the notified provisions. In particular, I consider that:

1. The recommended amendments to the CCZ-P1 better aligns with the direction of NPS-UD regarding the consideration of the planned urban built form, and the consideration of amenity values changing over time in response to the changing needs of people and communities. The amendments are more efficient and effective than the notified provisions in achieving the objectives of the IPI.
2. The recommended amendments to the CCZ-P1 will not have any greater environmental, social, economic, or cultural effects than the notified provisions. However, there will be benefits for plan implementation as a result of improved plan alignment with national direction, and the removal of potential conflict between the NPS-UD and CCZ-P1.

21.4 CCZ-P2

21.4.1 Matters Raised by Submitters

614. Submission S58.382 - Kāinga Ora: Homes and Communities requests policy CCZ-P2 clause 1.a) is amended as follows:

Residential units are located above ground floor or at ground floor where located to the rear of buildings where not accessed from an active frontage;

615. The submitter also requests amendments to CCZ-S3 – Location of Residential Units to achieve the same outcome under submission S58.406.

616. Submission S64.123 - Retirement Villages Association of New Zealand requests amendments to CCZ-P2 to:

- a) Refer to the case-by-case consideration of residential activities at ground floor;
- b) Delete reference to the City Centre Design Guide;
- c) Add reference to 'retirement units';
- d) Delete reference to the Active Street Frontage identified on the planning maps; and
- e) Delete the policy direction to avoid residential units on the ground floor along Active Street Frontage identified on the planning maps.

21.4.2 Discussion

617. Regarding the requested amendments by submission S58.382 and S58.406 - Kāinga Ora: Homes and Communities to add reference to residential units at ground floor where not accessed from an active street frontage, I consider the requested amendment would be inconsistent with the outcomes sought for the City Centre Zone as described by the CCZ objectives. Residential units at ground floor level are

a discretionary activity under rule CCZ-R21. I consider the requested wording could have the effect of directing decision makers on resource consent applications to approve residential units on the ground floor along active street frontages – if the *access* to the residential units is not located along an active street frontage. I consider that simply positioning the access to the residential units to the side of rear of building where no active street frontage is present would be sufficient to comply with the submitter's requested amendments – despite the potential impact on the active street frontage. I consider that such an outcome would be contrary to the CCZ objectives CCZ-O1 and CCZZ-O2 – such as the loss of active frontages to residential activities, thus undermining the role of the City Centre Zone.

618. I note clause 2 of Policy CCZ-P2 provides direction to decision makers on resource consent applications for proposed establishment of residential units at ground floor level as follows:

2. *Only allow for the location of residential units on the ground floor where:*
 - a. *It is not located along an Active Street Frontage identified on the planning maps.*
 - b. *It does not preclude a positive interface with the public space;*
 - c. *It will not compromise amenity values for residents;*
 - d. *It will not result in reverse sensitivity effects on existing or anticipated and enabled non-residential activities in the City Centre Zone; and*
 - e. *It will not compromise the function and role of the City Centre Zone.*
3. *Avoid the location of residential units on the ground floor along Active Street Frontages identified on the planning maps.*

619. In my opinion, the wording of this clause is appropriate as I consider it will assist in achieving the CCZ objectives, while the submitter's requested amendments would have the effect of potentially undermining them.

620. Therefore, I consider the existing wording of Policy CCZ-P2 to be the most appropriate wording to achieve the relevant objectives, as it reflects the rule activity status for residential units at ground floor level while also providing clear direction for the consideration of discretionary resource consent applications for residential units at ground floor level. For these reasons I recommend submissions S58.382, and S58.406 - Kāinga Ora: Homes and Communities be rejected.

621. Regarding submission S64.123 - Retirement Villages Association of New Zealand, I recommend the submission be rejected for the following reasons:

- a) The case-by-case consideration of ground floor residential units at ground floor level is already provided for via clause 2 of the policy. This clause of the policy is to be had regard to during the consideration of discretionary resource consent applications for residential units at ground floor level under rule CCZ-R21.
- b) I consider that the City Centre Design Guide is an important and necessary component to ensuring development within the City Centre Zone achieves objectives CCZ-O1 – Purpose of the City Centre Zone, and CCZ-O2 – Character and Qualities of the CCZ – City Centre Zone. In my opinion, the requested deletion of reference to the design guide would fail to achieve these objectives.
- c) Retirement units are already provided for – either as a *residential activity*, or as part of a *retirement village* under restricted discretionary rule CCZ-R19. Therefore, I see no reasonable justification or need for policy CCZ-P2 to specifically refer to retirement units.
- d) The requested deletion of the reference in clause 2 of the policy to Active Street Frontages with respect to the case-by-case consideration of resource consents for residential units at ground floor would, in my opinion, result in the policy being at odds with Objectives CCZ-O1

and CCZ-O2. The CCZ provisions place emphasis on managing the identified active street frontages as a key component of achieving the objectives for the zone.

- e) The requested insertion of a clause into clause 2 of the policy stating ground floor residential units or retirement units are appropriate is, in my opinion, clearly in conflict with clause 1 of the policy, the relevant rules for the location of residential units in the CCZ, and the objectives of the CCZ.

21.4.3 Recommendations

1. I recommend the following submissions be rejected:
 - S58.382 - Kāinga Ora: Homes and Communities
 - S58.406 - Kāinga Ora: Homes and Communities
 - S64.123 - Retirement Villages Association of New Zealand
2. My recommendations in relation to any relevant further submissions reflect the recommendations on the primary submissions as set out above and within Appendix 1.

21.5 CCZ-P3

21.5.1 Matters Raised by Submitters

622. Submission S56.61 - Fire and Emergency New Zealand requests policy CCZ-P3 be amended by adding the following clause:

5. There is a functional and operational need for the activity to locate in the City Centre Zone.

21.5.2 Discussion

623. The list of criteria contained within the policy is a holistic list – meaning all proposed 'other activities' will be considered against all subclauses in the policy. Therefore, I consider that the requested inclusion of a clause to refer to a functional and operation need for an activity to be located in the City Centre Zone would have the unintended consequence of raising likelihood of other activities being deemed to be inconsistent with the policy - on account of a lack of a demonstrated operational or functional need to be located within the CCZ.
624. I note that emergency service facilities are already subject to the consideration of the functional and operations need to be located within the CCZ as a matter of discretion under rule CCZ-R17. I therefore recommend submission S56.61 - Fire and Emergency New Zealand be rejected.

21.5.3 Recommendations

1. I recommend submission S56.61 - Fire and Emergency New Zealand be rejected.
2. I recommend all other submissions relevant to policy CCZ-P3 that are not specifically identified or addressed above be accepted, accepted in part, or rejected for the specific reasons provided in Appendix 1.
3. My recommendations in relation to any relevant further submissions reflect the recommendations on the primary submissions as set out above and within Appendix 1.

21.6 CCZ-P4

21.6.1 Matters Raised by Submitters

625. Submission S50.24 - Waka Kotahi requests policy CCZ-P4 be amended to add reference to 'access to active and public transport'.

21.6.2 Discussion

626. I agree adding a reference to *active and public transport* to Policy CCZ-P4 is consistent with the concept of well-functioning urban environments as expressed in Objective 1, and Policy 1(c) of the NPS-UD. I therefore recommend submission S50.24 - Waka Kotahi be accepted, and policy CCZ-P4 as set out in the 'Recommended Amendments to IPI' section below.

21.6.3 Recommendations

1. I recommend submission S50.24 - Waka Kotahi be accepted.
2. I recommend the IPI be amended as set out in the 'Recommended Amendments to IPI section below.

21.6.4 Recommended Amendments to IPI

627. I recommend the IPI be amended as follows:

1. CCZ-P4: Amend as follows:

...

5. *Provides active and attractive street frontages; ~~and~~*
6. *Is accessible to active and public transport; and*
7. *Is consistent with the City Centre Design Guide.*

21.6.5 Section 32AA Evaluation

628. In my opinion, the recommended amendments to the IPI in response to matters raised by submitters are more appropriate in achieving the objectives of the IPI than the notified provisions. In particular, I consider that:

1. The recommended amendments to the CCZ-P4 will better align with the direction of NPS-UD regarding accessibility to active and public transport being a component of a well-functioning urban environment. The amendments are more efficient and effective than the notified provisions in achieving the objectives of the IPI.
2. The recommended amendments to the CCZ-P4 will not have any greater environmental, social, economic, or cultural effects than the notified provisions. However, there will be benefits for plan implementation as a result of improved plan alignment with national direction.

21.7 CCZ-R6 – Residential Activity

21.7.1 Matters Raised by Submitters

629. Submission S58.396 - Kāinga Ora: Homes and Communities requests rule CCZ-R6 be amended to add a limited notification preclusion clause to restricted discretionary activity rule CCZ-R6 where compliance is not achieved with the permitted standard for the location of residential units (CCZ-S3), and the noise and ventilation permitted standard (CCZ-S5).

21.7.2 Discussion

630. I do not consider it would be appropriate to add the requested preclusion of limited notification to rule CCZ-R6. I consider that failure to comply with both these permitted standards could result in adverse effects on specific persons in the form of potential reverse sensitivity effects. In my opinion, it is appropriate for the Council to retain the ability to process applications by way of limited notification under these rules. I therefore recommend submission S58.396 - Kāinga Ora: Homes and Communities be rejected.

21.7.3 Recommendations

1. I recommend submission S58.396 - Kāinga Ora: Homes and Communities be rejected.

21.8 CCZ-R7 – Erection, Construction and Development of Additions to Existing Buildings

21.8.1 Matters Raised by Submitters

631. Submission S56.62 - Fire and Emergency New Zealand requests a matter of discretion be added to rule CCZ-R7 regarding the extent, and effects of the non-compliance with permitted standard CCZ-S6 (Water Supply, Stormwater and Wastewater). The submitter requests similar amendments to rules CCZ-R13, and CCZ-R16 under submission numbers S56.65 and S58.66.
632. Submission S58.397 - Kāinga Ora: Homes and Communities requests corrections of the rule reference number within R7.2.a – so it refers to CCZ-R7.1.a rather than CCZ-R14.1.a.

21.8.2 Discussion

633. Regarding submission S56.62 - Fire and Emergency New Zealand requests a matter of discretion be added regarding three waters infrastructure, I do not consider the amendment to be necessary. I note that for an activity to be considered as a restricted discretionary activity under rule CCZ-R7.2, compliance with CCZ-S6 for water supply, stormwater, and wastewater must be achieved. If compliance with CCZ-S6 is not achieved, the activity cannot be considered under rule CCZ-R7.2 and must be considered as a discretionary activity under rule CCZ-R7.3. Consequently, I recommend submission S56.62 - Fire and Emergency New Zealand be rejected. I also recommend submissions S56.65 and S58.66 be rejected for the same reasons – as set out in Appendix 1.
634. I agree with submission S58.397 - Kāinga Ora: Homes and Communities that the requested amendment to the rule reference within rule CCZ-R7 is incorrect and requires correction as requested by the submitter. I therefore recommend submission S58.397 - Kāinga Ora: Homes and Communities be accepted, and rule CCZ-R7 be amended as set out in the 'Recommended Amendments to IPI' section below.

21.8.3 Recommendations

1. I recommend submission S58.397 - Kāinga Ora: Homes and Communities be accepted.
2. I recommend submissions S56.62, S56.65, and S56.66 - Fire and Emergency New Zealand be rejected.
3. I recommend the IPI be amended as set out in the 'Recommended Amendments to IPI' section below.

21.8.4 Recommended Amendments to IPI

635. I recommend the IPI be amended as follows:

1. CCZ-R7.2.a: amend as follows:

2. Activity status: Restricted discretionary

Where:

- a. Compliance is not achieved with CCZ-R14.1.a; and

21.8.5 Section 32AA Evaluation

636. In my opinion, the recommended amendments to the IPI in response to matters raised by submitters are more appropriate in achieving the objectives of the IPI than the notified provisions. In particular, I consider that:

1. The recommended amendments to the CCZ-R7 correct a typographical error with respect to the rule reference number. The amendments are more efficient and effective than the notified provisions in achieving the objectives of the IPI.
2. The recommended amendments to the rule reference within CCZ-R7 will not have any greater environmental, social, economic, or cultural effects than the notified provisions. However, there will be benefits for plan implementation as a result of the correction of a typographical error.

21.9 CCZ-R16 – New Buildings and Structures

21.9.1 Matters Raised by Submitters

637. Submission S64.132 - Retirement Villages Association of New Zealand requests rule CCZ-R16 be amended to include a new restricted discretionary rule for buildings associated with retirement villages as follows:

3. Activity status: Restricted discretionary

Where:

a) Compliance is not achieved with one or more of the standards under CCZ-R16-1.a, and the activity is for the construction of buildings associated with a retirement village.

Matters of discretion are restricted to:

- (1) The effects arising from exceeding any of the following standards: CCZ-S2 and CCZS4;
- (2) The effects of the retirement village on the safety of adjacent streets or public open spaces;
- (3) The effects arising from the quality of the interface between the retirement village and adjacent streets or public open spaces;
- (4) When assessing the matters in 1 – 3, consider:
 - (a) The need to provide for efficient use of larger sites; and
 - (b) The functional and operational needs of the retirement village.
- (5) The positive effects of the construction, development and use of the retirement village.

For clarity, no other rules or matters of discretion relating to the effects of density apply to buildings for a retirement village.

Notification status: An application for resource consent for a restricted discretionary activity under this rule is precluded from being publicly notified. An application for resource consent for a restricted discretionary activity under this rule that complies with CCZ-S2 and CCZ-S4 is precluded from being limited notified.

21.9.2 Discussion

638. Rule CCZ-R16 manages all new building and structures in the CCZ as a restricted discretionary activity. The rule manages new buildings – irrespective of the intended activities that will be carried out from within the new buildings. The matters of discretion under rule CCZ-R16 focus on non-activity related matters such as the consideration of the effects on the anticipated built form, amenity, scale, context, the safety and vibrancy of public spaces, active street frontages, building forms, colours and visual interest, and consistency with the City Centre Design Guide.
639. I consider that specific provisions for *retirement villages* as an activity as opposed to new *buildings*, are already managed under rule CCZ-R19. As a retirement village could be proposed on any site under the retirement village-specific rule CCZ-R19, including along an identified active frontage, I consider the same matters of discretion should apply to new buildings proposed within a retirement village as all other buildings within the CCZ.

640. I do not consider it to be technically practicable (without significant duplication of provisions from rule CCZ-R16) to provide retirement village-specific provisions for buildings in the context of new buildings on any site within the City Centre Zone. I therefore recommend submission S64.132 - Retirement Villages Association of New Zealand be rejected.

21.9.3 Recommendations

1. I recommend submission S64.132 - Retirement Villages Association of New Zealand be rejected.
2. I recommend all other submissions relevant to rule CRZ-R16 that are not specifically identified or addressed above be accepted, accepted in part, or rejected for the specific reasons provided in Appendix 1.

21.10 CCZ-R19 – Retirement Village

21.10.1 Matters Raised by Submitters

641. Submission S64.133 - Retirement Villages Association of New Zealand requests restricted discretionary rule CCZ-R19 be amended so that retirement villages are a permitted activity within the City Centre Zone.

21.10.2 Discussion

642. As retirement villages typically include a mix of residential and non-residential activities and are often large-scale activities with respect to the land footprint necessary to accommodate all retirement village activities, I consider they have the potential to result in adverse effects on the environment that are unlikely to be appropriately managed via permitted activity status. I consider that the matters of discretion listed under rule CCZ-R19 provide the Council with an appropriate level of discretion to consider a range of potential adverse effects that may arise from a proposed retirement village within the City Centre Zone.

643. I consider it appropriate the Council is able to consider the establishment of retirements villages within the City Centre Zone on a case-by-case basis to ensure consistency with the relevant objectives and policies of the CCZ. For these reasons, I do not agree with the submitter that permitted activity status is appropriate for a proposed retirement village within the CCZ and accordingly recommend submission S64.133 - Retirement Villages Association of New Zealand be rejected.

21.10.3 Recommendations

1. I recommend submission S64.133 - Retirement Villages Association of New Zealand be rejected.
2. I recommend all other submissions relevant to CCZ-R19 that are not specifically identified or addressed above be accepted, accepted in part, or rejected for the specific reasons provided in Appendix 1.

21.11 CCZ-S2 – Building Setbacks

21.11.1 Matters Raised by Submitters

644. Submission S56.63 - Fire and Emergency New Zealand requests standard CCZ-S2 be amended to include an advice note referring plan users to the requirements of the Building Code for other applicable building setback controls, and the addition of a new matter of discretion as follows:

1. Advice note:
Building setback requirements are further controlled by the Building Code. 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.

2. Add new matter of discretion:

The extent to which the non-compliance compromises the efficient movement of residents and emergency services and the provision for the health and safety of residents in meeting their day-to-day needs.

21.11.2 Discussion

645. With respect to the submitter's requested new advice note, I consider that building designers should be aware of firefighting access requirements under the Building Code, and that non-regulatory methods outside of the District Plan would be a more appropriate method to raise awareness of the Building Code requirements. On this basis I recommend the request to include the advice note be rejected.
646. I note the submitter requests the same advice note and matter of discretion be added to a number of provisions within other centre zone chapters, including NCZ-S3 under submission S56.36, and MUZ-S3 under submission S56.50. To avoid duplication in this report of my discussion and recommendations on these requested amendments, I also recommend submissions S56.36, and S56.50 – Fire and Emergency New Zealand be rejected. Please see Appendix 1 for specific recommendations for these submissions.
647. With respect to the requested new matter of discretion to standard CCZ-S2, I note the standard specifies the boundary setback requirements for buildings where the site adjoins a High Density Residential Zone, General Residential Zone, or Open Space Zone. The matters of discretion under the applicable building rules (such as CCZ-R13.2, and CCZ-R16.1) do not relate to health and safety matters such as emergency services access, as those are already managed under the requirements of the Building Code. I consider that the requested matter of discretion would have the effect of introducing a matter of discretion that is already effectively managed via other methods – i.e., the building consent process. I do not recommend introducing any regulatory overlap between the District Plan and the Building Code. I consider that the District Plan is not the most appropriate method to address the matters raised by the submitter.
648. For these reasons I recommend submission S56.63 - Fire and Emergency New Zealand be rejected.

21.11.3 Recommendations

1. I recommend the following submissions be rejected:
 - S56.63 - Fire and Emergency New Zealand
 - S56.36 – Fire and Emergency New Zealand
 - S56.50 – Fire and Emergency New Zealand
2. I recommend all other submissions relevant to CCZ-S2 that are not specifically identified or addressed above be accepted, accepted in part, or rejected for the specific reasons provided above and in Appendix 1.

21.12 CCZ-S4 – Height in Relation to Boundary

21.12.1 Matters Raised by Submitters

649. Submission S58.404 - Kāinga Ora: Homes and Communities requests the deletion of standard CCZ-S4 and its replacement with the submitter's requested height in relation to boundary standard as follows:

Buildings and structures must not project beyond a:

- a. For boundaries with the High Density Residential Zone:

- i. 60° recession plane measured from a point 19m vertically above ground level along the first 20m of the side boundary as measured from the road frontage;
 - ii. 60° recession plane measured from a point 8m vertically above ground level along all other boundaries;
 - b. 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.
 - c. Residential chimneys, electricity transmission towers, masts, radio, television and telecommunication antenna and aerials.
650. Submission S64.130 - Retirement Villages Association of New Zealand requests CCZ-S4 be amended so that no height in relation to boundary standard applies along the boundary of an Open Space and Recreation Zone.

21.12.2 Discussion

651. Submission S58.404 - Kāinga Ora: Homes and Communities requests the replacement of standard CCZ-S4 with the submitter's preferred height in relation to boundary standard. In my opinion, the requested increase in height envelope measurement point to 19 metres (from the IPI's proposed 4 metres height measurement) could result in significant adverse effects to occupiers within adjoining High Density Residential and General Residential Zones. In my view, all proposed breaches of CCZ-S4 should be considered on a case-by-case basis to enable the Council to appropriately consider any actual and potential adverse effects on specific persons, and ensure any adverse effects are not contrary to the relevant objectives and policies. As discussed in the section 32 evaluation, I consider the most appropriate method to achieve the objectives of the CCZ, the HRZ and the GRZ is to apply the CCZ-S4 height in relation to boundary standard as notified.
652. I also consider the requested amendments present an unnecessarily complex standard, and I note that the submission does not appear to include an effects-based justification for the requested significant changes to CCZ-S4. Accordingly, I recommend submission S58.404 - Kāinga Ora: Homes and Communities be rejected.
653. With respect to submission S64.130 - Retirement Villages Association of New Zealand's request to delete the requirement for a height in relation to boundary standard along boundaries with the Open Space and Recreation Zone, I consider that height in relation to boundary encroachments along boundaries with the Open Space and Recreation Zone have the potential to adversely affect existing and potential future activities and buildings within the Open Space and Recreation Zone. I also note that the zoning of open space and recreation zoned sites can change in the future to enable other uses, such as residential uses. I consider that the potential effects of amending CCZ-S4 as requested would require thorough scenario testing to ensure all actual and potential effects are identified and addressed.
654. I consider the existing height in relation to boundary standard as notified by the IPI is the most appropriate method to achieve the CCZ and Open Space and Recreation Zone objectives and to manage the potential effects at the CCZ zone interface. I therefore recommend submission S64.130 - Retirement Villages Association of New Zealand be rejected.

21.12.3 Recommendations

1. I recommend the following submissions be rejected:
 - S58.404 - Kāinga Ora: Homes and Communities
 - S64.130 - Retirement Villages Association of New Zealand

21.13 CCZ – Requested New Provisions

21.13.1 Matters Raised by Submitters

655. Submission S56.60 - Fire and Emergency New Zealand requests a new objective and policy be added to the CCZ chapter with respect to three-waters infrastructure as follows:

CCZ-OX Three Waters Infrastructure

Three Waters infrastructure is provided as part of subdivision and development, and in a way that is:

- Integrated
- Effective
- Efficient
- Functional
- Safe
- Sustainable
- Resilient

CCZ-PX Three Waters Servicing

a. All subdivision and development provide integrated Three Waters infrastructure and services to a level that is appropriate to their location and intended use.

b. Where there is inadequate three waters infrastructure for the planned built environment, and necessary upgrades and improvements are not feasible in the short to long term, then avoid further intensification until constraints are resolved.

21.13.2 Discussion

656. Regarding submission S56.60, I note the submitter has requested the same objective and policy be inserted into the SUB-GEN chapter under submission number S56.5 - Fire and Emergency New Zealand. I provide detailed reasoning for my recommendation to reject the submission S56.5 within section 16 of this report above. My concerns with respect to the request to insert the same objective and policy into the CCZ chapter are the same as those I provide for submission S56.5 in section 16 of this report. Accordingly, I recommend submission S56.60 - Fire and Emergency New Zealand be rejected.

21.13.3 Recommendations

1. I recommend submission S56.5 - Fire and Emergency New Zealand be rejected.
2. My recommendations in relation to any relevant further submissions reflect the recommendations on the primary submissions as set out above and within Appendix 1.

22 TCZ – Town Centre Zone

22.1 General Matters

22.1.1 Matters Raised by Submitters

657. Submissions S5.30 and S5.31 - Bob Anker, request the City Centre Zone clauses from the TCZ policies and rules be removed, and that it is resolved which rules prevail where zones overlap.
658. Submission S58.323 - Kāinga Ora: Homes and Communities requests that the spatial extent of the Town Centre Zone is extended as shown in the submission, or that a 'height variation control' of 29m is applied to the Silverstream Town Centre.

659. Submission S58.325 - Kāinga Ora: Homes and Communities requests that references to Silverstream be deleted from the Town Centre Zone provisions, and that Trentham is added as a Town Centre Zone in the provisions.
660. Submission S64.105 - Retirement Villages Association of New Zealand requests that the Town Centre Zone Introduction is amended to provide for residential activities at the ground level where appropriate (including retirement villages).

22.1.2 Discussion

661. Regarding submissions S5.30 and S5.31 - Bob Anker, these are two specific examples of the submissions I identify and discuss in section 9 of this report with respect to trade competition. The submitter considers the provisions within the centres zones that require the consideration of the effects of a proposed activity on the role of the City Centre Zone to be in the IPI on trade competition grounds. As I discuss in section 9 of this report above, this is not the case.
662. Other relevant submissions by submitter 5 – Bob Anker include submissions S5.28 and 5.29 regarding the Local Centre Zone. Rather than duplicate the discussion and recommendations on the same requested amendments to the Local Centre Zone chapter below, I address submissions S5.28 and 5.29 – Bob Anker in this section of my report.
663. References to the City Centre Zone within the other centres zones provisions, including the LCZ, are based on the centres hierarchy that identifies each centre by its role and function within and beyond the Upper Hutt community. The naming of the City Centre Zone and the other centre zones is consistent with the descriptions contained in the National Planning Standards Clause 8 – Zone Framework Standard¹⁵.
664. As detailed in the section 32 evaluation, the purpose of all provisions in the IPI that seek to ensure uses and development in other centres does not undermine the role and function of the City Centre Zone are to give effect to RPS Objective 22 and Policy 30. This is to maintain and enhance the viability and vibrancy of the Upper Hutt sub-regional centre in accordance with RPS Policy 30. The explanatory text to Policy 30 provides additional context as follows:
- The range of appropriate land uses to be encouraged through this policy will vary depending on the character and context of each centre. For this reason, policy 30 requires the region's district and city councils to determine the range and location of land uses, supported by appropriate social infrastructure to be encouraged and/or controlled in order to maintain and enhance the viability and vibrancy of the relevant centre managed through its district plan.*
665. On this basis, I consider that the submitter's concern that the purpose of these provisions are for 'anti-competitive restraint of trade' purposes are unfounded.
666. With regard to the submitter's query regarding the potential overlap of zones and provisions, I have reviewed the IPI mapping and have not identified any instances of zone overlaps. Each zone chapter contains a bespoke set of provisions that apply to that zone – noting however that there may also be district-wide provisions that apply in the District-wide chapter. I therefore recommend submissions S5.30 and S5.31 - Bob Anker be rejected.
667. Submission S58.323 - Kāinga Ora: Homes and Communities requests amendments to the spatial extent of the TCZ or introduction of an increased height standard via a 'height variation control of 29m' to the High Density Residential Zone. As I have addressed elsewhere in this report, I do not consider it appropriate to extend the spatial extent of any centre zone in response to a submission. I note extending a centre zone as requested by the submitter will require the rezoning of adjacent properties – the majority of which are a residential zone. In my opinion, such a change in zoning would require

¹⁵ <https://environment.govt.nz/assets/publications/national-planning-standards-november-2019-updated-2022.pdf>

direct consultation with affected property owners. Consultation has not occurred. I also note there are no requirements in the NPS-UD to extend the spatial extent of centres in giving effect to Policy 3, and the HBA does not identify the need to expand the spatial extent of the TCZ in this area. In my opinion, should the Council consider an expansion to any centre zones is necessary in the future, this would most appropriately be progressed via the preparation of an evidence base that demonstrates the need for the rezoning, before progressing consultation with directly affected property owners and the community on a draft plan change before progressing a formal plan change.

668. With respect to the submitter's requested change to the building height provisions of the High Density Residential Zone, I consider the IPI provisions as notified are the most appropriate method to achieve the relevant objectives and to give effect to the requirement of Policy 3 of the NPS-UD. I note the NPS-UD does not require the IPI to enable as a permitted activity building heights beyond those required to give effect to NPS-UD Policy 3. Importantly, building heights requested by the submitter are enabled via restricted discretionary resource consent. In my opinion, restricted discretionary status is the most appropriate method to achieve the objectives of the HRZ and TCZ, as it enables the case-by-case consideration of actual and potential adverse effects that may result from an increase in height. For these reasons, I recommend submission S58.323 - Kāinga Ora: Homes and Communities be rejected.
669. With respect to submission S58.325 – Kianga Ora: Homes and Communities requests that references to Silverstream be deleted from the Town Centre Zone provisions, and that Trentham is added as a Town Centre Zone in the provisions, I note that Silverstream is the only Town Centre Zone currently in the City, and therefore specific reference to it in the provisions does not, in my opinion, result in any plan implementation issues.
670. In terms of the request to add Trentham as a town centre, I note Trentham has been assigned Local Centre Zone based on its scale and uses in accordance with the National Planning Standards, and on this basis, I do not recommend it be upgraded to a higher level centre within the centres hierarchy. I note the submitter has requested a specific rezoning change to the Trentham Local Centre Zone to rezone it as Town Centre Zone under submission S58.324, which is addressed within the 'Rezoning Requests' in section 37 of this report below. On this basis I recommend submission S58.325 – Kianga Ora: Homes and Communities be rejected.
671. Regarding submission S64.105 - Retirement Villages Association of New Zealand's request that the TCZ introduction text be amended to provide for residential activities at ground floor level where appropriate, including retirement villages, I note TCZ-S5 already provides for residential units at ground floor where not along active frontages identified on the Planning Maps. Consistent with my advice throughout this report, I do not recommend any amendments to the IPI to include specific provisions for retirement villages within any zones as I consider the IPI already appropriately provides an appropriate method for their consideration on a case-by-case basis. Accordingly, I recommend submission S64.105 - Retirement Villages Association of New Zealand be rejected.

22.1.3 Recommendations

1. I recommend the following submissions be rejected:
 - S5.28 – Bob Anker
 - S5.29 – Bob Anker
 - S5.30 - Bob Anker
 - S5.31 - Bob Anker
 - S58.323 - Kāinga Ora: Homes and Communities
 - S58.325 - Kainga Ora: Homes and Communities
 - S64.105 - Retirement Villages Association of New Zealand
2. I recommend all other submissions relevant to TCZ general matters that are not specifically identified or addressed above be accepted, accepted in part, or rejected for the specific reasons provided in Appendix 1.

3. My recommendations in relation to any relevant further submissions reflect the recommendations on the primary submissions as set out above and within Appendix 1.

22.2 CCZ-O1 – Purpose of the Town Centre Zone

22.2.1 Matters Raised by Submitters

672. Submission S72.16 - Te Rūnanga o Toa Rangatira Inc requests that the TCZ introduction, TCZ-O1, TCZ-O3, TCZ-O4, TCZ-R3, TCZ-S2 and TCZ-S3 are amended to include provisions where Tangata Whenua values apply and considers that these standards need to have more space and less or no additional height.

22.2.2 Discussion

673. Standards TCZ-S2 and TCZ-S3 are the height in relation to boundary standard and setback standard where a site in the TCZ adjoins a residential zone or Open Space and Recreation Zone. These standards apply the MDRS height in relation to boundary and setback density standards to manage adverse effects on adjoining residential zone and open space zone sites to the same degree as the MDRS. I consider that any amendments to these provisions would require the demonstration of a specific qualifying matter for specific sites and areas. I am not aware of any information that would support this.
674. The submission does not include specific requested amendments or sufficient information to justify reducing these standards, however the submitter may wish to address this during the hearing to enable the consideration of specific requested amendments.
675. With respect to the other provisions identified by the submitter, I am uncertain what specific amendments are being sought. The submitter may wish to provide additional information at the hearing to enable the consideration of specific amendments to these provisions. On this basis I recommend submission S72.16 - Te Rūnanga o Toa Rangatira Inc be rejected.

22.2.3 Recommendations

1. I recommend submission S72.16 - Te Rūnanga o Toa Rangatira Inc be rejected.
2. I recommend all other submissions relevant to TCZ-O1 that are not specifically identified or addressed above be accepted, accepted in part, or rejected for the specific reasons provided in Appendix 1.
3. My recommendations in relation to any relevant further submissions reflect the recommendations on the primary submissions as set out above and within Appendix 1.

22.3 TCZ-P2 – Residential Activity

22.3.1 Matters Raised by Submitters

676. Submission S64.108 - Retirement Villages Association of New Zealand requests amendments to TCZ-P2 as follows:
1. The residential units are located above ground floor, where located along an active frontage identified on the planning maps, or at ground floor where assessed as appropriate on a case by case basis;
 2. It does not interrupt or preclude an attractive frontage that provides a positive interface with the public space; ...

22.3.2 Discussion

677. In my opinion, the existing wording of policy TCZ-P2 correctly identifies the requirements of permitted activity rule TCZ-R12-1, restricted discretionary rule TCZ-R12-2 and standard TCZ-S5 (Location of Residential Units). The case-by-case consideration of residential units at ground level is carried out under rule TCZ-R12-2, with the matters of discretion restricted to:

1. The effects of the residential activity on the existing and anticipated function and role of the Town Centre Zone.
2. The potential of the residential activity to compromise activities that are enabled in the Town Centre Zone.
3. The amenity for the occupiers of the residential units.

678. I consider that the outcomes of the requested amendments, including the request to include reference to *case-by-case basis* are already provided for by the abovementioned rules and matters of discretion, and the restricted discretionary resource consent process itself. I therefore recommend submission S64.108 - Retirement Villages Association of New Zealand be rejected.

22.3.3 Recommendations

1. I recommend submission S64.108 - Retirement Villages Association of New Zealand be rejected:
2. I recommend all other submissions relevant to TCZ-P2 that are not specifically identified or addressed above be accepted, accepted in part, or rejected for the specific reasons provided in Appendix 1.

22.4 TCZ-P3 – Other Activities

22.4.1 Matters Raised by Submitters

679. Submission S56.54 - Fire and Emergency New Zealand request policy TCZ-P3 be amended to include reference to a functional and operational need for other activities to be located in the Town Centre Zone.

22.4.2 Discussion

680. The list of criteria contained within policy TCZ-P3 is a holistic list – meaning all proposed 'other activities' will be considered against all subclauses in the policy. In my opinion, the requested inclusion of a clause to refer to a functional and operation need for an activity to be located in the Town Centre Zone would have the unintended consequence of raising likelihood of other activities being deemed to be inconsistent with the policy on account of a lack of a demonstrated operational or functional need to be located within the TCZ.

681. I note emergency service facilities are already subject to the consideration of the functional and operations need to be located within the TCZ as a matter of discretion under rule TCZ-R14. On this basis I consider the requested amendment to policy TCZ-P3 to be unnecessary and inappropriate. I therefore recommend submission S56.54 - Fire and Emergency New Zealand be rejected.

22.4.3 Recommendations

1. I recommend submission S56.54 - Fire and Emergency New Zealand be rejected.
2. I recommend all other submissions relevant to PCZ-P3 that are not specifically identified or addressed above be accepted, accepted in part, or rejected for the specific reasons provided in Appendix 1.

22.5 TCZ-P5 – Built Development

22.5.1 Matters Raised by Submitters

682. Submission S64.110 - Retirement Villages Association of New Zealand requests policy TCZ-P5 be amended as follows:

4. ~~Is well designed and~~ contributes to a well functioning ~~an attractive~~ urban environment; and....

22.5.2 Discussion

683. Clause 4 of the policy refers to design elements that may relate to active frontages and the location of residential units, therefore I do not recommend deleting reference to 'well designed'. However, although I do not agree with the specific wording amendments sought by the submitter, I do consider it appropriate to amend clause 4 to include reference to 'well-functioning urban environment'. In my opinion, this would appropriately broaden the matters covered by the policy to the components of a well-functioning urban environment as described by Strategic Direction objective CMU-O1, and policy 1 of the NPS-UD.

684. I therefore recommend submission S64.110 - Retirement Villages Association of New Zealand be accepted in part, and policy TCZ-P5 be amended as set out in the 'Recommended Amendments to IPI' section below.

22.5.3 Recommendations

1. I recommend submission S64.110 - Retirement Villages Association of New Zealand be accepted in part.
2. I recommend all other submissions relevant to TCZ-P5 that are not specifically identified or addressed above be accepted, accepted in part, or rejected for the specific reasons provided in Appendix 1.
3. I recommend the IPI be amended as set out in the 'Recommended Amendments to IPI section below.

22.5.4 Recommended Amendments to IPI

685. I recommend the IPI be amended as follows:

1. TCZ-P5: Amend as follows:

4. *Is well designed and contributes towards an attractive well-functioning urban environment; and*

22.5.5 Section 32AA Evaluation

686. In my opinion, the recommended amendments to the IPI in response to matters raised by submitters are more appropriate in achieving the objectives of the IPI than the notified provisions. In particular, I consider that:

1. The recommended amendments to the TCZ-P5 will broaden the matters covered by the policy to the components of a well-functioning urban environment as described by strategic direction objective CMU-O1, and policy 1 of the NPS-UD. The amendments are more efficient and effective than the notified provisions in achieving the objectives of the IPI.
2. The recommended amendments to the TCZ-P5 will not have any greater environmental, social, economic, or cultural effects than the notified provisions. However, there will be benefits for plan implementation as a result of improved plan alignment between the policy and the relevant objectives.

22.6 TCZ-R1 – Buildings and Structures, including Additions and Alterations

22.6.1 Matters Raised by Submitters

687. The key submission relevant to rule TCZ-R1 are as follows:

Submission No.	Decision Requested
S58.339 - Kāinga Ora: Homes and Communities Supported and opposed in part by FS14 – Retirement Villages Association of New Zealand Inc; and FS15 – Ryman Healthcare Limited	Amend TCZ-R1 to: (1) Add TCZ-S1 - Height to the public notification preclusion clause. (2) Amend the notification preclusion clause so TCZ-S4 - Active Frontages is precluded from limited and public notification. (3) Add TCZ-S9 - Water Supply, Stormwater and Wastewater), and TCZ-S10 - Hydraulic Neutrality to the public and limited notification preclusion clause.
S64.111 - Retirement Villages Association of New Zealand	Amend TCZ-R1 as follows: ... <u>3. Activity status: Restricted discretionary</u> <u>Where:</u> a) <u>Compliance is not achieved with LCZ-R1-1.a or LCZ-R1-1.b, or compliance is not achieved with one or more of the standards under LCZ-R1-1.c, and the activity is for the construction of buildings for a retirement village.</u> <u>Matters of discretion are restricted to:</u> (1) <u>The effects arising from exceeding any of the following standards: LCZ-S1, LCZ-S2, LCZ-S3 and LCZ-S7.</u> (2) <u>The effects of the retirement village on the safety of adjacent streets or public open spaces;</u> (3) <u>The effects arising from the quality of the interface between the retirement village and adjacent streets or public open spaces;</u> (4) <u>When assessing the matters in 1 – 3, consider:</u> (a) <u>The need to provide for efficient use of larger sites; and</u> (b) <u>The functional and operational needs of the retirement village.</u> (5) <u>The positive effects of the construction, development and use of the retirement village.</u> <u>For clarity, no other rules or matters of discretion relating to the effects of density apply to buildings for a retirement village.</u> <u>Notification status: An application for resource consent for a restricted discretionary activity under this rule is precluded from being publicly notified.</u> <u>An application for resource consent for a restricted discretionary activity under this rule that complies with LCZ-S1, LCZ-S2 and LCZ-S3 is precluded from being limited notified.</u>

22.6.2 Discussion

688. With respect to submission S58.339 - Kāinga Ora: Homes and Communities request to include public and limited notification preclusion clauses to the rule, I recommend the submission be rejected for the following reasons:

- a. I consider that resource consent applications for proposals for buildings that exceed TCZ-S1 (Height) could require public notification. In my opinion, depending on the total overall proposed height, its effects to the wider environment could be considered to be more than minor – particularly if the proposed height is so great it is considered to be potentially inconsistent with the planned urban built form of the TCZ.
 - b. I consider that proposals that do not provide an active frontage could require public notification on the basis the TCZ's ability to achieve its role and purpose could be compromised. I also consider a failure to provide an active frontage could have an adverse effect on specific persons, such as adjacent property owners who enjoy the benefits of an active frontage in a commercial area.
 - c. In my experience, proposals that do not comply with three-waters infrastructure requirements (such as TCZ-S9 - Water Supply, Stormwater, and Wastewater) can result in significant adverse effects on the environment such as an increased risk of flooding. In my opinion, such effects have the potential to adversely affect specific persons, and the wider environment should there be a lack of specific detailed flood hazard modelling in the area. I therefore consider it would not be appropriate to preclude public or limited notification of resource consent applications seeking to not comply with TCZ-S9.
 - d. Hydraulic neutrality required under TCZ-S10 will, in my opinion, play a key role in avoiding and mitigating increased flood risk resulting in increased stormwater runoff from the level of permitted activity development enabled by the IPI. I consider that the potential effects of not providing hydraulic neutrality as part of development could result in increased flooding on a wide area and affect many properties. I also consider the potential cumulative effects of this over time could be difficult to monitor and model – resulting in a degree of uncertainty of the potential adverse effects when considering resource consent applications that propose to not provide hydraulic neutrality. In my view, this could provide justification for public or limited notification depending on the specific circumstances of the site.
689. I note the submitter also requests similar amendments to the equivalent NCZ rule NCZ-R1 under submission S58.186. For efficiency and to avoid duplication of my discussion on similar requested decisions in this report, I also recommend submission S58.186 - Kāinga Ora: Homes and Communities be rejected for the same reasons as I provide for submission S58.339 above. Please see Appendix 1 for the specific recommendation for submission S58.186.
690. Submission S64.111 - Retirement Villages Association of New Zealand requests rule TCZ-R1 be amended to specifically provide for retirement villages through the introduction of a new restricted discretionary rule for buildings that are part of a retirement village. I note this is effectively an identical request to that made by the submitter for the City Centre Zone under submission S64.132 in section 21 above. The submitter also makes the same request for the LCZ under submission S64.84, the NCZ under submission S64.71, and the MUZ under submission S64.98. For efficiency, my analysis and recommendation within this section applies equally to the submitter's similar requested amendments to the NCZ and MUZ provisions.
691. I do not consider it appropriate to manage buildings within a retirement village within the TCZ any differently to all other buildings in the TCZ, or any other zone. I consider the potential effects of a building to be the same regardless of their intended use – particularly where buildings are adjacent to a public road, other public areas, or adjoining sites.
692. I note retirement villages are provided for within the Town Centre Zone as a discretionary activity under Rule TCZ-R19. The other centre zones and mixed use zone also require resource consent for retirement villages. I consider this is due to the fact retirement villages are often provided at large

scale and can include a mix of activities on a site such as recreation, leisure, supported residential care, welfare and medical facilities (including hospital care), and other non-residential activities.

693. In my opinion, the lack of a restricted discretionary rule for retirement villages in the TCZ, and the other working zones, is due to the uncertainty regarding the potential mix of activities on a site, and their potential effects on the environment and the role and function of the working zones. In my opinion the Council requires the discretion to consider all relevant matters with respect to a proposed retirement village in the TCZ and all working zones on a case-by-case basis to ensure the effects on the environment that may result from proposed retirement villages are consistent with the objectives and policies of the TCZ. I therefore recommend submissions S64.111, S64.84, and S64.71 - Retirement Villages Association of New Zealand be rejected.

22.6.3 Recommendations

1. I recommend the following submissions be rejected:
 - S58.339 - Kāinga Ora: Homes and Communities
 - S58.186 - Kāinga Ora: Homes and Communities
 - S64.111 - Retirement Villages Association of New Zealand
 - S64.84 - Retirement Villages Association of New Zealand
 - S64.71 - Retirement Villages Association of New Zealand
2. I recommend all other submissions relevant to rule TCZ-R1 that are not specifically identified or addressed above be accepted, accepted in part, or rejected for the specific reasons provided in Appendix 1.
3. My recommendations in relation to any relevant further submissions reflect the recommendations on the primary submissions as set out above and within Appendix 1.

22.7 TCZ-R11 – Visitor Accommodation

22.7.1 Matters Raised by Submitters

694. Submission S58.349 - Kāinga Ora: Homes and Communities requests rule TCZ-R11 is amended to add TCZ-R11.2.c to the public notification preclusion clause.

22.7.2 Discussion

695. I note there is no such standard as TCZ-R11-2.c. However, on the assumption the submitter is referring to the landscaping and screening standard TCZ-S8 listed under TCZ-R11-1.c, I note the submitter's requested relief is already provided due to the listing of this standard within the notification preclusion statement that refers to TCZ-R11-2.b. The submitter may wish to provide additional information at the hearing in the event my assumption is incorrect. On this basis I recommend submission S58.349 - Kāinga Ora: Homes and Communities be rejected.

22.7.3 Recommendations

1. I recommend submission S58.349 - Kāinga Ora: Homes and Communities be rejected.

22.8 TCZ-R12 – Residential Activity

22.8.1 Matters Raised by Submitters

696. Submission S58.350 - Kāinga Ora: Homes and Communities requests TCZ-R12 be amended as follows:
- (1) Delete standard 1.a that restricts the number of permitted activity residential units per site to 6.

- (2) Delete the matters of discretion under 2.a that address the effects of residential activities.
- (3) Delete the public notification preclusion clause.
- (4) Amend the public and limited notification preclusion clause by deleting reference to LCZ-S7.

22.8.2 Discussion

697. I recommend submission S58.350 - Kāinga Ora: Homes and Communities be rejected for the following reasons:

- a. Enabling more than 6 residential units per site as a permitted activity would not enable the Council to consider the matters of discretion under rule TCZ-R12.2, specifically:
 - i. The effects of the residential activity on the existing and anticipated function and role of the Town Centre Zone.
 - ii. The potential of the residential activity to compromise activities that are enabled in the Town Centre Zone.
 - iii. The amenity for the occupiers of the residential units.
- b. I consider that residential units within the Town Centre Zone have the potential to result in poor amenity outcomes for residents. The presence of residential units may also negatively impact on the role and function of the Town Centre Zone due to potential reverse sensitivity effects. In my opinion, such outcomes would be contrary to the relevant objectives and policies, including CMU-O1, TCZ-O1, TCZ-P1, and TCZ-P2. As such, I consider it appropriate that the Council retains discretion over proposed large residential developments within the TCZ, while also encouraging residential development within the TCZ through enabling a smaller number of residential units to be created as a permitted activity subject to compliance with the specific standards listed in TCZ-R12.1(b).
- c. In my opinion, the notification clauses within the rule are appropriate with respect to the actual and potential effects that may result from residential development within the TCZ. The notification clauses are also consistent with equivalent rules within the other centres zone chapters. The specific request to exclude non-compliance with the Outdoor Living Space standard from public notification is recommended for rejection as I consider that a lack of private or shared outdoor living space for residents can have a negative effect on the availability and capacity of the community's open space network. In my opinion, proposals that seek approval to not provide outdoor living space could have the effect of the community needing to fund additional (unplanned and unfunded) public areas for outdoor use by residents in the future.

22.8.3 Recommendations

1. I recommend submission S58.350 - Kāinga Ora: Homes and Communities be rejected.

22.9 TCZ-S1 – Height

22.9.1 Matters Raised by Submitters

698. Submission S58.364 - Kāinga Ora: Homes and Communities requests the TCZ permitted height standard be amended to increase the maximum permitted activity building height from 26 metres to 36 metres.
699. Submission S64.113 - Retirement Villages Association of New Zealand requests TCZ-S1 be amended to exclude retirement villages from the matters of discretion.

22.9.2 Discussion

700. With respect to the increased permitted height from 26 metres to 36 meters within the TCZ requested by submission S58.364 - Kāinga Ora: Homes and Communities, I note the consideration of heights of 36 metres and beyond are available via restricted discretionary rule TCZ-R1. As described in the section 32 evaluation, this approach is considered to be the most appropriate method to achieve the relevant objectives and to give effect to NPS-UD Policy 3(d).
701. It can be seen from the matters of discretion for standard TCZ-S1, that there are a number of matters that need to be considered on a case-by-case basis via the resource consent process. Such matters include, but are not limited to, shading and a loss of privacy for adjoining residential zone or open space and recreation zoned sites, the compatibility with the planned built urban form of buildings, structures and activities in the surrounding area, and the location, design and appearance of the building. I consider that the submitter's requested increase to the permitted height standard has the potential to result in considerably greater adverse effects on the environment, including persons occupying adjacent residential zoned sites. I consider the potential for such outcomes is most appropriately addressed via the resource consent process.
702. The submission does not appear to include any specific justification for the requested increase in height within the TCZ - other than it will provide for increased permitted heights, and therefore a greater level of permitted development. I note the NPS-UD does not require such an approach. I consider that overlooking the potential adverse effects on the environment in order to provide for additional permitted development to be an overly-simplistic view of resource management planning within an urban environment as it overlooks some components of a well-functioning urban environment (as expressed within NPS-UD policy 1) in favour of other components. In my opinion, a more balanced approach is necessary to deliver well-functioning urban environments than that requested by the submission.
703. In my opinion, the notified permitted activity height of 26m under TCZ-S1 is generous in the context of the scale and nature of the change in the anticipated built urban form within the TCZ in the context of Upper Hutt. The IPI proposes an increase in permitted height within the TCZ from the existing standard of 8m under COMZ-S3, to 26m under TCZ-S1. Taking into account the potential adverse effects of this increase in permitted activity height, I do not recommend any further increase in permitted heights. I consider the resource consent process is the most appropriate method to consider the effects of buildings that are proposed to exceed 26 metres in height. I therefore recommend submission S58.364 - Kāinga Ora: Homes and Communities be rejected. My reasoning equally applies to all similar submissions by submitter S58 that request increases to the permitted heights within all centre zones.
704. Submission S64.113 - Retirement Villages Association of New Zealand requests standard TCZ-S1 be amended to exclude retirement villages from the matters of discretion for standard TCZ-S1. In my opinion, all buildings that are proposed to exceed the maximum permitted height have the potential to result in the same effects on the environment regardless of their intended use. I consider the matters of discretion for TCZ-S1 are just as appropriate for buildings within retirement villages as all other proposed buildings within the TCZ. Accordingly, I recommend submission S64.113 - Retirement Villages Association of New Zealand be rejected.

22.9.3 Recommendations

1. I recommend the following submissions be rejected:
 - S58.364 - Kāinga Ora: Homes and Communities
 - S64.113 - Retirement Villages Association of New Zealand

22.10 TCZ-S2 – Height in Relation to Boundary

22.10.1 Matters Raised by Submitters

705. Submission S58.365 - Kāinga Ora: Homes and Communities requests TCZ-S2 be amended as follows:
- a. delete reference to 'or Open Space and Recreation Zone'.
 - b. Insert a reference into standard 1.a. so it only applies to the Medium Density Residential Zone (which the submitter is seeking the creation of under a separate submission point).
 - c. Insert a new height in relation to boundary standard of 60 degrees measured from a point 8m vertically above boundaries that adjoin a site zoned High Density Residential Zone.

22.10.2 Discussion

706. As I have expressed elsewhere in this report, I consider that height in relation to boundary encroachments on a boundary with a site zoned Open Space and Recreation Zone has the potential to adversely affect activities and buildings, including future activities and buildings, within the Open Space and Recreation Zone. Therefore, I consider it would be inappropriate to delete reference to this zone from TCZ-S2.
707. I do not recommend renaming the General Residential Zone the Medium Density Residential Zone (as addressed under other Submitter 58 submission points). However, I do agree it would be appropriate to increase the flexibility of the height envelope where a TCZ site is adjoins a High Density Residential Zoned site to match that which applies within the High Density Residential Zone. The HRZ height in relation to boundary standard begins at a point 5.0m vertically above ground level along the boundary as specified in HRZ-S3, while TCZ-S2 begins at a point 4.0m vertically above ground level along residential boundaries.
708. I do not consider it appropriate to increase the height envelope standard requested by the submitter to a point 8.0 metres vertically above ground level under standard TCZ-S2 due to the potential adverse effects that may result on adjoining and adjacent sites – including residential zoned sites that are nearby but do not share a boundary with the TCZ site.
709. I therefore recommend submission S58.365 - Kāinga Ora: Homes and Communities be accepted in part, and standard TCZ-S2 be amended as shown in the 'Recommended Amendments to IPI' section below.

22.10.3 Recommendations

1. I recommend submission S58.365 - Kāinga Ora: Homes and Communities be accepted in part.
2. I recommend all other submissions relevant to TCZ-S2 that are not specifically identified or addressed above be accepted, accepted in part, or rejected for the specific reasons provided in Appendix 1.
3. I recommend the IPI be amended as set out in the 'Recommended Amendments to IPI' section below.

22.10.4 Recommended Amendments to IPI

710. I recommend the IPI be amended as follows:

1. TCZ-S2: Amend as follows:

Where the side or rear boundary of a site adjoins a Residential Zone or Open Space and Recreation Zone the following Height in Relation to Boundary standard applies:

1. Buildings must not project beyond a 60° recession plane measured from a point 4 metres vertically above ground level along all boundaries that adjoin a General Residential Zone or

Open Space and Recreation Zone, 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.

2. Buildings must not project beyond a 60° recession plane measured from a point 5 metres vertically above ground level along all boundaries that adjoin a High Density Residential Zone. 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.

22.10.5 Section 32AA Evaluation

711. In my opinion, the recommended amendments to the IPI in response to matters raised by submitters are more appropriate in achieving the objectives of the IPI than the notified provisions. In particular, I consider that:

1. The recommended amendments to the TCZ-S2 will align the height in relation to boundary standard that applies within the High Density Residential Zone with boundaries within the TCZ that adjoin a High Density Residential Zone. This will ensure buildings within the TCZ that adjoin a HRZ are not unnecessarily constrained by a lower height in relation to boundary standard than the HRZ. The amendments are more efficient and effective than the notified provisions in achieving the objectives of the IPI.
2. The recommended amendments to TCZ-S2 text will not have any greater environmental, social, or cultural effects than the notified provisions. However, there will be benefits for plan users and implementation as a result of the alignment of the height in relation to boundary standard between the TCZ and HRZ. This may result in the need for fewer resource consents for development within the TCZ.

22.11 TCZ-S3 - Setback

22.11.1 Matters Raised by Submitters

712. Submission S64.115 - Retirement Villages Association of New Zealand requests retirement villages be excluded from the matters of discretion under standard TCZ-S3.

22.11.2 Discussion

713. The request be submission S64.115 - Retirement Villages Association of New Zealand top exclude retirement villages from the matters of discretion from standard TCZ-S3 is a recurring theme by submitter S64 across multiple standards and multiple chapters. As my recommendation and reasons are the same in each instance, I do not specifically address each specific request in this report – but I have done so in Appendix 1.

714. TCZ-S3 is the permitted standard for the setback of buildings within the TCZ from side and rear boundaries that adjoin a residential zone or open space and recreation zone. The standard manages the potential adverse effects that may result from the proximity of buildings in relation to neighbouring sites. In my opinion, the potential effects of buildings that are part of a retirement village would be the same as buildings that are not part of a retirement village. I consider the matters of discretion as notified by the IPI are appropriate for the consideration of resource consent applications for all buildings, regardless of their intended use.

715. I note the submitter's requested amendments are dependent upon other requested retirement village-specific provisions requested by the submitter to be incorporated into the IPI – such as a specific restricted discretionary rule for retirement villages. I recommend these other requested provisions be rejected under their specific submission points across multiple zone chapters. I consider

that in the absence of the requested new rule for retirement villages, the requested removal of retirement villages from the matters of discretion from standards across the zone chapters – including TCZ-S3, would result in a gap in the management of buildings that are part of a retirement village.

716. I therefore recommend submission S64.115 - Retirement Villages Association of New Zealand be rejected.

22.11.3 Recommendations

1. I recommend submission S64.115 - Retirement Villages Association of New Zealand be rejected.
2. I recommend all other submissions made by submitter S64 – Retirement Villages Association of New Zealand that request the amendment of matters of discretion across the IPI to exclude retirement villages from the matters of discretion be rejected for the reasons provided above and within Appendix 1.
3. I recommend all other submissions relevant to TCZ-S3 that are not specifically identified or addressed above be accepted, accepted in part, or rejected for the specific reasons provided in Appendix 1.

22.12 TCZ-S4 – Active Frontages

22.12.1 Matters Raised by Submitters

717. Submission S64.116 - Retirement Villages Association of New Zealand requests TCZ-S4 is amended to integrate the consideration of individual site characteristics and circumstances. The submission also requests the standard is amended to exclude retirement villages from the matters of discretion.

22.12.2 Discussion

718. I address the submitter's general request across the IPI to exclude retirement villages from the matters of discretion from standards within the zone chapters above for submission S64.115. I make an IPI-wide recommendation to reject all such submission points and I therefore do not revisit this matter in this report.

719. Regarding the submitter's request to integrate the consideration of individual site characteristics and circumstances into TCZ-S4, I consider this is already provided for via the matters of discretion under TCZ-S4 (Active Frontages). The matters of discretion link with the objectives and policies of the TCZ, and I consider this is appropriate for the consideration of all resource consent applications that do not comply with the active frontage requirements of TCZ-S4. I also note the resource consent process itself provides for the case-by-case consideration of individual site characteristics and circumstances, and I do not consider it necessary to amend TCZ-S4 to include reference to this.

720. Accordingly, I recommend submission S64.116 - Retirement Villages Association of New Zealand be rejected.

22.12.3 Recommendations

1. I recommend submission S64.116 - Retirement Villages Association of New Zealand be rejected.
2. I recommend all other submissions relevant to TCZ-S4 that are not specifically identified or addressed above be accepted, accepted in part, or rejected for the specific reasons provided in Appendix 1.

22.13 TCZ-S5 – Location of Residential Units

22.13.1 Matters Raised by Submitters

721. Submission S58.368 - Kāinga Ora: Homes and Communities request an exclusion be added to standard TCZ-S5 with respect to active frontages as follows:

Along active frontages identified on the planning maps all residential units must be located above ground floor level, except that residential units may be located on the ground floor where pedestrian access to a residential unit does not interrupt or prevent an active frontage as required by LCZ-S4.

722. Submission S64.117 - Retirement Villages Association of New Zealand requests TCZ-S5 be amended as follows:

Along active frontages identified on the planning maps encourage all residential units and / or retirement units to be located above ground floor level, or allow residential units and / or retirement units to be located on the ground floor where: a. When taking into account individual site characteristics and environments residential units and / or retirement units may be appropriate on the ground floor. Amend standard to exclude retirement villages from the matters of discretion.

22.13.2 Discussion

723. With respect to submission S58.368 - Kāinga Ora: Homes and Communities request to amend TCZ-S5, I note it is not only an access to residential units that may interfere with an active frontage, but the residential units themselves. I consider that the requested amendment would enable residential units on the ground floor along active frontages - as long as pedestrian access is located elsewhere, such as to the side of a building with an active frontage.
724. In my opinion, such an outcome would be contrary to TCZ-P6 - Public Space Interface and Active Street Frontages, and would fail to achieve objective TCZ-O2 – Character and Amenity Values of the Town Centre Zone. I consider it is appropriate that residential units on the ground floor along active frontages within the Town Centre Zone require resource consent to enable the consideration of their effects on a case-by-case basis. I recommend submission S58.368 - Kāinga Ora: Homes and Communities be rejected.
725. Regarding submission S64.117 - Retirement Villages Association of New Zealand's requests to TCZ-S5, I note the standard *requires* rather than *encourages* residential units above ground floor level along active frontages. This is to ensure development is consistent with Policies TCZ-P1, TCZ-P2, TCZ-P4, TCZ-P5, TCZ-P6, and consequently, ensure that Objectives TCZ-O1 and TCZ-O2 are achieved. I do not consider a permitted activity standard that *encourages* a particular outcome to be an effective or legitimate method. I consider permitted activity standards must provide a clear measurement for compliance with the standard, and I do not consider the submitter's requested amendments would provide this.
726. In my opinion, retirement units would be deemed residential units under the definition for *residential unit*, and therefore I do not consider there to be a need to include specific reference to retirement units within the IPI. I also do not consider it appropriate to excluded retirement villages from the matters of discretion for TCZ-S5, as in my opinion, the effects of a residential unit or 'retirement unit' that does not comply with TCZ-S5 would potentially be the same.
727. Finally, I consider that the case-by-case consideration of retirement units/residential units at ground floor where compliance is not achieved with TCZ-S5 is already provided by restricted discretionary rule TCZ-R12.2 (Location of Residential Units), and discretionary rule TCZ-R19 – Retirement Village. I do not consider it appropriate or necessary for standard TCZ-S5 to refer to the resource consent process with respect to the case-by-case consideration of applications. I therefore recommend submission S64.117 - Retirement Villages Association of New Zealand be rejected.

22.13.3 Recommendations

1. I recommend the following submissions be rejected:

- S58.368 - Kāinga Ora: Homes and Communities
- S64.117 - Retirement Villages Association of New Zealand

22.14 TCZ-S7 – Outdoor Living Space

22.14.1 Matters Raised by Submitters

728. Submission S58.370 - Kāinga Ora: Homes and Communities requests an amendment to TCZ-S7 to amend the outdoor living space requirements to generally reduce the requirements. In effect, the submitter requests the replacement of the standard with a standard the submitter considers would be more appropriate within a centre zone.
729. Submission S64.118 - Retirement Villages Association of New Zealand requests TCZ-S7 be amended to provide specific outdoor living space requirements for retirement villages, and to exclude retirement villages from the matters of discretion as follows:

... 4. For retirement units, clauses 1 and 2 apply with the following modifications:

- (a) the outdoor living space may be in whole or in part grouped cumulatively in 1 or more communally accessible location(s) and/or located directly adjacent to each retirement unit; and
- (b) a retirement village may provide indoor living spaces in one or more communally accessible locations in lieu of up to 50% of the required outdoor living space.

22.14.2 Discussion

730. Submission S58.370 - Kāinga Ora: Homes and Communities requests a significant amendment to the provision of outdoor living space per residential unit within the Town Centre Zone. The submitter requests the same amendments to the equivalent standards that apply within the Local Centre Zone, Neighbourhood Centre Zone, and Mixed Use Zone under submission points S58.270, S58.216, and S58.319 respectively. To avoid repetition, I also address these submission points in this section of the report.
731. Due to the technical nature of the requested amendments, urban design advice¹⁶ was sought from Boffa Miskell Limited to inform my analysis and recommendations. In summary, the urban design advice concludes that the requested amendments are generally appropriate and acceptable within a centre zone and mixed use zone. However, Boffa Miskell Ltd has advised that an amendment is necessary regarding the minimum area for a communal outdoor living space i.e., that the minimum area of 10m² must be *per residential unit*.
732. Due to the densities and mixes of residential and non-residential uses provided for in the centres zones and mixed use zone, I consider that the provision of residential units will largely be in the form of apartments. Based on the advice of Boffa Miskell Ltd, I consider residential units within a centre or mixed use zone are more suitable for smaller outdoor living spaces per residential unit on account of the higher densities and mix of uses anticipated in these zones.
733. In carrying out my analysis, I have found that the City Centre Zone provision erroneously do not include a standard for outdoor living space per residential unit. I make a recommendation below to correct this error and insert an additional standard into the CCZ chapter (CCZ-S10) for outdoor living space per residential unit that is consistent with the equivalent standard within the other centres zones and mixed use zone. I also recommend consequential amendments to relevant CCZ provisions to refer to the new outdoor living space standard as shown in Appendix 2.

¹⁶ Appendix 3

734. I therefore recommend submission S58.370 - Kāinga Ora: Homes and Communities be accepted in part, and that the CCZ, TCZ, LCZ, NCZ, and MUZ provisions be amended as shown in the 'Recommended Amendments to IPI' section below.
735. Regarding submission S64.118 - Retirement Villages Association of New Zealand's request for retirement village-specific standards for outdoor living space per residential unit, I note that retirement villages require resource consent as a discretionary activity under rule TCZ-R19. In my opinion, the consideration of a proposed different approach toward the provision of outdoor living space per residential unit for retirement villages within the Town Centre Zone would be best achieved via the case-by-case consideration as part of the resource consent process. I consider that the matters of discretion under TCZ-S7 are appropriate for all residential units, including those that are within a retirement village, as they seek to ensure a usable space is provided for the occupants of each residential unit. I therefore recommend submission S64.118 - Retirement Villages Association of New Zealand be rejected.
736. The submitter requests similar amendments to the equivalent provisions within the Local Centre Zone, Neighbourhood Centre Zone, and Mixed Use Zone under submissions S64.91, S64.77, and S64.104 respectively. In the interests of efficiency and to avoid the repetition of my discussion and recommendation above, I also recommend these submissions be rejected for the same reasons as I provide for submission S64.118 above. Please see Appendix 1 for specific recommendations on these submissions.

22.14.3 Recommendations

1. I recommend the following submissions be accepted in part:
 - S58.370 - Kāinga Ora: Homes and Communities
 - S58.216 - Kāinga Ora: Homes and Communities
 - S58.270 - Kāinga Ora: Homes and Communities
 - S58.319 - Kāinga Ora: Homes and Communities
2. I recommend the following submissions be rejected:
 - S64.118 - Retirement Villages Association of New Zealand
 - S64.91 - Retirement Villages Association of New Zealand
 - S64.77 - Retirement Villages Association of New Zealand
 - S64.104 - Retirement Villages Association of New Zealand
3. I recommend all other submissions relevant to TCZ-S7 that are not specifically identified or addressed above be accepted, accepted in part, or rejected for the specific reasons provided in Appendix 1.
4. I recommend the IPI be amended as set out in the 'Recommended Amendments to IPI' section below.
5. I recommend consequential amendments are made to CCZ provisions to refer to the recommended new standard CCZ-S10 – Outdoor Living Space as shown in Appendix 1.

22.14.4 Recommended Amendments to IPI

I recommend the IPI be amended as follows:

1. CCZ: Add a new standard as follows:

<u>CCZ-S10</u>	<u>Outdoor Living Space</u>
1. <u>Each residential unit, including any dual key unit, must be provided with either a private outdoor living space or access to a communal outdoor living space;</u>	<u>Matters of discretion are restricted to:</u>

<p>2. <u>Where private outdoor living space is provided it must be:</u></p> <ul style="list-style-type: none"> i <u>For the exclusive use of residents;</u> ii <u>Directly accessible from a habitable room;</u> iii <u>A single contiguous space; and</u> iv <u>Of the minimum area and dimension specified in the table below;</u> <p>3. <u>Where communal outdoor living space is provided it does not need to be in a single continuous space, but it must be:</u></p> <ul style="list-style-type: none"> i <u>Accessible from the residential units it serves;</u> ii <u>Of the minimum area and dimension specified in the table below; and</u> iii <u>Free of buildings, parking spaces, and servicing and manoeuvring areas.</u> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;"><u>Living Space Type</u></th> <th style="text-align: center;"><u>Minimum area</u></th> <th style="text-align: center;"><u>Minimum dimension</u></th> </tr> </thead> <tbody> <tr> <td colspan="3"><u>1. Private</u></td> </tr> <tr> <td>i <u>Studio unit & 1 bedroom unit</u></td> <td style="text-align: center;">5m²</td> <td style="text-align: center;">1.8m</td> </tr> <tr> <td>ii <u>2+ bedroom unit</u></td> <td style="text-align: center;">8m²</td> <td style="text-align: center;">1.8m</td> </tr> <tr> <td colspan="3"><u>1. Communal</u></td> </tr> <tr> <td><u>For every 5 units</u></td> <td style="text-align: center;">10m² (per residential unit)</td> <td style="text-align: center;">8m</td> </tr> </tbody> </table>	<u>Living Space Type</u>	<u>Minimum area</u>	<u>Minimum dimension</u>	<u>1. Private</u>			i <u>Studio unit & 1 bedroom unit</u>	5m ²	1.8m	ii <u>2+ bedroom unit</u>	8m ²	1.8m	<u>1. Communal</u>			<u>For every 5 units</u>	10m ² (per residential unit)	8m	<ul style="list-style-type: none"> 1. <u>Whether adequate useable space is provided to accommodate outdoor activities.</u> 2. <u>Whether there are topographical or other site constraints that make compliance with the standard impractical.</u> 3. <u>The proximity of the residential unit to accessible public open space.</u>
<u>Living Space Type</u>	<u>Minimum area</u>	<u>Minimum dimension</u>																	
<u>1. Private</u>																			
i <u>Studio unit & 1 bedroom unit</u>	5m ²	1.8m																	
ii <u>2+ bedroom unit</u>	8m ²	1.8m																	
<u>1. Communal</u>																			
<u>For every 5 units</u>	10m ² (per residential unit)	8m																	

2. TCZ-S7, LCZ-S7, NCZ-S7 and MUZ-S5: Amend as follows:

<u>XxZ-Sx</u>	<u>Outdoor Living Space</u>
<p>1. Each residential unit at ground floor level must have an outdoor living space that is at least 20 square metres and that comprises ground floor, balcony, patio, or roof terrace space that,—</p> <ul style="list-style-type: none"> a. where located at ground level, has no dimension less than 3 metres; and b. where provided in the form of a balcony, patio, or roof terrace, is at least 8 square metres and has a minimum dimension of 1.8 metres; and c. is accessible from the residential unit; and d. may be— <ul style="list-style-type: none"> i. grouped cumulatively by area in 1 communally accessible location; or ii. located directly adjacent to the unit; and e. is free of buildings, parking spaces, and servicing and manoeuvring areas. 	<p>Matters of discretion are restricted to:</p> <ul style="list-style-type: none"> 1. Whether adequate useable space is provided to accommodate outdoor activities. 2. Whether there are topographical or other site constraints that make compliance with the standard impractical. 3. The proximity of the residential unit to accessible public open space.

2. ~~Each residential unit located above ground floor level must have an outdoor living space in the form of a balcony, patio, or roof terrace that—~~
 - a. ~~is at least 8 square metres and has a minimum dimension of 1.8 metres; and~~
 - b. ~~is accessible from the residential unit; and~~
 - c. ~~may be—~~
 - i. ~~grouped cumulatively by area in 1 communally accessible location, in which case it may be located at ground level; or~~
 - ii. ~~located directly adjacent to the unit.~~
3. ~~For multi-unit housing, the outdoor living space can be provided as private space and shared space where:~~
 - a. ~~Each residential unit is provided with a private outdoor living space that has a minimum area of 8m² with a minimum dimension of 1.8m, that is directly accessible from the residential unit to which it relates;~~
 - b. ~~The shared outdoor living space has a minimum area of 20m² with a minimum dimension of 3m; and~~
 - c. ~~Any ground floor outdoor living space is free of buildings, parking spaces and manoeuvring areas.~~
4. Each residential unit, including any dual key unit, must be provided with either a private outdoor living space or access to a communal outdoor living space;
5. Where private outdoor living space is provided it must be:
 - i For the exclusive use of residents;
 - ii Directly accessible from a habitable room;
 - iii A single contiguous space; and
 - iv Of the minimum area and dimension specified in the table below;
6. Where communal outdoor living space is provided it does not need to be in a single continuous space, but it must be:
 - i Accessible from the residential units it serves;
 - ii Of the minimum area and dimension specified in the table below; and
 - iii Free of buildings, parking spaces, and servicing and manoeuvring areas.

Living Space Type	Minimum area	Minimum dimension
<u>1. Private</u>		
i <u>Studio unit & 1 bedroom unit</u>	<u>5m²</u>	<u>1.8m</u>

ii <u>2+ bedroom unit</u>	<u>8m²</u>	<u>1.8m</u>	
2. <u>Communal</u>			
<u>For every 5 units</u>	<u>10m² (per residential unit)</u>	<u>8m</u>	

22.14.5 Section 32AA Evaluation

737. In my opinion, the recommended amendments to the IPI in response to matters raised by submitters are more appropriate in achieving the objectives of the IPI than the notified provisions. In particular, I consider that:

1. The recommended replacement of the outdoor living space standard within the TCZ, LCZ, NCZ, MUZ, and the insertion of a new outdoor living space standard for residential units within the CCZ will provide for a more appropriate level of private outdoor living space per residential unit within centres zones and the mixed use zone. The amendments recognise the mix of uses and densities enabled by the planned built urban form of these zones, and are therefore more consistent with requirement to deliver well-functioning urban environments as directed by the NPS-UD. The amendments are more efficient and effective than the notified provisions in achieving the objectives of the IPI.
2. The recommended amendments will not have any greater environmental, social, economic, or cultural effects than the notified provisions. However, there will be benefits for plan implementation as a result of more appropriate outdoor living space per residential unit requirements within centre zones and the mixed use zone, resulting in the scale and density of development anticipated by the planned built urban form for the relevant zones. This will provide greater flexibility in the design and provision of residential units within the City's working zones, and will assist in achieving the relevant objectives for these zones as specified by the IPI.

23 LCZ – Local Centre Zone

23.1 General Matters

23.1.1 Matters Raised by Submitters

738. The submissions in the table below are the key submissions on LCZ general matters.

739. Please see Appendix 1 for all submissions relevant to the LCZ – noting I do not duplicate addressing the matters raised by submitters who request similar amendments to the LCZ chapter as they have requested to other centre zone provisions I discuss above – such as the provision of retirement village-specific provisions and exclusions from matters of discretion.

Submission No.	Decision Requested
S64.16 - Blue Mountains Campus Development Limited Partnership	The introductory statement be amended to make reference to the Wallaceville Structure Plan Development Area and the relationship between it and the zone chapter.

<p>S58.223 - Kāinga Ora: Homes and Communities</p> <p>Opposed in part by FS4 – Greater Wellington Regional Council</p>	<p>Amend the spatial extent of the LCZ as shown in Appendix 4 of the submission including the spatial extent of Wallaceville LCZ and Trentham North LCZ.</p> <p>If the relief sought in this submission point and Appendix 4 are not granted, the following relief is sought:</p> <p>a. Wallaceville LCZ – amendments consistent with the height variation control sought for the HRZ within a walkable catchment of the CCZ, including 36m height variation on the east side of Ward St.</p>
<p>S58.224 - Kāinga Ora: Homes and Communities</p>	<p>Amend the spatial extent of the LCZ as shown in Appendix 4 of the submission including removal of the Blue Mountain Campus as a LCZ and changed to MUZ. See Appendix 4 of the submission for specific requested mapping amendments.</p> <p>1. If the relief sought in this submission point and Appendix 4 are not granted, the following relief is sought:</p> <p>a. Blue Mountain Campus – amendments consistent with the rest of the submission on the LCZ.</p> <p>2. Where a LCZ falls within the walkable catchment of a higher order centre, amend heights as consistent with the heights enabled in the surrounding residential zone and as consistent with height variations shown and sought in Appendix 4 of the submission and this submission point, including applying:</p> <p>(a) Height variation control of 36m to spatial expansion of Wallaceville LCZ on East side of Ward St (walkable catchment of CCZ).</p> <p>(b) Height variation control of 36m to LCZ on Fergusson Dr at Whakatiki St. (walkable catchment of CCZ)</p> <p>(c) Height Variation control of 29m to Silverstream LCZ on Fergusson Dr at Stream Grove (walkable catchment of TCZ).</p> <p>(d) Height variation control of 29m to Trentham LCZ on Fergusson Dr at Islington St (walkable catchment of proposed TCZ).</p>

23.1.2 Discussion

740. With respect to submission S64.16 - Blue Mountains Campus Development Limited Partnership's request to amend the introductory statement to make reference to the Wallaceville Structure Plan, I note the introductory text for the LCZ is a general description that does not specify the locations of all Local Centre Zones. The IPI mapping clearly identifies a LCZ within the Wallaceville Structure Plan Area, and on this basis, I do not consider it necessary to specifically refer to the Wallaceville Structure Plan area or the Gateway Precinct within the LCZ introduction statement. I therefore recommend submission S64.16 - Blue Mountains Campus Development Limited Partnership be rejected.
741. Regarding submission S58.223 – Kāinga Ora: Homes and Communities, the submission seeks the expansion of the spatial extent of the LCZ at Wallaceville as shown on the map in Appendix 4 of the submission. I consider the requested rezoning would require the rezoning of:
- 4x Open Space Zone sites at 46, 48, 50 and 52 Ward Street that are owned by Upper Hutt City Council.
 - 17x privately owned residential sites proposed by the IPI to be zoned High Density Residential Zone.
742. As I have stated elsewhere in this report in response to similar requested rezoning requests by submitter S58, I do not consider it inappropriate to rezone these properties in response to a submission without direct consultation with all affected property owners and the community. Based on the information available to me, no such consultation has been carried out.

743. I also note that Subpart 3 of the NPS-UD requires the Council to ensure it has an evidence base that supports rezoning decisions such as that requested by the submitter. I have not identified an evidence base identifying a need to expand the spatial extent of the LCZ at Wallaceville. On my reading of the NPS-UD, there is no requirement on the Council to expand the spatial extent of the LCZ via the IPI. However, should the Council consider this appropriate or necessary in the future, I note this could be progressed via a non-IPI Schedule 1 RMA plan change process following consultation with affected property owners and the community.
744. With respect to the requested height variation control, I consider the IPI provisions as notified represent the most appropriate method to achieve the relevant objectives, and I also consider that the heights proposed give effect to the requirements of NPS-UD Policy 3(d). The specific permitted heights requested by the submitter are available via restricted discretionary activity resource consent, and this will enable the case-by-case consideration of such proposals. As I have stated elsewhere in this report in response to the submitter's multiple requested increases to permitted activity building height standards, I am concerned that such a blunt approach could result in significant adverse effects that would be contrary to the objectives of the IPI. I therefore recommend submission S58.223 – Kianga Ora: Homes and Communities be rejected.
745. Regarding submission S58.224 - Kāinga Ora: Homes and Communities' request to rezone the Blue Mountains Campus to Mixed Use Zone, this is addressed and recommended for rejection under submission S58.275 - Kāinga Ora: Homes and Communities within the 'Requested Rezoning' chapter of this report below. The recommendation is to reject the rezoning request on the basis it is inconsistent with the submission by the owner of the site, and that rezoning to MUZ would enable industrial activities which are likely to result in adverse effects on surrounding residential areas.
746. With respect to the other requested amendments by submission S58.224 - Kāinga Ora: Homes and Communities, I recommend the request to extend the spatial extent of the Local Centre Zone and the provision of the specific height variation controls be rejected for the same reasons I provide regarding the principle of the requests under submission S58.224 – Kianga Ora: Homes and Communities above.

23.1.3 Recommendations

1. I recommend the following submissions be rejected:
 - S64.16 - Blue Mountains Campus Development Limited Partnership
 - S58.223 – Kianga Ora: Homes and Communities
 - S58.224 - Kāinga Ora: Homes and Communities
2. I recommend all other submissions relevant to LCZ general matters that are not specifically identified or addressed above be accepted, accepted in part, or rejected for the specific reasons provided in Appendix 1.
3. My recommendations in relation to any relevant further submissions reflect the recommendations on the primary submissions as set out above and within Appendix 1.

23.2 LCZ-O2 – Character and Amenity Values of the Local Centre Zone

23.2.1 Matters Raised by Submitters

747. Submission S58.227 - Kāinga Ora: Homes and Communities requests LCZ-O2 is amended to replace reference to 'character and amenity values' with 'planned urban built form'.
748. Submission S64.80 - Retirement Villages Association of New Zealand requests LCZ-O2 is amended as follows:

Local Centres are well-functioning safe and attractive urban environments. The built environment is of a scale

23.2.2 Discussion

749. With respect to submission S58.227 - Kāinga Ora: Homes and Communities request to amend LCZ-O2, I agree the existing reference to 'planned built form' would benefit from the addition of 'urban', as this would better give effect to NPS-UD Policy 6(a). I also agree the deletion of 'character' from the objective heading would be more consistent with the NPS-UD direction. I am uncertain what character values are present within the LCZ, as the IPI does not provide any additional context on character.
750. However, I do not consider it necessary to amend the title of the objective to remove reference to 'amenity values', as in my opinion, amenity values remain a valid resource management issue under NPS-UD Policy 6 – albeit with significantly more direction on its consideration within urban environments. I therefore recommended the deletion of the reference to 'character' in the title of the objective as, unlike the *purpose* of the LCZ, the key components of the *character* of the LCZ has not been defined in the IPI.
751. On this basis I recommend submission S58.227 - Kāinga Ora: Homes and Communities be accepted in part, and LCZ-O2 be amended as set out in the 'Recommended Amendments to IPI' section below.
752. Submission S64.80 - Retirement Villages Association of New Zealand requests amendments to LCZ-O2 to delete reference to 'safe and attractive' and insert reference to 'well-functioning'. I consider that reference to 'safety and attractiveness' within an objective for the LCZ is not inconsistent with the NPS-UD. I note that *safety* is considered to be a component of a well-functioning urban environment, as it contributes toward enabling people and communities to provide for their social wellbeing and their health and safety (NPS-UD Objective 1).
753. Although I generally consider the term *attractive* to be subjective, in this instance I consider there to be a clear link with policy LCZ-P5 – Built Development, with respect to clauses:
4. Is well designed and contributes to an attractive urban environment; and
 5. Provides active and attractive street frontages.
754. I recommend the request to include reference to 'well-functioning' be rejected as I consider it would sit within the objective without context. In my opinion, it is the identification of the components of a well-functioning urban environment that is important to give effect to NPS-UD objective 1 and policy 1, rather than simply referring to 'well-functioning' in an objective.
755. I therefore recommend submission S64.80 - Retirement Villages Association of New Zealand be rejected.

23.2.3 Recommendations

1. I recommend submission S58.227 - Kāinga Ora: Homes and Communities be accepted in part.
2. I recommend submission S64.80 - Retirement Villages Association of New Zealand be rejected.
3. I recommend all other submissions relevant to LCZ-O2 that are not specifically identified or addressed above be accepted, accepted in part, or rejected for the specific reasons provided in Appendix 1.
4. My recommendations in relation to any relevant further submissions reflect the recommendations on the primary submissions as set out above and within Appendix 1.
5. I recommend the IPI be amended as set out in the 'Recommended Amendments to IPI section below.

23.2.4 Recommended Amendments to IPI

756. I recommend the IPI be amended as follows:
1. LCZ-O2: Amend as follows:

LCZ-O2	Character <u>Urban Built Form</u> and Amenity Values of the Local Centre Zone
Local Centres are safe and attractive urban environments. The built environment is of a scale that reflects the planned <u>urban</u> built form of the medium to high density surrounding residential environment and contributes positively to the surrounding streetscape and commercial and residential environment.	

23.2.5 Section 32AA Evaluation

757. In my opinion, the recommended amendments to the IPI in response to matters raised by submitters are more appropriate in achieving the objectives of the IPI than the notified provisions. In particular, I consider that:

1. The recommended amendments to the LCZ-O2 will better align with the direction of NPS-UD regarding the consideration of the planned urban built form. The amendments are more efficient and effective than the notified provisions in achieving the objectives of the IPI.
2. The recommended amendments to the LCZ-O2 will not have any greater environmental, social, economic, or cultural effects than the notified provisions. However, there will be benefits for plan implementation as a result of improved plan alignment with national direction, and the removal of potential conflict between the NPS-UD and the objective.

23.3 LCZ-O3 – Managing Effects at the Zone Interface

23.3.1 Matters Raised by Submitters

758. Submission S50.20 - Waka Kotahi requests NCZ-O3, LCZ-O3, TCZ-O3, and MUZ-O3 be amended to include reference to 'provision for, or connection to active and public transport'. Note: Although this is the LCZ section of the report, all the objectives listed above have been addressed in this section of the report as they contain similar content and have been summarised collectively under the same submission number.
759. Submission S58.228 - Kāinga Ora: Homes and Communities requests LCZ-O3 is amended by deleting reference to 'anticipated character' and inserting 'urban' built form.
760. Submission S72.14 - Te Rūnanga o Toa Rangatira Inc requests the Local Centre Zone introduction, LCZO1, LCZ-O3, LCZO4 and LCZ-R3, LCZ-S2 and LCZS3 are amended to include provisions where Tangata Whenua values apply, and that these standards need to have more space and less or no additional height.

23.3.2 Discussion

761. Regarding submission S50.20 – Waka Kotahi's request to amend NCZ-O3, LCZ-O3, TCZ-O3, and MUZ-O3, as these all relate to the objective in these zones that aims to manage effects at the zone interface, I have addressed these collectively below as my opinion and recommendation is the same for all the listed objectives.
762. I do not consider the requested reference to 'the provision for or connection to active and public transport' within objectives TCZ-O3, LCZ-O3, NCZ-O3 and MUZ-O3 to be appropriate as the focus of the objectives is to manage the effects of development at the zone interface with other zones. I do not consider the provisions for, or connection to active and public transport to be a relevant matter in the management of effects at the zone interface. I therefore recommend submission S50.20 – Waka Kotahi be rejected.
763. I agree with the amendments requested by submission S58.228 - Kāinga Ora: Homes and Communities will improve the objective's consistency with the direction and wording of policy 6(a) of the NPS-UD. I

therefore recommend submission S58.228 - Kāinga Ora: Homes and Communities be accepted, and that LCZ-O3 be amended as set out in the 'Recommended Amendments to IPI' section below.

764. With respect to submission S72.14 - Te Rūnanga o Toa Rangatira Inc, I am uncertain what specific amendments are being requested to address the submitter's concerns. The submitter may wish to provide more information at the hearing to enable the consideration of specific amendments to the listed provisions. On this basis I recommend submission S72.14 - Te Rūnanga o Toa Rangatira Inc be rejected.

23.3.3 Recommendations

1. I recommend submission S58.228 - Kāinga Ora: Homes and Communities be accepted.
2. I recommend the following submissions be rejected:
 - S50.20 – Waka Kotahi
 - S72.14 - Te Rūnanga o Toa Rangatira Inc
3. I recommend all other submissions relevant to LCZ-O3 that are not specifically identified or addressed above be accepted, accepted in part, or rejected for the specific reasons provided in Appendix 1.
4. My recommendations in relation to any relevant further submissions reflect the recommendations on the primary submissions as set out above and within Appendix 1.
5. I recommend the IPI be amended as set out in the 'Recommended Amendments to IPI section below.

23.3.4 Recommended Amendments to IPI

I recommend the IPI be amended as follows:

1. LCZ-O3: Amend as follows:

Use and development within the Local Centre Zone are of an appropriate scale and reflect the purpose, ~~anticipated character and~~ planned urban built form of the zone and the surrounding residential environment while managing potential adverse effects on the amenity values of adjoining sites in Residential and Open Space and Recreation Zones

23.3.5 Section 32AA Evaluation

765. In my opinion, the recommended amendments to the IPI in response to matters raised by submitters are more appropriate in achieving the objectives of the IPI than the notified provisions. In particular, I consider that:

1. The recommended amendments to LCZ-O3 will better align with the direction of NPS-UD regarding the consideration of the planned urban built form. The amendments are more efficient and effective than the notified provisions in achieving the objectives of the IPI.
2. The recommended amendments to the LCZ-O4 will not have any greater environmental, social, economic, or cultural effects than the notified provisions. However, there will be benefits for plan implementation as a result of improved plan alignment with national direction, and the removal of potential conflict between the NPS-UD and the objective.

23.4 LCZ-P2 – Residential Activity

23.4.1 Matters Raised by Submitters

766. Submission S64.81 - Retirement Villages Association of New Zealand requests policy LCZ-P2 is amended to remove restrictions on ground level residential activities, and to provide for retirement units as follows:

LCZ-P2 Residential activity

Provide for residential activity and development where:

- 1) The residential units or retirement units are located above ground floor, where located along an active frontage identified on the planning maps, or above ground floor where appropriate...

23.4.2 Discussion

767. I consider that the requested addition to policy LCZ-P2 regarding where residential activities are provided for within the LCZ is already provided by the policy wording, which states at clause 1:

The residential units are located above ground floor, where located along an active frontage identified on the planning maps;

768. I note that the provision of residential activities within the LCZ as described in LCZ-P2 is enabled by rule LCZ-R12 where compliance with LCZ-S5 is achieved (location of residential units). To be a permitted activity, residential units must be located above ground floor along active frontages identified on the planning maps. I have not identified any contradiction or uncertainty between the existing policy wording and the relevant rules and standards, and I therefore do not consider there to be any need to reword the policy as requested by the submitter.

769. Regarding the request to include specific reference to 'retirement unit', I consider this to be unnecessary on the basis that retirement units would meet the definition for residential unit. The fact a residential unit may be in the form of a retirement unit does not, in my opinion, result in the need to manage retirement units differently to residential units. As far as I am aware, retirement units fall under the definition for residential unit on the basis retirement units include all the listed characteristics.

770. I therefore recommend submission S64.81 - Retirement Villages Association of New Zealand be rejected.

23.4.3 Recommendations

1. I recommend submission S64.81 - Retirement Villages Association of New Zealand be rejected.
2. I recommend all other submissions relevant to LCZ-P2 that are not specifically identified or addressed above be accepted, accepted in part, or rejected for the specific reasons provided in Appendix 1.

23.5 LCZ-P3 – Other Activities

23.5.1 Matters Raised by Submitters

771. Submission S56.40 - Fire and Emergency New Zealand requests LCZ-P3 is amended to include the same clause the submitter requests to CCZ-P3 in section 21.5 of this report, and TCZ-P3 in section 22 above :

6. There is a functional and operational need for the activity to locate in the Local Centre Zone.

772. The submitter also requests the same amendment to policies NCZ-P3 under submission number S56.33, and MUZ-P3 under submission number S56.47. For simplicity I address these submissions in this section of the report.

23.5.2 Discussion

773. The list of criteria contained within the policy is a holistic list – meaning all proposed 'other activities' will be considered against all subclauses in the policy. Therefore, I consider that the requested inclusion of a clause to refer to a functional and operation need for an activity to be located in the Local Centre Zone, Neighbourhood Centre Zone, or Mixed Use Zone would have the unintended

consequence of raising likelihood of other activities being deemed to be inconsistent with the policy - on account of a lack of a demonstrated operational or functional need to be located within the relevant zone.

774. I note that emergency service facilities are already subject to the consideration of the functional and operations need to be located within these zones as a matter of discretion under rules LCZ-R14, NCZ-R11, and MUZ-R19. I therefore recommend submission S56.40, S56.33, and S56.47 - Fire and Emergency New Zealand be rejected.

23.5.3 Recommendations

1. I recommend the following submissions be rejected:

- S56.40 - Fire and Emergency New Zealand
- S56.33 - Fire and Emergency New Zealand
- S56.47 - Fire and Emergency New Zealand

2. I recommend all other submissions relevant to LCZ-P3 that are not specifically identified or addressed above be accepted, accepted in part, or rejected for the specific reasons provided in Appendix 1.

23.6 LCZ-P5 – Built Development

23.6.1 Matters Raised by Submitters

775. Submission S58.234 - Kāinga Ora: Homes and Communities requests an amendment to policy LCZ-P5 to insert 'urban' into clause 1 to improve alignment with the wording of the NPS-UD.

776. Submission S64.83 - Retirement Villages Association of New Zealand requests clause 4 of the policy be amended as follows:

4. ~~Is well designed~~ and contributes to an attractive a well-functioning urban environment.

23.6.2 Discussion

777. I agree with submission S58.234 - Kāinga Ora: Homes and Communities that the requested amendment would result in the policy being better aligned with the terminology used in policy 6 of the NPS-UD. I recommend the submission be accepted, and policy LCZ-P5 be amended as set out in the 'Recommended Amendments to IPI' section below.

778. With respect to submission S64.83 – Retirement Villages Association of New Zealand, I consider that the reference to "attractive" links with objective LCZ-O2 – as addressed under submission S64.80 – Retirement Villages Association of New Zealand. In this context, I consider that retention of reference to 'attractive' links with the public space interface addressed by policy NCZ-P6, that encourages development that creates attractive and safe streets and public open spaces. In my opinion, the most relevant methods to achieve clause 4 of policy LCZ-P5 with respect to 'attractive' are the active street frontage provisions via standard NCZ-S4, and the landscaping and screening standard LCZ-S8. On this basis I recommend retention of the term 'attractive' in policy LCZ-P5.

779. I agree with submission S64.83 that it would be appropriate to refer to 'well-functioning urban environment' within policy LCZ-P5, as I consider this links with Strategic Direction Objective CMU-O1. However, I do not consider it necessary to delete reference to the LCZ being 'well designed', as in my opinion, good design within the LCZ will be necessary to achieve objective LCZ-O2 – Character and Amenity Values of the Local Centre Zone, and LCZ-O3 – Managing Effects at the Zone Interface. I also consider the term 'well designed' to directly relate to the methods I identify and discuss in the preceding paragraph.

780. I therefore recommend submission S64.83 - Retirement Villages Association of New Zealand be accepted in part, and that LCZ-P5 is amended as shown in the 'Recommended Amendments to IPI' section below.

23.6.3 Recommendations

1. I recommend submission S58.234 - Kāinga Ora: Homes and Communities be accepted.
2. I recommend submission S64.83 - Retirement Villages Association of New Zealand be accepted in part.
3. I recommend the IPI be amended as set out in the 'Recommended Amendments to IPI' section below.

23.6.4 Recommended Amendments to IPI

781. I recommend the IPI be amended as follows:

1. LCZ-P5 – Built Development: Amend as follows:

Provide for medium to higher density development that:

1. Is compatible with the planned urban built form and the anticipated role, character and density of the Local Centre Zone;
- ...
4. Is well designed and contributes to an attractive well-functioning urban environment;
- and
- ...

23.6.5 Section 32AA Evaluation

782. In my opinion, the recommended amendments to the IPI in response to matters raised by submitters are more appropriate in achieving the objectives of the IPI than the notified provisions. In particular, I consider that:

1. The recommended amendments to policy LCZ-P5 will better align with the terminology used within policy 6 of NPS-UD regarding the consideration of the planned urban built form. The amendments are more efficient and effective than the notified provisions in achieving the objectives of the IPI.
2. The recommended amendments will not have any greater environmental, social, economic, or cultural effects than the notified provisions. However, there will be benefits for plan implementation as a result of improved plan alignment with national direction, and the removal of potential conflict between the NPS-UD and these provisions.

23.7 LCZ-R1 – Buildings and Structures, including Additions and Alterations

23.7.1 Matters Raised by Submitters

783. Submission S58.239 - Kāinga Ora: Homes and Communities requests the notification preclusion of rule LCZ-R1 is amended to:

- add LCZ-S1 (Height) and delete LCZ-S4 (Active Frontage) from the public notification preclusion clause;
- add LCZ-S4 (Active Frontage), LCZ-S9 (Water Supply, Stormwater and Wastewater);
- and LCZ-S10 (Hydraulic Neutrality) to the public notification and limited notification preclusion clause.

23.7.2 Discussion

784. I recommend the requested amendments to the notification clauses by submission S58.239 - Kāinga Ora: Homes and Communities be rejected for the following reasons:

- a. I consider that proposals for buildings that exceed LCZ-S1 (Height) could require public notification - depending on the overall proposed height, its effects to the wider area, and whether the effects are consistent with the planned urban built form of the LCZ.
- b. I consider that proposals that do not provide an active frontage, particularly at large scale or cumulatively, could require public notification on the basis the Local Centre Zone's ability to achieve its role and purpose.
- c. In my opinion, proposals that seek to not comply with LCZ-S9 (Water Supply, Stormwater, and Wastewater) could have significant adverse effects on the environment such as an increase in flooding effects. In my experience, such potential effects cannot always be accurately modelled, and can also impact on community assets. Therefore, I do not consider it appropriate to preclude public and limited notification of resource consent applications seeking to not comply with LCZ-S9.
- d. I consider that hydraulic neutrality required under LCZ-S10 will play a key role in avoiding and mitigating increased flood risk resulting in increased stormwater runoff from the significant increase in permitted activity development enabled by the IPI. The effects of increased flooding resulting from not providing on-site hydraulic neutrality could impact a wide area and many properties, including community assets. There may also be an element of uncertainty of effects where modelling of stormwater flood effects is limited.

23.7.3 Recommendations

1. I recommend submission S58.239 - Kāinga Ora: Homes and be rejected.
2. I recommend all other submissions relevant to LCZ-R1 that are not specifically identified or addressed above be accepted, accepted in part, or rejected for the specific reasons provided in Appendix 1.
3. My recommendations in relation to any relevant further submissions reflect the recommendations on the primary submissions as set out above and within Appendix 1.

23.8 LCZ-R5 – Commercial Service Activity

23.8.1 Matters Raised by Submitters

785. Submission S46.17 - Blue Mountains Campus Development Limited Partnership requests that rule LCZ-R5.1.a to provide an exemption for the Wallaceville Structure Plan Development Area. This specific provision is the limitation of 250m² gross floor area per tenancy for commercial service activities within the LCZ.

23.8.2 Discussion

786. The Wallaceville Structure Plan Development Area includes a Local Centre Zone, which has a precinct overlay called the Gateway Precinct. This precinct is subject to specific provisions within the DEV1 - Development Area 1 - Wallaceville Structure Plan Development Area chapter of the District Plan.

787. In my opinion, the submission is requesting the status quo for commercial service activities is retained within the Gateway Precinct, as activities currently provided for within the precinct under permitted activity rule DEV1-R2 are not subject to a restriction on gross floor area. I have considered the existing provisions and definitions of the District Plan against the new definitions and provisions proposed by the IPI. This is a complex exercise due to the proposed introduction of new definitions for activities

that would have previously been considered either a *retail activity* or a *commercial activity* – such as commercial service activities. Due to this, I consider the prospect of retaining the status quo would be technically very difficult, and I do not recommend taking such an approach.

788. Notwithstanding the above, I consider that an exclusion to the GFA limitation under rule LCZ-R5.1.a is not required for the Gateway Precinct (LCZ) within the Wallaceville Structure Plan Development Area, as the Gateway Precinct provisions state:

The following provisions apply to the Gateway Precinct of the Wallaceville Structure Plan Development Area. They apply in addition to the provisions of the underlying Commercial Zone. Where there is any conflict between the provisions the Wallaceville Structure Plan Development Area provisions shall prevail.

789. My interpretation of this statement is that the Wallaceville Structure Plan Development Area provisions prevail over the LCZ provisions in the event of conflict between the provisions. Rule DEV1-R2 is the permitted activity rule for the Gateway Precinct for retail, restaurants, offices, early childhood centres, and residential units above ground floor area. Notably, the rule does not include any limitation on gross floor area.
790. On this basis, I consider that the gross floor area restriction of 250m² for commercial service activities under IPI rule LCZ-R5 does not apply to the Gateway Precinct provisions under rule DEV1-R2, and therefore no exclusion is necessary. On this basis I recommend submission S46.17 - Blue Mountains Campus Development Limited Partnership be rejected.

23.8.3 Recommendations

1. I recommend submission S46.17 - Blue Mountains Campus Development Limited Partnership be rejected.
2. I recommend all other submissions relevant to LCZ-R5 that are not specifically identified or addressed above be accepted, accepted in part, or rejected for the specific reasons provided in Appendix 1.

23.9 LCZ-R10 – Office Activity

23.9.1 Matters Raised by Submitters

791. Submission S46.18 - Blue Mountains Campus Development Limited Partnership requests rule LCZ-R10.1.a is amended to provide an exemption for the Wallaceville Structure Plan Development Area.

23.9.2 Discussion

792. For the same reasons as I provide above with respect to the submitter's similar requested amendments to LCZ-R5, I do not consider an exclusion is necessary to retain the status quo for the Gateway Precinct provisions. As I explain above, in my opinion, the Gateway Precinct provisions already provide the exemption requested by the submitter. I therefore recommend submission S46.18 - Blue Mountains Campus Development Limited Partnership be rejected.

23.9.3 Recommendations

1. I recommend submission S46.18 - Blue Mountains Campus Development Limited Partnership be rejected.
2. I recommend all other submissions relevant to LCZ-R10 that are not specifically identified or addressed above be accepted, accepted in part, or rejected for the specific reasons provided in Appendix 1.

23.10 LCZ-R12 – Residential Activity

23.10.1 Matters Raised by Submitters

793. Submission S58.250 - Kāinga Ora: Homes and Communities requests LCZ-R12 is amended to:
- a. Delete standard 1.(a) that limits the number of residential units to 6 per site; and
 - b. Delete Standard 2.(a) that specifies the matters of discretion that apply where compliance with standard 1.(a) is not achieved.

23.10.2 Discussion

794. I consider that the limitation on the number of residential units is to enable the consideration of potential reverse sensitivity effects under policy LCZ-P2, and the consideration of potential privacy effects on adjoining residential zones at the zone interface under policy LCZ-P6. In my opinion, the greater the number of residential units provided for as a permitted activity under LCZ-R12, the increased likelihood of these potential adverse effects requiring specific mitigation, such as the design and location of windows to address privacy and overlooking effects.
795. Although I am not aware of any specific evidence base supporting the proposed limitation of 6 residential units per site as a permitted activity, I consider it strikes a balance between the level of permitted development enabled within adjoining residential zones, the relatively small size of the Local Centre Zones, and the anticipated urban built form of the LCZ. For these reasons, I recommend submission S58.250 - Kāinga Ora: Homes and Communities be rejected.

23.10.3 Recommendations

1. I recommend submission S58.250 - Kāinga Ora: Homes and Communities be rejected.

23.11 LCZ-R19 – Retirement Village

23.11.1 Matters Raised by Submitters

796. Submission S64.85 - Retirement Villages Association of New Zealand requests rule LCZ-R19 is amended so retirement villages are a permitted activity within the Local Centre Zone.

23.11.2 Discussion

797. The submitter's request to change the activity status of retirement villages to permitted is a recurring request across the zone chapters of the IPI. I do not recommend changing the activity status of retirement villages to permitted in any zones. I note that retirement villages are often provided at large scale and can include a mixture of activities on the site such as recreation, leisure, supported residential care, welfare, and medical facilities (including hospital care), and other non-residential activities. It is for these reasons retirement villages are provided for within the Local Centre Zone as a discretionary activity under Rule LCZ-R19.
798. In my opinion, the Council requires the discretion to consider the effects of proposed retirement villages within the Local Centre Zone (and all zones) on a case-by-case basis to ensure the effects on the environment that may result from proposed retirement villages are consistent with the objectives and policies of the District Plan. I therefore recommend submission S64.85 - Retirement Villages Association of New Zealand be rejected.
799. The submitter makes the same request to amend the equivalent rule (NCZ-R18) within the Neighbourhood Centre Zone chapter under submission number S64.72, and the Mixed Use Zone chapter under submission S64.100. To avoid duplication and to keep this report as succinct as possible, I recommend submissions S64.72 and S64.100 are also rejected for the same general reasons I provide above for submission S64.85. Please see Appendix 1 for specific comments on submission S64.72 and S64.100.

23.11.3 Recommendations

1. I recommend the following submissions be rejected:
 - S64.85 - Retirement Villages Association of New Zealand
 - S S64.72 - Retirement Villages Association of New Zealand
 - S S64.100 - Retirement Villages Association of New Zealand
2. I recommend all other submissions relevant to LCZ-R19 that are not specifically identified or addressed above be accepted, accepted in part, or rejected for the specific reasons provided in Appendix 1.
3. My recommendations in relation to any relevant further submissions reflect the recommendations on the primary submissions as set out above and within Appendix 1.

23.12 LCZ-S2 – Height in Relation to Boundary

23.12.1 Matters Raised by Submitters

800. Submission S58.265 - Kāinga Ora: Homes and Communities requests LCZ-S2 is amended as follows:
- (1) delete the reference to the Open Space and Recreation Zone.
 - (2) Amend the recession plane standard 1.(a) by limiting its applicability to where the boundary adjoins a site zoned Medium Density Residential Zone.
 - (3) Insert a new clause (b) to standard 1. as follows:
 - b. 60° recession plane measured from a point 8m vertically above ground level along all boundaries, where that boundary adjoins a site zoned High Density Residential Zone.

23.12.2 Discussion

801. With respect to the submission's request to delete reference to the Open Space and Recreation Zones, I consider that height in relation to boundary encroachments on a boundary with this zone has the potential to adversely affect activities and buildings, including future activities and buildings, within the Open Space and Recreation Zone. Therefore, in my opinion, it would be inappropriate to delete reference to this zone from LCZ-S2.
802. However, I agree with the submitter that it would be appropriate to increase the flexibility of the height in relation to boundary requirement where a LCZ site is adjoins a High Density Residential zoned site. In these scenarios, I consider it would be appropriate to apply the HRZ height in relation to boundary standard that begins at a point 5.0m vertically above ground level along the boundary as specified in HRZ-S3. I consider this would be consistent with policy LCZ-P5, which requires that built development within the LCZ reflects the anticipated medium to high density of the surrounding residential environment. I therefore recommend LCZ-S2 is amended as shown in the 'Recommended Amendments to IPI' section below.
803. On this basis I do not consider it would be appropriate to increase the requested height envelope standard to a point 8.0 metres vertically above ground level under standard LCZ-S2 due to the potential adverse effects that may result on adjoining and adjacent sites. I consider that the requested amendment to increase the permitted activity height envelope would be likely to result in adverse effects that are contrary to policy LCZ-P7 – *Interface with Residential Zones and Open Space and Recreation Zones*. I consider these potential effects include shading and privacy effects.
804. I recommend submission S58.265 - Kāinga Ora: Homes and Communities be accepted in part, and that LCZ-S2 be amended as shown in the 'Recommended Amendments to IPI' section below.

805. I note the submitter requests the same amendment to the equivalent height in relation to boundary standard within the Neighbourhood Centre Zone (NCZ-S2) under submission S58.211. To avoid unnecessary duplication within this report, I recommend this submission also be accepted in part for the same reasons I provide above for submission S58.265, and that NCZ-S2 is amended accordingly. Please see Appendix 1 for the specific recommendation for submission S58.211 - Kāinga Ora: Homes and Communities.

23.12.3 Recommendations

1. I recommend the following submissions be accepted in part:
 - S58.211 - Kāinga Ora: Homes and Communities
 - S58.265 - Kāinga Ora: Homes and Communities
2. I recommend all other submissions relevant to LCZ-S2 that are not specifically identified or addressed above be accepted, accepted in part, or rejected for the specific reasons provided in Appendix 1.
3. My recommendations in relation to any relevant further submissions reflect the recommendations on the primary submissions as set out above and within Appendix 1.
4. I recommend the IPI be amended as set out in the 'Recommended Amendments to IPI section below.

23.12.4 Recommended Amendments to IPI

I recommend the IPI be amended as follows:

1. LCZ-S2: Amend as follows:

Where the side or rear boundary of a site adjoins a Residential Zone or Open Space and Recreation Zone the following Height in Relation to Boundary standard applies:

1. Buildings must not project beyond a 60° recession plane measured from a point 4 metres vertically above ground level along all boundaries that adjoin a General Residential Zone or Open Space and Recreation Zone, 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.
2. Buildings must not project beyond a 60° recession plane measured from a point 5 metres vertically above ground level along all boundaries that adjoin a High Density Residential Zone. 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.

23.12.5 Section 32AA Evaluation

806. In my opinion, the recommended amendments to the IPI in response to matters raised by submitters are more appropriate in achieving the objectives of the IPI than the notified provisions. In particular, I consider that:

1. The recommended amendments to LCZ-S2 will align the height in relation to boundary standard with the relevant adjoining residential zone, therefore reflecting the anticipated medium to high density of the surrounding residential environment. This is consistent with the direction of policy LCZ-P5. The amendments are more efficient and effective than the notified provisions in achieving the objectives of the IPI.
2. The recommended amendments to LCZ-S2 will not have any greater environmental, social, economic, or cultural effects than the notified provisions when compared against the relevant residential zone height in relation to boundary standard. However, there will be benefits for plan implementation as a result of improved plan alignment of the height in relation to

boundary standard between the residential zones and the LCZ, therefore resulting in the avoidance of the requirement for resource consent for buildings within the LCZ in some instances.

23.13 LCZ-S3 - Setback

23.13.1 Matters Raised by Submitters

807. Submission S56.43 - Fire and Emergency New Zealand requests LCZ-S3 be amended to add an advice note and a new matter of discretion as follows:

Advice note:

Building setback requirements are further controlled by the Building Code. 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.

Add new matter of discretion:

5. The extent to which the non-compliance compromises the efficient movement of residents and emergency services and the provision for the health and safety of residents in meeting their day-to-day needs.

23.13.2 Discussion

808. With respect to the submitter's requested advice note, I note it raises a matter that is already addressed and required under the Building Code. In my opinion, building designers should already be aware of firefighting access requirements under the Building Code, and that compliance with Building Code requirements is best addressed at the building consent stage of a development. I also note there are non-regulatory methods available to raise awareness of the requirements of the Building Code that sit outside of a district plan, and in my opinion, non-regulatory methods would be a more appropriate method to pursue. On this basis, I recommend the request to include the advice note is rejected.
809. Turning to the submitter's requested new matter of discretion to standard LCZ-S3, I note the standard specifies the boundary setback requirements for buildings where the site adjoins a High Density Residential Zone, General Residential Zone, or Open Space Zone. On my reading, the matters of discretion under the applicable building rules (such as LCZ-R1.2) do not relate to health and safety matters such as emergency services access, as those are already managed under the requirements of the Building Code. The requested matter of discretion would, in my view, have the effect of introducing a matter of discretion that is already effectively managed via other methods – i.e., the building consent process. I do not recommend introducing any regulatory overlap between the District Plan and the Building Code. Therefore, I recommend the requested new matter of discretion be rejected.
810. For these reasons, I recommend submission S56.43 - Fire and Emergency New Zealand be rejected.

23.13.3 Recommendations

1. I recommend submission S56.43 - Fire and Emergency New Zealand be rejected.
2. I recommend all other submissions relevant to LCZ-S3 that are not specifically identified or addressed above be accepted, accepted in part, or rejected for the specific reasons provided in Appendix 1.

23.14 LCZ-S5 – Location of Residential Units

23.14.1 Matters Raised by Submitters

811. Submission S58.268 - Kāinga Ora: Homes and Communities requests LCZ-S5 be amended as follows:

Along active frontages identified on the planning maps all residential units must be located above ground floor level, except that residential units may be located on the ground floor where pedestrian access to a residential unit does not interrupt or prevent an active frontage as required by LCZ-S4.

812. Submission S64.90 - Retirement Villages Association of New Zealand requests LCZ-S5 be amended as follows:

Along active frontages identified on the planning maps all residential units and / or retirement units must be located above ground floor level, except that residential units and / or retirement units may be located on the ground floor where: a. When taking into account individual site characteristics and environments residential units and / or retirement units may be appropriate on the ground floor. Also amend standard to exclude retirement villages from the matters of discretion.

23.14.2 Discussion

813. With respect to submission S58.268 - Kāinga Ora: Homes and Communities requested amendments to LCZ-S5, I first explain below how the provisions that manage the location of residential units currently work before making a recommendation on the submission.

814. Permitted activity rule LCZ-R12 requires residential activities to comply with LCZ-S5 – Location of Residential Units. LCZ-S5 requires residential units to be located above ground floor level along active frontages identified on the planning maps. The matters of discretion listed for non-compliance with LCZ-S5 are:

- a. *The effects on the amenity and quality of the streetscape.*
- b. *The amenity for the occupiers of the residential units.*

815. Policy LCZ-P2 – *Residential Activity*, provides direction for the consideration of resource consent applications where LCZ-S5 is not complied with as follows:

Provide for residential activity and development where:

- (1) *The residential units are located above ground floor, where located along an active frontage identified on the planning maps;*
- (2) *It does not interrupt or preclude an attractive and active frontage that provides a positive interface with the public space;*
- (3) *Residential units are designed to:*
- (4) *Achieve adequate indoor noise and ventilation levels for occupants; and*
- (5) *Provide appropriate amenity for occupants; and*
- (6) *Reverse sensitivity effects on commercial activities are minimised.*

816. The submitter requests LCZ-S5 is amended to introduce a less restrictive permitted standard that allows residential units at ground level along active frontages within the LCZ - where the pedestrian access to a residential unit does not prevent an active frontage required by LCZ-S4. As I have explained elsewhere in this report, I do not consider the requested amendments to be appropriate, as I consider they would be likely to result in unanticipated outcomes such as the establishment of residential units along active frontages, as long as the pedestrian access is located on a side or rear of the building that is not an identified active frontage. In my opinion, such an outcome could be inconsistent with the purpose of the LCZ as described by objective LCZ-O1, and contrary to policies LCZ-P1 – *Appropriate Activities*, LCZ-P2 – *Residential Activity*, and LCZ-P6 – *Public Space Interface and Active Street*

Frontages. Accordingly, I recommend submission S58.268 - Kāinga Ora: Homes and Communities be rejected.

817. Submitter S58 makes a similar request to amend the equivalent Neighbourhood Centre Zone standard NCZ-S5 under submission S58.214. In the interests of efficiency by not duplicating my discussion above within the NCZ section of this report below, I also recommend submission S58.214 - Kāinga Ora: Homes and Communities be rejected for the same reasons as I provide above. Please see Appendix 1 for more specific comments on this submission.
818. Submission S64.90 - Retirement Villages Association of New Zealand requests amendments to LCZ-S5 to specifically provide for retirement villages at ground floor along active frontages. Firstly, in my opinion, much of the requested amendment appears to be more appropriate wording for a policy than a permitted activity standard. I do not consider the following requested wording to be legitimate for a permitted activity standard:
- except that residential units and / or retirement units may be located on the ground floor where: a. When taking into account individual site characteristics and environments residential units and / or retirement units may be appropriate on the ground floor*
819. This wording implies a case-by-case consideration and subjective judgement to be made, and I consider this to be inappropriate within a permitted activity standard.
820. Secondly, 'retirement units' that are part of a retirement village require resource consent as a discretionary activity via rule LCZ-19. In my opinion, retirement units/residential units at ground floor along an identified active frontage could result in effects and outcomes that are contrary to objective LCZ-O1, and policies LCZ-P1 – Appropriate Activities, LCZ-P2 – Residential Activity, and LCZ-P6 – Public Space Interface and Active Street Frontages.
821. In my opinion, if 'retirement units' are proposed along an active frontage within a working zone such as a Local Centre Zone, they are likely to result in the same potential adverse effects as residential units and potential inconsistency with the above objectives and policies. I note the consideration of individual site characteristic and environments for retirement units as part of a retirement village is already provided for via the resource consent process under rule LCZ-R19.
822. For these reasons, I recommend submission S64.90 - Retirement Villages Association of New Zealand be rejected. I note the submitter has requested similar amendments to the equivalent Neighbourhood Centre Zone standard NCZ-S5 under submission number S64.76. In the interests of efficiency by not duplicating my discussion above within the NCZ section of this report below, I also recommend submission S64.76 be rejected for the same reasons as I provide above.

23.14.3 Recommendations

1. I recommend the following submissions be rejected:
 - S58.268 - Kāinga Ora: Homes and Communities
 - S58.214 - Kāinga Ora: Homes and Communities
 - S64.90 - Retirement Villages Association of New Zealand
 - S64.76 - Retirement Villages Association of New Zealand

23.15 LCZ-S6 – Noise and Ventilation

23.15.1 Matters Raised by Submitters

823. Submission S46.19 - Blue Mountains Campus Development Limited Partnership requests the Gateway Precinct LCZ be exempt to the requirements of LCZ-S6.

23.15.2 Discussion

824. LCZ-S6 is the noise and ventilation standard that applies to all residential units within the Local Centre Zone. The purpose of the standard is to ensure an adequate level of residential amenity within residential units – which are likely to be located above non-residential activities. The ventilation and noise standard is to assist in addressing potential reverse sensitivity effects that can arise when residential and non-residential activities are located on the same site or within close proximity to one another.
825. I note the existing district plan permitted activity standard DEV1-S11 for the Gateway Precinct requires ventilation as follows:

Ventilation

(1) Within the Wallaceville Structure Plan Development Area, habitable rooms must have a positive supplementary source of fresh air ducted from outside is required at the time of fit-out. The supplementary source of air is to achieve a minimum of 7.5 litres per second per person.

For the purposes of this standard a habitable room means a space used for activities normally associated with domestic living, but excludes any bathroom, laundry, water closet, pantry, walk-in wardrobe, corridor, hallway, lobby, clothes-drying room, or other space of a specialised nature occupied neither frequently nor for extended periods.

826. On my reading, with the exception of the interpretive text beneath the standard, DEV1-S11 appears to require the same level of performance for ventilation as LCZ-S6. There is no existing equivalent permitted activity standard for noise mitigation within the Gateway Precinct.
827. As I have described elsewhere in this report, the Gateway Precinct rules are provided with an overriding function in the event of conflict between the Gateway Precinct provisions and the LCZ provisions. On this basis, I do not consider an exemption is necessary for ventilation requirements within the Gateway Precinct, as I consider the District Plan already provides this.
828. However, the same cannot be said for noise mitigation requirements. As the noise component of LCZ-S6 is part of a suite of provisions aimed to manage reverse sensitivity effects, and there is no existing equivalent provision for the Gateway Precinct, I do not consider there to be any reasonable resource management justification for the requested exemption to the Gateway Precinct LCZ. Although I appreciate the desire to retain the status quo provisions for the Gateway Precinct, I do not consider this to be sufficient justification for providing the requested exemption. This is particularly the case when I take into account the considerable additional development potential enabled by the IPI for the LCZ as a result of the increased anticipated built urban form. In my opinion, this increases the potential likelihood of reverse sensitivity effects arising. For these reasons I recommend submission S46.19 - Blue Mountains Campus Development Limited Partnership be rejected.

23.15.3 Recommendations

1. I recommend submission S46.19 - Blue Mountains Campus Development Limited Partnership be rejected.
2. I recommend all other submissions relevant to LCZ-S6 that are not specifically identified or addressed above be accepted, accepted in part, or rejected for the specific reasons provided in Appendix 1.

23.16 LCZ-S8 – Screening and Landscaping of Service Areas, Outdoor Storage Areas and Parking Areas

23.16.1 Matters Raised by Submitters

829. Submission S46.20 - Blue Mountains Campus Development Limited Partnership requests an exemption to LCZ-S8 be provided in relation to Lots 2, 3 and 252 of the Urban Precinct.

23.16.2 Discussion

830. Permitted activity standard LCZ-S8 is a replacement for the existing permitted standard for screening within the Commercial Zone (COMZ-S8). The IPI proposes the deletion of COMZ-S8 and its replacement with LCZ-S8.
831. COMZ-S8 is a simple standard that requires a 2m high solid fence on the boundaries of commercial zoned sites where they adjoin a Residential or Open Space Zone. The Urban Precinct is currently zoned General Residential Zone, which the IPI proposes to rezone to High Density Residential Zone. Therefore, LCZ-S8 is not relevant to any sites within the Urban Precinct of the Wallaceville Structure Plan Development Area, as they are not zoned Local Centre Zone.
832. The Urban Precinct has its own specific fencing standard under DEV1-S8 that limits fences along front yards of sites within the Urban Precinct to a maximum height above ground level of 1.5m. The description of how the rules within the Urban Precinct must be applied states:

The following provisions relate to the Wallaceville Living Precinct Area A, the Wallaceville Living Precinct Area B, the Urban Precinct and the Grants Bush Precinct of the Wallaceville Structure Plan Development Area. They apply in addition to the provisions of the underlying General Residential Zone. Where there is any conflict between the provisions the Wallaceville Structure Plan Development Area provisions shall prevail.

833. On this basis I consider that the Urban Precinct is subject to its own fencing provisions rather than any that may apply within the General Residential Zone, or Local Centre Zone. It is my understanding that the IPI does not propose to rezone any of the sites identified by the submitter to Local Centre Zone. Nor do I recommend rezoning these sites to Local Centre Zone in response to a separate submission by the submitter under (submission S46.8), as addressed in the 'Rezoning Requests' section of this report below.
834. Therefore, I recommend submission S46.20 - Blue Mountains Campus Development Limited Partnership be rejected on the basis LCZ-S8 is not a relevant standard for residential zoned sites within the Urban Precinct of the Wallaceville Structure Plan Development Area.

23.16.3 Recommendations

1. I recommend submission S46.20 - Blue Mountains Campus Development Limited Partnership be rejected:
2. I recommend all other submissions relevant to LCZ-S8 that are not specifically identified or addressed above be accepted, accepted in part, or rejected for the specific reasons provided in Appendix 1.

24 NCZ – Neighbourhood Centre Zone

24.1 General Matters

24.1.1 Matters Raised by Submitters

835. Submission S58.173 - Kāinga Ora: Homes and Communities requests the NCZ introduction text is amended to delete text the submitter considers is too detailed and unnecessary as follows:

...

Neighbourhood Centres are of a scale that aligns well with the medium density of the

surrounding residential neighbourhoods. ~~Most Neighbourhood Centres comprise of two to three small scale shops but can be as small as a single dairy.~~ Buildings in the Neighbourhood Centre Zone usually are of a similar scale to the surrounding residential neighbourhood. ~~Typically buildings are built up to the road frontage, with commercial windows along the frontage and carparking available on the street.~~ Residential units are located either above the ground floor or towards the rear of

the site.

836. Submission S64.66 – Retirement Villages Association of New Zealand requests the NCZ introductory text as follows:

NCZ – Neighbourhood Centre Zone

The Neighbourhood Centre Zone provides for a range of small scale commercial activities that service the day-to-day needs of the immediate residential neighbourhood. Neighbourhood Centres accommodate a range of commercial, retail, and community services, and residential activities, and provide a limited range of services, and employment ~~and living opportunities~~ Residential activities units are located either above the ground floor or towards the rear of the site or at ground floor where appropriate.

837. Submission S72.8 - Te Rūnanga o Toa Rangatira Inc requests that the NCZ introduction be rephrased to reflect the visibility of Tangata Whenua in the Neighbourhood Centre Zone, as well as how they see commercial spaces to reflect their economic aspirations.

24.1.2 Discussion

838. I agree with submission S58.173 - Kāinga Ora: Homes and Communities that some of the text identified by the submitter is unnecessary and should be deleted. In my opinion, it is appropriate to delete the text that describes Neighbourhood Centre Zones as currently developed, as I note the currently developed state is likely to change in the future.
839. However, I do not consider it appropriate to delete the description of buildings built up to the road frontage, with commercial windows along the frontage. I consider that these are design elements that are relevant to the provisions within the zone that manage active frontages and the location of residential units. I therefore recommend submission S58.173 - Kāinga Ora: Homes and Communities be accepted in part, and that the introduction text for the NCZ be amended as shown in the 'Recommended Amendments to IPI' section below.
840. With respect to submission S64.66 – Retirement Villages Association of New Zealand's request to amend the NCZ introductory text, I recommend it be rejected on the grounds that I do not consider any of the requested amendments to be necessary, specifically:
- a. I consider that 'residential activities' are adequately captured by the reference to 'living opportunities'.
 - b. I consider that the requested addition to the description of where residential activities are provided for within the NCZ is already captured by reference to 'or towards the rear of the site'. The provision of residential activities within the NCZ is described in NCZ-P2, and enabled by rule NCZ-R8 where compliance with NCZ-S5 is achieved (location of residential units). To be a permitted activity, residential units must be located above ground floor, or on ground floor where no part of the residential unit fronts onto a public open space, including roads, and they do not prevent or interrupt an active frontage.
841. Regarding submission 804.Submission S72.8 - Te Rūnanga o Toa Rangatira Inc's request for rephrasing, I regret that in the absence of more specific information I am unable to consider or recommend any amendments in response to this submission. The submitter may wish to provide more information at

the hearing to enable the consideration of specific requested amendments to the NCZ introductory text. On this basis I recommend submission S72.8 - Te Rūnanga o Toa Rangatira Inc be rejected.

24.1.3 Recommendations

1. I recommend submission S58.173 - Kāinga Ora: Homes and Communities be accepted in part.
2. I recommend the following submissions be rejected:
 - S64.66 – Retirement Villages Association of New Zealand
 - S72.8 - Te Rūnanga o Toa Rangatira Inc
3. I recommend all other submissions relevant to NCZ general matters that are not specifically identified or addressed above be accepted, accepted in part, or rejected for the specific reasons provided in Appendix 1.
4. I recommend the IPI be amended as set out in the 'Recommended Amendments to IPI' section below.

24.1.4 Recommended Amendments to IPI

842. I recommend the IPI be amended as follows:

1. NCZ – Introduction text: Amend as follows:

Neighbourhood Centres are of a scale that aligns well with the medium density of the surrounding residential neighbourhoods. ~~Most Neighbourhood Centres comprise of two to three small scale shops but can be as small as a single dairy.~~

24.1.5 Section 32AA Evaluation

843. In my opinion, the recommended amendments to the IPI in response to matters raised by submitters are more appropriate in achieving the objectives of the IPI than the notified provisions. In particular, I consider that:

1. The recommended amendments to the NCZ introduction text will simplify the IPI by removing unnecessary descriptive text. The amendments are more efficient and effective than the notified provisions in achieving the objectives of the IPI.
2. The recommended amendments to the NCZ introduction text will not have any greater environmental, social, economic, or cultural effects than the notified provisions. However, there will be benefits for plan implementation as a result of the removal of text that is not necessary, therefore marginally reducing plan complexity.

24.2 NCZ-O2 – Character and Amenity Values of the Neighbourhood Centre Zone

24.2.1 Matters Raised by Submitters

844. Submission S58.175 - Kāinga Ora: Homes and Communities requests objective NCZ-O2 is amended to refer to 'planned urban built form', and 'surrounding residential development'. The submission also requests the deletion of reference to 'anticipated built character' as follows:

Built development in the Neighbourhood Centre Zone is of medium density and reflects the ~~anticipated built character~~ planned urban built form of the surrounding residential neighbourhood. It is well-designed and contributes positively to the surrounding residential environment.

24.2.2 Discussion

845. I agree that the requested amendments will ensure NCZ-O2 better gives effect to Policy 6(a) of the NPS-UD with respect to reference to 'the planned urban built form'. I also consider that the requested

addition of 'surrounding' will provide greater alignment of the objective with Policy NCZ-P7, which seeks to minimise adverse effects at the zone interface.

846. I recommend submission S58.175 - Kāinga Ora: Homes and Communities be accepted, and that NCZ-O2 is amended as shown in the 'Recommended Amendments to IPI' section below.

24.2.3 Recommendations

1. I recommend submission S58.175 - Kāinga Ora: Homes and Communities be accepted.
2. I recommend all other submissions relevant to NCZ-O2 that are not specifically identified or addressed above be accepted, accepted in part, or rejected for the specific reasons provided in Appendix 1.
3. I recommend the IPI be amended as set out in the 'Recommended Amendments to IPI section below.

24.2.4 Recommended Amendments to IPI

I recommend the IPI be amended as follows:

1. NCZ-O2: Amend as follows:

Built development in the Neighbourhood Centre Zone is of medium density and reflects the ~~anticipated built character~~ planned urban built form of the surrounding residential neighbourhood. It is well-designed and contributes positively to the surrounding residential environment.

24.2.5 Section 32AA Evaluation

847. In my opinion, the recommended amendments to the IPI in response to matters raised by submitters are more appropriate in achieving the objectives of the IPI than the notified provisions. In particular, I consider that:

1. The recommended amendments to NCZ-O2 will better align with the direction of NPS-UD regarding the consideration of the planned urban built form, and the direction of policy NCZ-P7, which seeks to minimise adverse effects at the zone interface. The amendments are more efficient and effective than the notified provisions in achieving the objectives of the IPI.
2. The recommended amendments to NCZ-O2 will not have any greater environmental, social, economic, or cultural effects than the notified provisions. However, there will be benefits for plan implementation as a result of improved plan alignment with national direction, the removal of potential conflict between the NPS-UD and these provisions, and better alignment between the objective and policies within the NCZ chapter.

24.3 NCZ-O3 – Managing Effects at the Zone Interface

24.3.1 Matters Raised by Submitters

848. Submission S72.10 - Te Rūnanga o Toa Rangatira Inc requests objective NCZ-O3 is amended to include a caveat as follows:

have no adverse effects if the site's amenity values are embedded with cultural values and are taonga to Tangata Whenua.

24.3.2 Discussion

849. In my opinion, the requested amendment will not be effective in the absence of a comprehensive plan change that addresses Tangata Whenua values and sites and areas of significance to Māori. I also consider it is not clear what specific wording amendments to NCZ-O3 are sought by the submitter. The submitter may wish to provide more information at the hearing to enable the consideration of specific

amendments to address the submitter's concerns. On this basis I recommend submission S72.10 - Te Rūnanga o Toa Rangatira Inc be rejected.

24.3.3 Recommendations

1. I recommend submission S72.10 - Te Rūnanga o Toa Rangatira Inc be rejected.
2. I recommend all other submissions relevant to NCZ-O3 that are not specifically identified or addressed above be accepted, accepted in part, or rejected for the specific reasons provided in Appendix 1.

24.4 NCZ-P1 – Appropriate Activities

24.4.1 Matters Raised by Submitters

850. Submission S58.177 - Kāinga Ora: Homes and Communities requests policy NCZ-P1 is amended to refer to the 'planned urban built form', and to delete reference to 'character' as follows:

Enable appropriate activities that:

Are compatible with the anticipated purpose and ~~character~~ planned urban built form of the Neighbourhood Centre Zone;

24.4.2 Discussion

851. I agree with the requested amendments as I consider they will ensure NCZ-P1 better gives effect to Policy 6(a) of the NPS-UD. I recommend submission S58.177 - Kāinga Ora: Homes and Communities be accepted, and that NCZ-P1 be amended as shown in the 'Recommended Amendments to IPI' section below.

24.4.3 Recommendations

1. I recommend submission S58.177 - Kāinga Ora: Homes and Communities be accepted.
2. My recommendations in relation to any relevant further submissions reflect the recommendations on the primary submissions as set out above and within Appendix 1.
3. I recommend the IPI be amended as set out in the 'Recommended Amendments to IPI section below.

24.4.4 Recommended Amendments to IPI

852. I recommend the IPI be amended as follows:

1. NCZ-P1: Amend as follows:

Enable appropriate activities that:

Are compatible with the anticipated purpose and ~~character~~ planned urban built form of the Neighbourhood Centre Zone;

24.4.5 Section 32AA Evaluation

853. In my opinion, the recommended amendments to the IPI in response to matters raised by submitters are more appropriate in achieving the objectives of the IPI than the notified provisions. In particular, I consider that:

1. The recommended amendments to NCZ-P1 will better align with the direction of NPS-UD regarding the consideration of the planned urban built form. The amendments are more efficient and effective than the notified provisions in achieving the objectives of the IPI.
2. The recommended amendments to NCZ-P1 will not have any greater environmental, social, economic, or cultural effects than the notified provisions. However, there will be benefits for

plan implementation as a result of improved plan alignment with national direction, and the removal of potential conflict between the NPS-UD and the policy.

24.5 NCZ-P2 – Residential Activity

24.5.1 Matters Raised by Submitters

854. Submission S64.69 - Retirement Villages Association of New Zealand requests policy NCZ-P2 be amended as follows:

Residential Activity

Provide for residential activity where: 1. The residential units or retirement units are located either above ground floor or to the rear of a commercial activity, or above ground floor where appropriate...

24.5.2 Discussion

855. I consider that the requested addition to policy NCZ-P2 regarding where residential activities are provided for within the NCZ is already captured within the policy by reference to 'or towards the rear of a commercial activity'.
856. The provision of residential activities within the NCZ as described in NCZ-P2 is enabled by rule NCZ-R8 where compliance with NCZ-S5 is achieved (location of residential units). To be a permitted activity, residential units must be located above ground floor, or on ground floor where no part of the residential unit fronts onto a public open space, including roads, and they do not prevent or interrupt an active frontage. The consideration of a resource consent application for a residential unit(s) that do not comply with NCZ-S5 must have regard to policy NCZ-P2, and all other relevant policies for the NCZ. In my opinion, the requested amendment to policy NCZ-P2 would not add any additional matters to be considered by decision makers on resource consent applications.
857. I recommend submission S64.69 - Retirement Villages Association of New Zealand be rejected.

24.5.3 Recommendations

1. I recommend submission S64.69 - Retirement Villages Association of New Zealand be rejected.

24.6 NCZ-R3 – Demolition

24.6.1 Matters Raised by Submitters

858. Submission S72.12 - Te Rūnanga o Toa Rangatira Inc requests wording be added to rule NCZ-R3 to ensure demolition as permitted activity does not negatively impact or have unintended consequences for SASMs or any other Tangata Whenua value on site.

24.6.2 Discussion

859. The management of sites and areas of significance to Māori will be managed via the Historic Heritage chapter, once sites and areas have been identified and included in the District Plan via a future plan change process. Notwithstanding this lack of identified SASMs in the District Plan, I consider that demolition under NCZ-R3 should not negatively impact on any historic heritage sites or features that are included in the District Plan. Although historic heritage sites and features are protected via provisions within the Historic Heritage chapter of the District Plan, I consider there to be a minor risk that a protected site of feature could be modified destroyed due to the permitted activity status of demolition under rule NCZ-R3.
860. Although I do not generally recommend the addition of advice notes into the IPI, in this instance I recommend one be added to NCZ-R3 and all other proposed permitted activity rules for demolition within all IPI zone chapters to help reduce the possibility for the demolition of a building or structure

that is protected within the Historic Heritage chapter, or demolition affecting a future SASM. I therefore recommend submission S72.12 - Te Rūnanga o Toa Rangatira Inc be accepted in part, and the IPI be amended as described in the 'Recommended Amendments to IPI' section below.

24.6.3 Recommendations

1. I recommend submission S72.12 - Te Rūnanga o Toa Rangatira Inc be accepted in part.
2. I recommend all other submissions relevant to NCZ-R3 that are not specifically identified or addressed above be accepted, accepted in part, or rejected for the specific reasons provided above and in Appendix 1.
3. I recommend the IPI be amended as set out in the 'Recommended Amendments to IPI section below.

24.6.4 Recommended Amendments to IPI

I recommend the IPI be amended as follows:

1. Rules CCZ-R12, TCZ-R3, LCZ-R3, NCZ-R3 and MUZ-R3: Add an advice note as follows:

Note: Prior to demolition commencing, confirm whether rules in chapter HH-Historic Heritage apply.

24.6.5 Section 32AA Evaluation

861. In my opinion, the recommended amendments to the IPI in response to matters raised by submitters are more appropriate in achieving the objectives of the IPI than the notified provisions. In particular, I consider that:

1. The recommended amendments to rules CCZ-R12, TCZ-R3, LCZ-R3, NCZ-R3 and MUZ-R3 will assist in avoiding unintended consequences through raising the awareness of district plan users that listings for historic heritage in the Historic Heritage chapter of the District Plan should be checked prior to commencing demolition as a permitted activity under these rules. The amendments are more efficient and effective than the notified provisions in achieving the objectives of the IPI.
2. The recommended amendments to these rules will act as a signpost, and therefore have no legal status under the RMA. The addition of the advice note will not have any greater environmental, social, economic, or cultural effects than the notified provisions. However, there will be benefits for plan implementation as a result of the potential avoidance of accidental modification of demolition of listed historic heritage sites or features.

24.7 NCZ-R4 – Retail Activity

24.7.1 Matters Raised by Submitters

862. Submission S58.189 - Kāinga Ora: Homes and Communities requests rule NCZ-R4 is amended to include reference to the Local Centre Zone and the Town Centre Zone. The submitter considers that the rule should refer to all higher order centres, not just the CCZ to ensure that retail activities within the NCZ does not undermine the role and function of the LCZ and TCZ.

24.7.2 Discussion

863. I note that the Town Centre Zone provides for retail activities not exceeding 500m² gross floor area as a permitted activity under rule TCZ-R4, while the Local Centre Zone limits retail activities to 250m² gross floor area per tenancy under rule LCZ-R4. The Neighbourhood Centre Zone limits retail activities to a maximum of 150m² gross floor area per tenancy under rule NCZ-R4.

864. The purpose of these limitations is reflected in the matters of discretion – chiefly being to manage the potential effects of the intensity, size and scale of activities on the function and role of each centre,

and to ensure the role and function of the City Centre Zone is not undermined. In my opinion, it is only the City Centre Zone that is to have its role specifically managed as a regionally significant sub-regional centre identified under Policy 30 of the RPS. I consider that the matters of discretion for NCZ-R4 appropriately gives effect to the requirements of the RPS via matter of discretion 4 as follows:

The potential of the location of the activity in the Neighbourhood Centre Zone to undermine the role and function of the City Centre Zone.

865. On this basis I consider that the lack of reference to the Local Centre Zone and Town Centre Zone in the rule is deliberate, and are the most appropriate method to achieve the relevant objectives. For these reasons I recommend submission S58.189 - Kāinga Ora: Homes and Communities be rejected.

24.7.3 Recommendations

1. I recommend submission S58.189 - Kāinga Ora: Homes and Communities be rejected.

24.8 NCZ-S2 – Height in Relation to Boundary

24.8.1 Matters Raised by Submitters

866. Submission S72.13 - Te Rūnanga o Toa Rangatira Inc requests NCZ-S2 is amended to include provisions where Tangata Whenua values apply that these standards need to have more space and less or no additional height.

24.8.2 Discussion

867. I consider that the submission does not include sufficient information to consider any specific amendments to the height in relation to boundary standard. The submitter may wish to provide more information during the hearing to enable the consideration of specific amendments to the standard. On this basis I recommend submission S72.13 - Te Rūnanga o Toa Rangatira Inc be rejected.

24.8.3 Recommendations

1. I recommend submission S72.13 - Te Rūnanga o Toa Rangatira Inc be rejected.
2. I recommend all other submissions relevant to NCZ-S2 that are not specifically identified or addressed above be accepted, accepted in part, or rejected for the specific reasons provided in Appendix 1.
3. My recommendations in relation to any relevant further submissions reflect the recommendations on the primary submissions as set out above and within Appendix 1.

24.9 NCZ-S3 - Setback

24.9.1 Matters Raised by Submitters

868. Submission S58.212 - Kāinga Ora: Homes and Communities requests NCZ-S3 be deleted as the submitter considers it to be unnecessary and will unduly constrain built development opportunities on smaller NCZ sites.

24.9.2 Discussion

869. Regarding submission S58.212 - Kāinga Ora: Homes and Communities' request to delete NCZ-S3, I consider that the setback of buildings within the NCZ from a side or rear boundary of a site that adjoins a residential zone or Open Space and Recreation Zone is an important mitigating standard to manage the effects of use and development within the NCZ at the zone interface.

870. In my opinion, although the height in relation to boundary standard addresses building bulk with respect to a setback from the boundary, the setback standard under NCZ-S3 provides a minimum setback for buildings within the NCZ that would reduce the potential effects experienced by adjoining

residential or open space zoned sites with non-residential activities being carried out within buildings on adjoining NCZ sites. I consider NCZ-S3 is part of a suite of methods within the NCZ that aims to manage effects at the zone interface – and therefore achieve objective NCZ-O3. I therefore recommend submission S58.212 - Kāinga Ora: Homes and Communities be rejected.

24.9.3 Recommendations

1. I recommend submission S58.212 - Kāinga Ora: Homes and Communities be rejected.
2. I recommend all other submissions relevant to NCZ-S3 that are not specifically identified or addressed above be accepted, accepted in part, or rejected for the specific reasons provided in Appendix 1.

24.10 NCZ Site Specific Controls – NCZ-SSC-S1

24.10.1 Matters Raised by Submitters

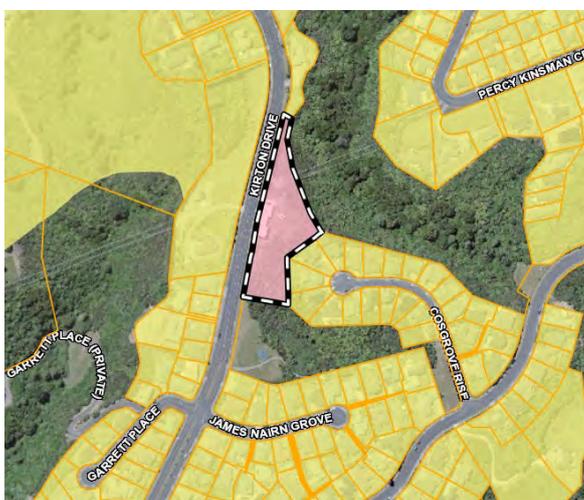
871. Submission S27.30 - Transpower New Zealand Limited requests NCZ-SSC-S1(c) is amended as follows:

Minimum sensitive activity, building and structure setback from the power pylon and electricity transmission lines ~~on the site...~~"

872. Submission S58.222 - Kāinga Ora: Homes and Communities requests that all site-specific controls from NCZ-SSC-S1 to NCZ-SSC-S4 are deleted.

24.10.2 Discussion

873. For context, the NCZ site that is subject the site-specific controls is located at 48 Kirton Drive as shown in the image below:



874. Submission S27.30 - Transpower New Zealand Limited requests amendments to the site specific control that sets minimum setbacks for buildings from the power pylon and electricity lines on the site. As the site contains a national grid support structure and associated HV lines, I consider it is important the site-specific provisions give effect to the NPS-ET.
875. In my opinion, for the purposes of giving effect to Policy 10 of the NPS-ET to manage activities to avoid reverse sensitivity effects on the electricity transmission network, any *sensitive activities* would typically be carried out within buildings. The NPS-ET defines sensitive activities as including schools, residential buildings, and hospitals¹⁷. Therefore, I consider that sensitive activities are already addressed by standard NCZ-SSC-S1(1)(c), as any reverse sensitivity effects would be generated by the

¹⁷ Clause 3. Interpretation, National Policy Statement on Electricity Transmission 2008:

<https://environment.govt.nz/assets/Publications/Files/nps-electricity-transmission-mar08.pdf>

occupants of any buildings where a sensitive activity is being carried out. On this basis I do not recommend the provision be amended to refer to sensitive activities.

876. With respect to the requested amendments to add reference to *structures*, I agree this appears to be a gap in the management of activities within close proximity to electricity transmission lines and support structures. In my opinion, *structures*, are not entirely captured by the definition for *building*. I consider structures would need at least a partial roof to fall under the definition for building, and I consider this presents a gap of the management of structures that do not have a roof such as poles and masts.

877. The definition for *building*, as set by the National Planning Standards is as follows:

means a temporary or permanent movable or immovable physical construction that is:

- a. partially or fully roofed; and
- b. is fixed or located on or in land;

but excludes any motorised vehicle or other mode of transport that could be moved under its own power.

878. The definition for *structure* is taken from the RMA as follows:

means any building, equipment, device, or other facility, made by people and which is fixed to land; and includes any raft.

879. I have reviewed the below district plans and proposed district plans in the region, and I confirm the following provisions manage buildings *and* structures within close proximity to the national grid as follows:

- a. Kapiti Coast District Council Operative District Plan 2021: Rule INF-MENU-R30;
- b. Porirua City Proposed District Plan 2020: example rule: GRZ-R5
- c. Wellington City Proposed District Plan 2022: Rule INF-R22

880. On this basis I consider it is appropriate to amend NCZ-SSC-S1(c) to add reference to 'structure', on the basis that this amendment would more accurately give effect to policy 10 of the NPS-ET, which states:

POLICY 10

In achieving the purpose of the Act, decision-makers must, to the extent reasonably possible, manage activities to avoid reverse sensitivity effects on the electricity transmission network and to ensure that operation, maintenance, upgrading, and development of the electricity transmission network is not compromised.

881. With respect to the requested amendment to delete reference to 'on the site', I agree it is not technically necessary on the basis that the site contains an electricity transmission support tower and has HV transmission lines passing over it. However, I consider the reference to 'electricity transmission lines on the site' is an accurate description, and no amendment is necessary to ensure it can be implemented.

882. As part of considering the amendments under this submission, I have considered the powers the submitter already has under New Zealand Electricity Code of Practice for Electrical Safe Distances 2001 (NZECP:34)¹⁸. I note the Code sets out minimum safe separation distances and provides a process for the submitter to confirm compliance with the Code for proposed buildings, structures, and earthworks within proximity to the national grid. It is my understanding enforcement of the Code can only occur after safe distances have already been breached, hence the creation of the NPS-ET and the requirement for district plans to manage this issue.

¹⁸ <https://www.worksafe.govt.nz/laws-and-regulations/standards/electricity-standards-and-codes-of-practice/>

883. With respect to scope for my requested amendment to NCZ-SSC-S1(1)(c), I consider it is enabled by section 80E(1)(b)(iii) as a related provision that supports and is consequential on policy 4 of the NPS-UD insofar as it makes a correction to an existing qualifying matter provision. Alternatively, in my opinion, clause 16(2) of Schedule 1 of the RMA is available to the Council to make the amendment as a correction of a minor error.
884. For these reasons, I recommend submission S27.30 - Transpower New Zealand Limited be accepted in part, and that NCZ-SSC-S1(c) is amended as shown in the 'Recommended Amendments to IPI' section below.
885. With respect to submission S58.222 - Kāinga Ora: Homes and Communities' request that all site-specific controls from NCZ-SSC-S1 to NCZ-SSC-S4 are deleted, I recommend this be rejected for the following reasons:
- a. The standards requested for deletion are existing site specific provisions in the District Plan, and neither the NPS-UD or the MDRS require the Council to amend these provisions. Specifically, I note:
 - (i) NNC-SSC-S1 duplicates existing district plan boundary setback standards for the site under COMZ-S2.
 - (ii) NNC-SSC-S2 duplicates the existing district plan coverage standard for the site under COMZ-S5.
 - (iii) NNC-SSC-S3 duplicates the existing district plan screening standard for the site under COMZ-S8.
 - (iv) NNZ-SSC-S4 duplicates the existing district plan landscaping standard for the site under COMZ-S9.
886. These provisions do not duplicate the provisions that apply to all other Local Centre Zones and have been prepared to address specific resource management matters that apply to the site and the surrounding environment. The submission does not include any evidence that demonstrates that the site-specific controls are no longer appropriate. I therefore recommend submission S58.222 - Kāinga Ora: Homes and Communities be rejected.

24.10.3 Recommendations

1. I recommend submission S27.30 - Transpower New Zealand Limited be accepted in part.
2. I recommend submission S58.222 - Kāinga Ora: Homes and Communities be rejected.
3. I recommend the IPI be amended as set out in the 'Recommended Amendments to IPI section below.

24.10.4 Recommended Amendments to IPI

887. I recommend the IPI be amended as follows:

1. NCZ-SSC-S1(c): Amend as follows:
 - c. Minimum building and structure setback from the power pylon and electricity transmission lines on the site ...

24.10.5 Section 32AA Evaluation

888. In my opinion, the recommended amendments to the IPI in response to matters raised by submitters are more appropriate in achieving the objectives of the IPI than the notified provisions. In particular, I consider that:
1. The recommended amendments to standard NCZ-SSC-S1(c) will better align with the direction of NPS-ET policy 10 regarding the management of activities to avoid reverse sensitivity effects on the electricity transmission network and to ensure that operation, maintenance,

upgrading, and development of the electricity transmission network is not compromised. This amendment will ensure the existing qualifying matters provisions appropriately give effect to national direction. The amendments are more efficient and effective than the notified provisions in achieving the objectives of the IPI.

2. The recommended amendments to standard NCZ-SSC-S1(c) will not have any greater environmental, social, economic, or cultural effects than the notified provisions. However, there will be benefits for plan implementation as a result of improved plan alignment with national direction.

24.11 NCZ Site Specific Controls – NCZ-SSC-R1

24.11.1 Matters Raised by Submitters

889. Submission S58.220 - Kāinga Ora: Homes and Communities requests the deletion of NCZ-SSC-R1 as the submitter considers that the NCZ standards provide the rule framework to manage development, and that effects should be based on their merits at time of application.

24.11.2 Discussion

890. I note that rule NCZ-SSC-R1 is based on an existing site specific rule in the District Plan, and in my opinion, neither the NPS-UD or the MDRS require the Council to delete this rule.

891. NNZ-SSC-R1 is primarily a duplicate of the existing district plan permitted activity rule COMZ-R4, with the addition of a maximum permitted gross floor area of 500m² for retail activities on the site. The addition of a limitation on the gross floor area for retail on the site is to prevent the establishment of large format retail activities as a permitted activity on the site. Large format retail activities are defined in the IPI by this floor area threshold.

892. The site is located within a General Residential Zone on the northern side of the Hutt River, an approximately 5.5km car journey to the City Centre Zone. Consideration of large format retail activities on the site is managed via discretionary activity rule NCZ-R16. This is to ensure the purpose of the Neighbourhood Centre Zone as set out within objective NCZ-O1 is achieved, and the relevant policies are met – including policy NCZ-P3 subclauses 2 and 5 as follows:

(2) The scale and intensity of the activity is consistent with the anticipated character and function of the Neighbourhood Centre Zone; and

(5) The location of the activity within the Neighbourhood Centre Zone does not undermine the role and function of the City Centre Zone;

893. Therefore, in my opinion, the site-specific provisions are appropriate for the site as they maintain the intent of the operative site-specific provisions while giving effect to the requirements of policy 3(d) of the NPS-UD.

894. Accordingly, I recommend submission S58.220 - Kāinga Ora: Homes and Communities be rejected.

24.11.3 Recommendations

1. I recommend submission S58.220 - Kāinga Ora: Homes and Communities be rejected.

24.12 NCZ Site Specific Controls – NCZ-SSC-R2

24.12.1 Matters Raised by Submitters

895. Submission S58.221 - Kāinga Ora: Homes and Communities requests the deletion of rule NCZ-SSC-R2 as the submitter considers that the NCZ standards provide the rule framework to manage development, and that effects should be based on their merits at time of application.

24.12.2 Discussion

896. Rule NCZ-SSC-R2 is a site-specific discretionary activity rule for the following activities:

Garden centres and all activities other than retail activity, restaurants, offices activities, early childhood centres and residential accommodation (including at ground level).

897. The rule is an existing site-specific rule in the District Plan that addresses specific resource management issues relevant to the site and the surrounding environment. In my opinion, neither the NPS-UD or the MDRS requires the Council to delete this rule.

898. NCZ-SSC-R2 is a duplicate of existing district plan site-specific discretionary rule COMZ-R13, only it has been allocated a new reference number to reflect the proposed rezoning of the site to Neighbourhood Centre Zone. No other amendments to the rule are proposed.

899. The submission does not include any site-specific justification that demonstrates that the site-specific rule is no longer appropriate for the site. Accordingly, I recommend submission S58.221 - Kāinga Ora: Homes and Communities be rejected.

24.12.3 Recommendations

1. I recommend submission S58.221 - Kāinga Ora: Homes and Communities be rejected:

24.13 NCZ – Requested New Provisions

24.13.1 Matters Raised by Submitters

900. Submission S50.21 - Waka Kotahi requests the following provisions are amended to include reference to 'with access to active and public transport':

- NCZ-P1 – Appropriate activities
- LCZ-P1 – Appropriate activities
- TCZ-P1 – Appropriate activities
- MUZ-P1 – Appropriate activities

24.13.2 Discussion

901. The policies the submitter has requested amendments to across four of the centres zones set out the criteria to taken into account by decision makers when deciding whether a proposed activity would be deemed appropriate within each of the centres.

902. I do not consider access to active and public transport to be a necessary consideration under these policies. I consider that although some of these centres may have access to public transport, this is not necessarily the case for all centres – such as Neighbourhood Centre Zones that are located within residential areas away from main transport routes. I also note that proximity to public transport is not a criterion used in the selection of the most appropriate centre zoning within the centres hierarchy. I also consider that access to active and public transport is not a criterion used in specifying appropriate activities within the centres zones.

903. Although I understand the submitter's intent to ensure NPS-UD policy 1(c) is given effect to within relevant provisions, I do not agree that these policies require amendment as requested by the submitter. I therefore recommend submission S50.21 - Waka Kotahi be rejected.

24.13.3 Recommendations

1. I recommend submission S50.21 - Waka Kotahi be rejected.

25 MUZ – Mixed Use Zone

25.1 General Matters

25.1.1 Matters Raised by Submitters

904. The following are the key submissions raising general matters on Mixed Use Zone provisions:

Submission No.	Requested Decision
S58.274 - Kāinga Ora: Homes and Communities Opposed in part by FS4 – Greater Wellington Regional Council	Amend the spatial extent and Application of the MUZ on the planning maps as shown in Appendix 4 of the submission. See the submission for details.
S64.92 - Retirement Villages Association of New Zealand	Seek that the Mixed Use Zone introduction is amended to remove the limitation of the provision of residential activities to above commercial activities, and to include retirement villages in the list of activities that are enabled in the Mixed Use Zone. Seek a definition of a 'well-functioning urban environment' as provided under the NPS-UD to covers these matters.
S64.99 - Retirement Villages Association of New Zealand Opposed by FS10 – Waka Kotahi	Amend the activity status of retirement villages activities to be a permitted activity in the Mixed Use Zone and subsequently delete the existing matters of discretion for retirement village activities.
S72.15 - Te Rūnanga o Toa Rangatira Inc Opposed by: FS14 – Retirement Villages Association of New Zealand Inc. FS15 – Ryman Healthcare Limited	Mixed Use Centre zone introduction, MUZ-O1, MUZ-O3, MUZ-O4 and MUZR3, MUZ-S2 and MUZ-S3 - Include provisions where Tangata Whenua values apply that these standards need to have more space and less or no additional height.

25.1.2 Discussion

905. Submission S58.274 - Kāinga Ora: Homes and Communities requests the spatial extent and application of the MUZ is amended on the planning maps as shown in Appendix 4 of the submission. I have considered the requested amendments to the spatial extent of the MUZ and I do not recommend any amendments to the spatial extent of the MUZ in response to the submission.
906. I note the Council is not required to increase the spatial extent of non-residential zones such as the Mixed Use Zone via the IPI. Although rezoning under the IPI is provided for by Section 80E(1)(b)(iii) of the RMA, the requested rezoning to increase the size of the Mixed Use Zone in the vicinity of Nicolaus Street / Refreshment Place would require the rezoning of some 22 High Density Residential Zone sites, and one site zoned Local Centre Zone. I consider rezoning these sites in response to a submission would be inappropriate for the following reasons:
- In my opinion, the rezoning of privately owned sites from a residential zone to a non-residential zone via a submission on the IPI is not appropriate. This possibility is of particular concern due to the absence of consultation with directly affected property owners and the inability of those

property owners to appeal IPI decisions on merit (Section 107 RMA). I therefore have significant concerns regarding fair process and natural justice for the affected property owners.

- b. I am not aware of an evidence base justifying the necessity to rezone the residential and local centre zoned sites to Mixed Use Zone. The Housing and Business Development Capacity Assessment (2019) does not identify a need to rezone these sites to Mixed Use Zone.
907. I am aware that the Council is in the process of updating the HBA. It is my understanding that initial findings from the updated HBA are anticipated to be available in early 2023. I note the findings can be used to justify and inform the Council's Future Development Strategy (FDS) (under Subpart 4 of the NPS-UD), and to underpin any future plan changes necessary to implement the FDS. In my opinion, this non-IPI process is the most appropriate method to identify, consult and rezone any sites that are necessary as part of the implementation of the FDS. I therefore recommend submission S58.274 - Kāinga Ora: Homes and Communities be rejected.
908. With respect to submission S64.92 - Retirement Villages Association of New Zealand, I recommend this submission be rejected for the following reasons:
- a. The limitation of ground floor residential activities is consistent with other zones that provide for a mixture of uses, such as the centres zones. This is to ensure proposed residential uses on the ground floor are considered on a case-by-case basis to ensure the purpose, character and amenity of the mixed use zone is achieved (Objectives MUZ-O1 and MUZ-O2), and to enable potential reverse sensitivity effects to be identified and managed on a case-by-case basis.
 - b. Retirement villages in the Mixed Use Zone are a restricted discretionary activity under rule MUZ-R17. The MUZ enables some 12 specifically listed activities as permitted activities, while six activities are specifically provided for as either restricted discretionary or discretionary activities. The introduction text does not specifically list all these activities, but rather points to examples. Therefore, I do not consider it necessary to amend the introduction text to specifically refer to all activities enabled and provided for within the MUZ chapter.
 - c. Regarding the request for a new definition for 'well-functioning urban environment', in my opinion, the elements and qualities that contribute towards well-functioning urban environments are adequately specified by NPS-UD Objective 1 and Policy 1. I consider that these provisions require a degree of interpretation when being considered when making planning decisions that affect urban environments. I therefore do not consider it necessary or appropriate to duplicate or attempt to further refine these NPS-UD provisions via a new definition for 'well-functioning urban environment' in the IPI.
909. Submission S64.99 - Retirement Villages Association of New Zealand requests the activity status of retirement villages within the Mixed Use Zone be changed to permitted, and that the matters of discretion for retirement villages be deleted.
910. As described by objective MUZ-O1, the purpose of the Mixed Use Zone is to accommodate a wide range of activities, including commercial, recreational, entertainment, large format retail and car focused activities as well as compatible light industrial activities and residential activities. In my opinion, this mix of activities results in the potential for reverse sensitivity effects to arise where residential activities are proposed. I consider this is one of the reasons why retirement villages within the MUZ are not provided for via permitted activity status.
911. I consider that due to the potential scale and mix of uses associated with retirement villages, the case-by-case consideration of proposed retirement villages in the MUZ is the most appropriate method to address any potential adverse effects and to ensure the purpose of the MUZ is achieved. I note that a retirement village within a Mixed Use Zone could result in the loss of MUZ land that would otherwise be available for the other employment uses provided for within the zone, potentially undermining the

purpose of the zone as described by objective MUZ-O1. I therefore recommend submission S64.99 - Retirement Villages Association of New Zealand be rejected.

912. Regarding the request for amendments by submitter S72.15 - Te Rūnanga o Toa Rangatira Inc, I note the submission does not provide any specific requested amendments to these provisions. This being the case I regret I am unable to consider or make recommendations on any specific amendments sought by the submitter. The submitter may wish to provide more information at the hearing to enable the consideration of specific amendments. On this basis, I recommend submission S72.15 - Te Rūnanga o Toa Rangatira Inc be rejected.

25.1.3 Recommendations

1. I recommend the following submissions be rejected:
 - S58.274 - Kāinga Ora: Homes and Communities
 - S64.92 - Retirement Villages Association of New Zealand
 - S64.99 - Retirement Villages Association of New Zealand
 - S72.15 - Te Rūnanga o Toa Rangatira Inc
2. I recommend all other submissions relevant to general matters within the MUZ that are not specifically identified or addressed above be accepted, accepted in part, or rejected for the specific reasons provided in Appendix 1.
3. My recommendations in relation to any relevant further submissions reflect the recommendations on the primary submissions as set out above and within Appendix 1.

25.2 MUZ-O1 – Purpose of the Mixed Use Zone

25.2.1 Matters Raised by Submitters

913. The following are the key submissions on objective MUZ-O1:

Submission No.	Requested Decision
S28.8 - Ara Poutama Aotearoa – Department of Corrections Supported by FS8 – Kāinga Ora: Homes and Communities	<ol style="list-style-type: none"> 1. Amend the following objectives and policies to enable Community Corrections Activities: <ul style="list-style-type: none"> • Mixed Use Zone Objective MUZ-O1. 2. Amend the rules in the following zones to enable Community Corrections Activity to be undertaken as permitted activities: <ul style="list-style-type: none"> • City Centre Zone. • Town Centre Zone. • Mixed Use Zone.
S62.16 - Silverstream Land Holdings Limited	Amend MUZ-O1 by deleting reference to "surrounding".
S64.93 - Retirement Villages Association of New Zealand	Amend MUZ-O1 so that "compatible" applies to light industrial activities only and not to residential activities.

25.2.2 Discussion

914. Submission S28.8 - Ara Poutama Aotearoa – Department of Corrections first requests that MUZ-O1 is amended to enable *Community Correction Activities*. The submission then requests that rules within the CCZ, TCZ, and MUZ are amended to enable community corrections activities to be undertaken as permitted activities.

915. Community corrections activities is a National Planning Standards definition that has been incorporated into the District Plan as part of giving effect to the National Planning Standards. Notwithstanding its inclusion in the District Plan, the term has not thus far been used in any provisions. The definition is as follows:

means the use of land and buildings for non-custodial services for safety, welfare and community purposes, including probation, rehabilitation and reintegration services, assessments, reporting, workshops and programmes, administration, and a meeting point for community works groups.

916. I have considered the above definition comparatively with other activities that are enabled as permitted activities within these zones. I am of the opinion community corrections activities would result in similar effects as many other commercial activities provided for as permitted activities within the CCZ, TCZ and MUZ such as commercial service activities, community facilities, and educational facilities. Accordingly, in my opinion, providing for them as a permitted activity within these zones would be consistent with relevant zone purpose as described by the objectives.
917. In terms of the technical amendments available to enable community corrections activities within the CCZ, TCZ, and MUZ, I have considered the existing permitted activity rules and their associated matters of discretion to determine whether community corrections activities could be added to an existing rule. In my opinion, an expedient and appropriate amendment to the IPI would be to incorporate community corrections activities into the permitted activity rules for education facilities. I consider that the standards and matters of discretion for education facilities would address the same actual and potential effects as those likely to be relevant to education facilities within each of the zones.
918. I have therefore recommended amendments to rules CCZ-R15, TCZ-R9, and MUZ-R9 to enable community corrections activities as permitted activities within these zones. I have also reviewed the relevant objectives and policies for each of these zones to identify the need for consequential amendments. I do not consider there to any need for consequential amendments, including the requested amendment by submission S28.8 to refer to community correction activities within objective MUZ-O1.
919. With regard to scope, I consider that the inclusion of community corrections activities into the relevant zone rules is a consequential amendment on the proposed creation of the centres hierarchy to enable the Council to more effectively give effect to the requirements of NPS-UD Policy 3(a), and (d). In this regard, I consider the amendment to be included in the IPI on the same basis as all other proposed rules within the centres and mixed use zones.
920. On this basis I recommend submission S28.8 - Ara Poutama Aotearoa – Department of Corrections be accepted in part, and the IPI be amended as set out in the 'Recommended Amendments to IPI' section below.
921. Submission S62.16 - Silverstream Land Holdings Limited requests objective MUZ-O1 be amended as follows:

MUZ-O1 Purpose of the Mixed Use Zone

The Mixed Use Zone accommodates a wide range of activities, including commercial, recreational, entertainment, large format retail and car focused activities as well as compatible light industrial activities and residential activities. The non-residential activities service the needs of business and surrounding residential catchments.

922. I have considered the variety of activities that are enabled and provided for within the MUZ, and I note it includes permitted activities such as large format retailing under rule MUZ-R4, which I consider is likely to service the needs of residential catchments from beyond the area surrounding the MUZ. Therefore, I agree with submission S62.16 that it is appropriate to delete reference to 'surrounding' from MUZ-O1. In my opinion, the amendment would result in a more accurate connection between the objective, policies and rules for the MUZ.

923. I therefore recommend submission S62.16 - Silverstream Land Holdings Limited be accepted, and MUZ-O1 be amended as set out in the 'Recommended Amendments to IPI' section below.

924. Submission S64.93 - Retirement Villages Association of New Zealand requests that MUZ be amended so that the term 'compatible' only applies to light industrial activities and not to residential activities. In my opinion, the compatibility of activities within the MUZ may also depend on the existing activities that are present when a new activity is proposed. Therefore, I consider the term 'compatible' applies equally to light industrial activities and residential activities. I consider reverse sensitivity effects is a key issue in the consideration in the compatibility of activities. Therefore, I recommend submission S64.93 - Retirement Villages Association of New Zealand be rejected.

25.2.3 Recommendations

1. I recommend submission S62.16 - Silverstream Land Holdings Limited be accepted.
2. I recommend submission S28.8 - Ara Poutama Aotearoa – Department of Corrections be accepted in part.
3. I recommend submissions S64.93 - Retirement Villages Association of New Zealand be rejected.
4. I recommend all other submissions relevant to MUZ-O1 that are not specifically identified or addressed above be accepted, accepted in part, or rejected for the specific reasons provided in Appendix 1.
5. My recommendations in relation to any relevant further submissions reflect the recommendations on the primary submissions as set out above and within Appendix 1.
6. I recommend the IPI be amended as set out in the 'Recommended Amendments to IPI' section below.

25.2.4 Recommended Amendments to IPI

925. I recommend the IPI be amended as follows:

1. MUZ-R9: Amend as follows:
Educational Facility, and Community Corrections Activity
2. CCZ-R15: Amend as follows:
Educational Facility, and Community Corrections Activity
3. TCZ-R9: Amend as follows:
Educational Facility, and Community Corrections Activity
4. MUZ-O1: Amend as follows:

The Mixed Use Zone accommodates a wide range of activities, including commercial, recreational, entertainment, large format retail and car focused activities as well as compatible light industrial activities and residential activities. The non-residential activities service the needs of business and surrounding residential catchments.

25.2.5 Section 32AA Evaluation

926. In my opinion, the recommended amendments to the IPI in response to matters raised by submitters are more appropriate in achieving the objectives of the IPI than the notified provisions. In particular, I consider that:

1. The recommended amendments to rules MUZ-R9, CCZ-R15, and TCZ-R9 will more appropriately provide for community corrections activities, which is an activity that is compatible with the role of these zones as expressed by the zone objectives. The amendments

are more efficient and effective than the notified provisions in achieving the objectives of the IPI.

2. The recommended amendments to rules MUZ-R9, CCZ-R15, and TCZ-R9 will not have any greater environmental, social, economic, or cultural effects than the notified provisions. However, there will be benefits for plan users as a result of the establishment of community corrections activities being a permitted activity. This will have a positive economic effect on the persons responsible for delivering community corrections activities.
3. The recommended amendment to objective MUS-O1 will ensure the objective more accurately links with the MUZ policies and rules with respect to the activities provided for as a permitted activity, and the likely residential catchments they serve. The amendments are more efficient and effective than the notified provisions in achieving the objectives of the IPI.
4. The recommended amendments to rules objective MUZ-O1 will not have any greater environmental, social, economic, or cultural effects than the notified provisions. However, there will be benefits for plan implementation as a result of a more accurate objective.

25.3 MUZ-O2 – Character and Amenity Values of the Mixed Use Zone

25.3.1 Matters Raised by Submitters

927. Submission S33.10 - Fuel Companies requests objective MUZ-O2 be amended as follows:

Mixed Use Zones are vibrant, attractive and safe urban environments. The built environment is well designed, reflects the wide mix of compatible residential and non-residential activities and is generally of a medium to high scale and density.

25.3.2 Discussion

928. I consider that due to the mix of activities provided for in the MUZ including light industrial activities and residential activities, the compatibility of activities is an important principle for the MUZ provisions. Therefore, I agree the addition of 'compatible' would be consistent with the zone framework.
929. However, I consider that the requested addition of 'compatible residential and non-residential' activities is problematic as the District Plan does not include a definition for *non-residential activities*, but it does use this term throughout the plan alongside other types of activities such as community facilities. On this basis I consider the inclusion of the words 'residential and non-residential' could introduce an element of uncertainty, and therefore I do not recommend this part of the submission be accepted.
930. I recommend submission S33.10 - Fuel Companies be accepted in part, and that MUZ-O2 be amended as set out in the 'Recommended Amendments to IPI' section below.

25.3.3 Recommendations

1. I recommend submission S33.10 - Fuel Companies be accepted in part.
2. I recommend all other submissions relevant to MUZ-O2 that are not specifically identified or addressed above be accepted, accepted in part, or rejected for the specific reasons provided in Appendix 1.
3. I recommend the IPI be amended as set out in the 'Recommended Amendments to IPI' section below.

25.3.4 Recommended Amendments to IPI

931. I recommend the IPI be amended as follows:

1. MUZ-O2: Amend as follows:

Mixed Use Zones are vibrant, attractive and safe urban environments. The built environment is well-designed, reflects the wide mix of compatible activities and is generally of a medium to high scale and density.

25.3.5 Section 32AA Evaluation

932. In my opinion, the recommended amendments to the IPI in response to matters raised by submitters are more appropriate in achieving the objectives of the IPI than the notified provisions. In particular, I consider that:

1. The recommended amendments to the MUZ-O2 will ensure the objective more accurately describes the management of compatible activities within the MUZ as provided for by the policies and rules of the MUZ. The amendments are more efficient and effective than the notified provisions in achieving the objectives of the IPI.
2. The recommended amendments to MUZ-O2 will not have any greater environmental, social, economic, or cultural effects than the notified provisions. However, there will be benefits for plan implementation as a result of a more accurate and clearer objective.

25.4 MUZ-O3 – Managing Effects at the Zone Interface

25.4.1 Matters Raised by Submitters

933. Submission S33.21 - Fuel Companies requests objective MUZ-O3 be amended as follows:

Managing Effects on Residential Amenity and at the Zone Interface

Use and development within the Mixed Use Zone are of an appropriate scale and manages potential adverse effects on:

- a) the amenity values of adjoining sites in Residential or Open Space and Recreation Zones.
- b) the amenity values of residential activities within the same Zone.
- c) reverse sensitivity.

25.4.2 Discussion

934. I do not agree with the request to restrict objective MUZ-O3 to the consideration of effects on residential amenity at the zone interface. I note that activities at the zone interface can also include lawfully established non-residential activities such as healthcare activities or education activities established via resource consent. In my opinion, non-residential activities that have been lawfully established in residential zones may be just as sensitive to reverse sensitivity effects as residential activities.

935. I consider it is the intention of MUZ-O3 to manage all potential adverse effects on activities within adjoining residential or open space zones. Therefore, I do not consider it appropriate to amend MUZ-O3 to shift its focus solely to effects on residential amenity.

936. With respect to the requested amendments to add 'the amenity values of residential activities within the same zone', and 'reverse sensitivity' as subclauses within MUZ-O3, I consider that this is already appropriately addressed by Policies MUZ-P1 and MUZ-P2. I therefore recommend submission S33.21 - Fuel Companies be rejected.

25.4.3 Recommendations

1. I recommend submission S33.21 - Fuel Companies be rejected.
2. I recommend all other submissions relevant to MUZ-O3 that are not specifically identified or addressed above be accepted, accepted in part, or rejected for the specific reasons provided in Appendix 1.

3. My recommendations in relation to any relevant further submissions reflect the recommendations on the primary submissions as set out above and within Appendix 1.

25.5 MUZ-P2 – Residential Activities

25.5.1 Matters Raised by Submitters

937. Submission S64.95 - Retirement Villages Association of New Zealand requests MUZ-P2 is amended to refer to residential units 'or retirement units'.

25.5.2 Discussion

938. Retirement villages require restricted discretionary resource consent within the Mixed Use Zone under rule MUZ-R17. Retirement villages are defined as mix of activities, and these activities include residential units. On this basis the requested addition of 'or retirement units' to MUZ-P2 is not necessary as policy MUZ-P2 will be a consideration for resource consent applications under rule MUZ-R17, and this will include any proposed residential units or 'retirement units' within proposed retirement villages. I recommend submission S64.95 - Retirement Villages Association of New Zealand be rejected.

25.5.3 Recommendations

1. I recommend submission S64.95 - Retirement Villages Association of New Zealand be rejected.
2. I recommend all other submissions relevant to MUZ-P2 that are not specifically identified or addressed above be accepted, accepted in part, or rejected for the specific reasons provided in Appendix 1.

25.6 MUZ-P5 – Built Development

25.6.1 Matters Raised by Submitters

939. Submission S64.97 - Retirement Villages Association of New Zealand requests clauses 3 and 4 of policy MUZ-P5 are amended as follows:

3. contributes to a well-functioning urban environment.
- ~~3. Is well designed; and~~
4. ~~Contributes to an attractive and safe urban environment.~~

940. The submitter opposes the requirement for development to contribute to an 'attractive and safe urban environment' and to be 'well-designed'. The submitter consider it is not clear what these terms means in relation to a 'well-functioning urban environment' and whether or not it adds additional requirements.

25.6.2 Discussion

941. I consider that the requested additional clause to refer to a 'well-functioning' urban environment is consistent with the direction of Strategic Direction objective CMU-O2, and objective 1 and policy 1 of the NPS-UD. I recommend the additional requested text 'well-functioning' is accepted in part on the basis that I consider the intent of the amendment can be better achieved via amending the wording of clause 4.
942. I recommend the rejection of the request to delete clauses 3 and 4 from MUZ-P5. In my opinion, a well-designed, attractive, and safe MUZ can play an important role in enabling all people and communities to provide for social wellbeing, and their health and safety. I consider these elements to be components of a well-functioning urban environment as expressed by NPS-UD objective 1.

943. On this basis I recommend submission S64.97 - Retirement Villages Association of New Zealand be accepted in part, and that MUZ-P5 be amended as set out in the 'Recommended Amendments to IPI' section below.

25.6.3 Recommendations

1. I recommend submission S64.97 - Retirement Villages Association of New Zealand be accepted in part.
2. I recommend all other submissions relevant to MUZ-P5 that are not specifically identified or addressed above be accepted, accepted in part, or rejected for the specific reasons provided in Appendix 1.
3. I recommend the IPI be amended as set out in the 'Recommended Amendments to IPI' section below.

25.6.4 Recommended Amendments to IPI

944. I recommend the IPI be amended as follows:

1. MUZ-P5(4): Amend as follows:
 4. Contributes to an attractive and safe well-functioning urban environment.

25.6.5 Section 32AA Evaluation

945. In my opinion, the recommended amendments to the IPI in response to matters raised by submitters are more appropriate in achieving the objectives of the IPI than the notified provisions. In particular, I consider that:

1. The recommended amendments to MUZ-P5 will better align with the direction of NPS-UD regarding the contribution of residential activities towards well-functioning urban environment as described by policy 1 of the NPS-UD. The amendments are more efficient and effective than the notified provisions in achieving the objectives of the IPI.
2. The recommended amendments will not have any greater environmental, social, economic, or cultural effects than the notified provisions. However, there will be marginal benefits for plan implementation as a result of improved plan alignment with national direction.

25.7 MUZ-R1 – Buildings and Structures, including Additions and Alterations

25.7.1 Matters Raised by Submitters

946. Submission S58.290 - Kāinga Ora: Homes and Communities requests notification preclusions within rule MUZ-R1 are amended as follows:

- a) Add MUZ-S1 - Height to the preclusion from public notification clause.
- b) Add MUZ-S7 - Water Supply, Stormwater, and Wastewater, and MUZ-S8 - Hydraulic Neutrality to the preclusion from public or limited notification clause.

947. The submitter considers that the effects generated by a failure to comply with these standards are technical in nature and do not warrant public or limited notification.

25.7.2 Discussion

948. I disagree with the submitter's opinion that the effects generated by a failure to comply with these standards are solely technical in nature that do not warrant notification. In my opinion, failure to comply with the standards can result in real-world adverse effects on the environment, including specifically identified persons.

949. In my opinion, proposals for buildings that exceed MUZ-S1 (Height) could require public notification - depending on the overall proposed height, its effects to the wider area, and whether the proposed height is consistent with the planned urban built form of the MUZ.
950. With respect to proposals that do not comply with MUZ-S7 (Water Supply, Stormwater, and Wastewater) I consider such proposals could result in significant adverse effects on the environment, such as an increase in flooding effects to surrounding properties and the wider area as a result of poorly managed stormwater. I do not consider it appropriate to preclude public and limited notification of resource consent applications seeking to not comply with MUZ-S7.
951. I consider that hydraulic neutrality required under MUZ-S8 will play a key role in avoiding and mitigating increased flood risk resulting in increased stormwater runoff from the significant additional permitted development enabled by the IPI. In my opinion, adverse effects of increased flooding resulting from not providing on-site hydraulic neutrality could impact a wide area and many properties. In my experience, there may also be an element of uncertainty regarding the effects where modelling of stormwater flood effects is limited, and I consider this scenario may also provide justification for limited or public notification.
952. I therefore recommend submission S58.290 - Kāinga Ora: Homes and Communities be rejected.

25.7.3 Recommendations

1. I recommend submission S58.290 - Kāinga Ora: Homes and Communities be rejected.
2. I recommend all other submissions relevant to MUZ-R1 that are not specifically identified or addressed above be accepted, accepted in part, or rejected for the specific reasons provided in Appendix 1.
3. My recommendations in relation to any relevant further submissions reflect the recommendations on the primary submissions as set out above and within Appendix 1.

25.8 MUZ-R12 – Office Activity

25.8.1 Matters Raised by Submitters

953. Submission S52.6 - Oyster Management Limited requests MUZ-R12 is amended to delete the maximum gross floor area per tenancy standard. The submitter considers that it is appropriate to provide for office activities with no limit on gross floor area in the Mixed Use Zone on the basis it would give effect to the direction in the NPS-UD to provide sufficient development capacity to meet the expected demand for business land.

25.8.2 Discussion

954. The office tenancy limit of 250m² is a trigger to enable the consideration of whether more substantive proposals for offices would undermine the role and function of the City Centre Zone (to give effect to RPS Policy 30), and whether the office activity is consistent with the planned built urban form of the MUZ.
955. I also note that clause 3.4 of Part 3 of the NPS-UD specifies that development capacity is 'plan-enabled' for business land if business use is a permitted, controlled, or restricted discretionary activity on the land. Office activities that exceed 250m² gross floor area are a restricted discretionary activity under rule MUZ-R12.2. Therefore, I consider rule MUZ-R12 is consistent with the requirements of the NPS-UD.
956. On this basis I recommend submission S52.6 - Oyster Management Limited be rejected.

25.8.3 Recommendations

1. I recommend submission S52.6 - Oyster Management Limited be rejected.

2. I recommend all other submissions relevant to MUZ-R12 that are not specifically identified or addressed above be accepted, accepted in part, or rejected for the specific reasons provided in Appendix 1.

25.9 MUZ-R14 – Drive-through Activity

25.9.1 Matters Raised by Submitters

957. Submission S32.7 - Z Energy Limited requests rule MUZ-R14(1)(a) is amended to exclude parking and manoeuvring areas at service stations from the calculation of GFA.
958. The submitter does not support this condition if it includes the car parking and manoeuvring areas of service stations, such as forecourt areas, parking spaces associated with car care facilities and /or entry/ exit and other hardstand areas facilitating access throughout the site. The submitter considers that to apply the qualifying standard in this way would effectively mean that service stations were not permitted activities, as most modern service stations have an area exceeding 1500m². The submitter therefore seeks to exclude parking and manoeuvring areas at service stations from the calculation of GFA.

25.9.2 Discussion

959. As this submission relates to transport matters of a technical nature, I have sought advice from a transport expert Mr Don Wignall of Transport Futures Limited (NZ) to help inform my recommendation on this submission. Mr Wignall's advice is contained in Appendix 4 to this report.
960. MUZ-R14 is as follows:

MUZ-R14	Drive-through Activity
	<p>1. <i>Activity status: Permitted</i></p> <p><i>Where:</i></p> <p>a. <i>The gross floor area of the activity including parking and manoeuvring areas does not exceed 1500m²; and</i></p> <p>b. <i>Compliance is achieved with MUZ-S6 (Landscaping and Screening).</i></p>
	<p>2. <i>Activity status: Restricted discretionary</i></p> <p><i>Where:</i></p> <p>a. <i>Compliance is not achieved with MUZ-R14-1.a</i></p> <p><i>Matters of discretion are restricted to:</i></p> <ol style="list-style-type: none"> 1. <i>The extent to which the intensity, size and scale of the activity may adversely impact on the amenity of the Mixed Use Zone or adjacent properties.</i> 2. <i>The effects of the intensity, size and scale of the activity on the existing and anticipated function and role of the Mixed Use Zone.</i> 3. <i>The potential of the intensity, size and scale of the activity to compromise activities that are enabled in the Mixed Use Zone.</i> 4. <i>The extent to which the adverse effects of the intensity, size and scale of the activity can be avoided, or appropriately remedied or mitigated.</i> <p>b. <i>Compliance is not achieved with MUZ-R14-1.b</i></p> <p><i>Matters of discretion are restricted to:</i></p> <ol style="list-style-type: none"> 1. <i>The matters of discretion of the infringed standard.</i> <p><i>Notification:</i></p> <ul style="list-style-type: none"> • <i>An application under MUZ-R14-2.b is precluded from being publicly notified in accordance with section 95A of the RMA</i>

961. I consider that the purpose of the gross floor area limitation for a permitted activity under rule MUZ-R14 is to primarily consider the proposed activity against the matters specified by policy MUZ-P3 – Other Activities. Clauses 2 and 3 of this policy state:

Provide for other activities where:

...

2. *The design and location of parking areas, vehicle access and servicing arrangements:*
 - a. *maintain streetscape amenity; and*
 - b. *ensure that pedestrian safety is not compromised;*
3. *The size, intensity and scale of the activity:*
 - a. *Is consistent with the anticipated character and amenity values of the Mixed Use Zone; and*
 - b. *Does not compromise other activities that are anticipated within the Mixed Use Zone; and*

...

962. Mr Wignall advises that the effect of the submitter's requested amendment would be that virtually all service stations would be treated as permitted activities no matter what the scale of effects generated. I consider such an outcome would be contrary to objectives MUZ-O1 – Purpose of the Mixed Use Zone, and MUZ-O2 – Character and Amenity Values of the Mixed Use Zone. These objectives seek to accommodate a range of activities including compatible light industrial and residential activities, and create vibrant, attractive, and safe urban environments. In my opinion, a large service station has the potential to result in adverse effects, such as traffic effects, that may be contrary to these objectives. Therefore, I do not consider it appropriate to amend the rule as requested by the submitter.

963. In his advice, Mr Wignall outlines his opinion on the advantages and disadvantages of four options to address the submitter's concerns. I have already recommended the submitter's requested amendment be rejected; however, three other options have been explored by Mr Wignall, including retaining the rule as notified. The options identified and analysed by Mr Wignall are as follows:

Table 1: Option Discussion

Option	Advantages	Disadvantages
i) Accept the proposed Z Energy amendment to Rule MUZ-R14(1)(a) without amendment.	This would minimise consenting costs for service station developers.	Virtually all service stations would be treated as permitted activities no matter what the scale of effects generated.
ii) Amend the GFA+ threshold to better reflect modern service station requirements, (say) to 2,000m ² .	Assuming a typical new service station site of 2,500m ² of which 500m ² is landscaping. This would capture the largest service stations, likely to generate the greatest effects.	This could result in unintended consequences of sub-optimal site development and/or the use of landscaping areas for operational purposes on smaller sites, in order to keep below the permitted activity threshold.
iii) Instead of the rule threshold relating to 'gross floor area including parking and manoeuvring areas' it could instead relate to 'total site area, excluding landscaping'.	This is likely to be clearer and less open to misinterpretation.	It is possible that either the total site area or what is included or excluded in terms of landscaping could be contested.
v) Retain Rule MUZ-R14(1)(a) without amendment.	This would ensure that most new service stations were appropriately consented and would minimise negative effects.	Most new service station developers would incur resource consenting costs.

964. Having considered these options, I do not recommend options ii) or iii) be used due to the likelihood of unintended consequence of sub-optimal site development to circumnavigate the requirements of option ii), or the possibility for total site area and landscaping to be matters that are contested. I do not consider the potential consequences of either of these two options to be acceptable outcomes for permitted activity status. On this basis I recommend submission S32.7 - Z Energy Limited be rejected.

25.9.3 Recommendations

1. I recommend submission S32.7 - Z Energy Limited be rejected.
2. I recommend all other submissions relevant to MUZ-R14 that are not specifically identified or addressed above be accepted, accepted in part, or rejected for the specific reasons provided in Appendix 1.
3. My recommendations in relation to any relevant further submissions reflect the recommendations on the primary submissions as set out above and within Appendix 1.

25.10 MUZ-R16 – Residential Activity

25.10.1 Matters Raised by Submitters

965. Submission S58.304 - Kāinga Ora: Homes and Communities requests rule MUZ-R16 is amended as follows:

- (a) Delete Standard 1.a. to remove the permitted activity limit of 6 residential units per site.
- (b) Delete Standard 2.a. and b. to remove the matters of discretion that relate to the residential use.
- (c) add 'or limited' notification to the notification preclusion clause.

25.10.2 Discussion

966. I do not recommend removing the permitted activity limit of 6 residential units from standard 1.a. In my opinion, the mix of uses provided for in the Mixed Use Zone results in an increased potential for reverse sensitivity effects to arise compared to the centres zones. Such activities provided for in the MUZ include light industrial activities. Therefore, I recommend the Council retains discretion to enable the case-by-case consideration of proposals for more than six residential units on a site as a method to ensure the objectives of the MUZ are achieved, and that moderate to large proposed residential developments provide an acceptable level of amenity for residents, while managing potential reverse sensitivity effects on non-residential activities.
967. The requested deletion of standard 2.a from rule MUZ-R16 would be a consequential amendment if point (a) above was recommended to be accepted. On this basis I recommend the requested deletion of standard 2.a. is rejected.
968. I consider that the request to exclude limited notification of applications under Rule MUZ-R16 would be likely to result in unanticipated consequences. In my opinion, potential reverse sensitivity effects as a result of mixing residential activities with non-residential activities such as light industry is a matter that may require the identification and notification of affected persons under sections 95E and 95B of the RMA.
969. Therefore, I recommend submission S58.304 - Kāinga Ora: Homes and Communities be rejected.

25.10.3 Recommendations

1. I recommend submission S58.304 - Kāinga Ora: Homes and Communities be rejected.

2. I recommend all other submissions relevant to MUZ-R16 that are not specifically identified or addressed above be accepted, accepted in part, or rejected for the specific reasons provided above Appendix 1.

25.11 MUZ-S6 – Screening and Landscaping of Service Areas, Outdoor Storage Areas and Parking Areas

25.11.1 Matters Raised by Submitters

970. Submission S32.9 - Z Energy Limited requests the following amendments to MUZ-S6:

Amend clause 1 as follows:

1. ... provision of an entry point to the site, be ~~adequately~~ screened by a fence or landscaping where they are visible from any:
 - a. Public road;
Other public space; or
The ground level of any directly adjoining site zoned Residential or Open Space and Recreation.

Amend clause 2, as follows:

2. ... a. Be fully screened, by either a 1.8m high fence fencing or the equivalent in landscaping or a combination of both, from any directly
b.to individual parking spaces for residential development, if provided or where the site is utilised by an existing service station activity.

Amend clause 3, such that it does not apply in addition to the landscaping required in clause 2 as follows:

3. At least 5% of any ground level parking area not contained within a building and not directly adjoining the boundaries where screening or landscaping is required by clause (2) above.

25.11.2 Discussion

971. With respect to clause 1, I agree that the term 'adequately' is too subjective for a permitted activity standard, and it would therefore be appropriate to delete this.
972. I also agree that inserting 'the ground level' into clause c) is appropriate, as in my opinion, it would be unreasonable for the standard to be interpreted to include views from the upper levels of buildings.
973. Regarding the requested amendment to clause 2.a, I consider it would be more appropriate to amend it to reflect the same recommended wording to standard 1.c.
974. I consider that the requested amendment to clause 2.b. is unnecessary, as in my opinion, existing service stations would enjoy existing use rights and therefore would not need to comply with the standard. Existing service stations would only need to comply with the standard if adding building, alterations, or otherwise increasing the size of the service station. I therefore do not recommend any amendments to clause 2.b.
975. I do not consider the requested amendment to clause 3 to be appropriate, as in my opinion, this would reduce the amount of landscaping required for ground level parking areas. I consider that it is not the intention of the provisions for the landscaping required for screening under clause 2.a. to be also used as car parking landscaping. I note that in the event of this scenario, the resource consent process enables the case-by-case consideration to ensure the intent of the standard will still be met.
976. I therefore recommend submission S32.9 - Z Energy Limited be accepted in part, and MUZ-S6 be amended as set out in the 'Recommended Amendments to IPI' section below.

25.11.3 Recommendations

1. I recommend submission S32.9Z Energy Limited be accepted in part.
2. I recommend all other submissions relevant to MUZ-S6 that are not specifically identified or addressed above be accepted, accepted in part, or rejected for the specific reasons provided in Appendix 1.
3. I recommend the IPI be amended as set out in the 'Recommended Amendments to IPI section below.

25.11.4 Recommended Amendments to IPI

977. I recommend the IPI be amended as follows:

1. MUZ-S6: Amend as follows:

1. Any on-site service areas, including rubbish collection areas, and areas for the outdoor storage of goods or materials must, without preventing the provision of an entry point to the site, be adequately screened by a fence or landscaping where they are visible from any:
 - a. Public road;
 - b. Other public space; or
 - c. The ground level of any directly adjoining site zoned Residential or Open Space and Recreation.
2. Any on-site parking area must
 - a. Be fully screened by a fence or landscaping from the ground level of any directly adjoining site zoned Residential or Open Space and Recreation.

25.11.5 Section 32AA Evaluation

978. In my opinion, the recommended amendments to the IPI in response to matters raised by submitters are more appropriate in achieving the objectives of the IPI than the notified provisions. In particular, I consider that:

1. The recommended amendments to the MUZ-S6 will eliminate uncertainty regarding the interpretation of the standard with respect to the landscaping and screening requirements. The amendments are more efficient and effective than the notified provisions in achieving the objectives of the IPI.
2. The recommended amendments to the CCZ introduction text will not have any greater environmental, social, economic, or cultural effects than the notified provisions. However, there will be benefits for plan implementation as a result of improved clarity of meaning of the permitted activity requirements for landscaping and screening.

26 SUB-CMU - Subdivision in Commercial and Mixed Use Zones

26.1 General Matters

26.1.1 Matters Raised by Submitters

979. Submission S58.61 - Kāinga Ora: Homes and Communities requests that all SUB-CMU controlled and restricted discretionary activity rules be amended to include a notification preclusion statement as follows:

Notification:

Applications under this rule are precluded from being publicly or limited notified in accordance with section 95A or section 95B of the RMA.

980. The submitter considers that the technical nature of these breaches requires technical and/or engineering assessments, and public participation by way of limited or public notification will unlikely add anything to the consideration of the effects of these breaches.

981. Submission S58.64 - Kāinga Ora: Homes and Communities requests that landscaping is deleted from the matters of control or discretion for rules SUB-CMU-R1, SUB-CMU-R2, SUB-CMU-R3, SUB-CMU-R4, and SUB-CMU-R5.

26.1.2 Discussion

982. Regarding submission S58.61 - Kāinga Ora: Homes and Communities request to include a notification preclusion into all SUB-CMU rules, I note there is no requirement in the NPS-UD or RMA for the Council to waive its discretion to make notification decisions for subdivision applications within the commercial and mixed use zones on a case-by-case basis.

983. Secondly, I note the submitter's opinion that the actual and potential effects of subdivision under the rules within SUB-CMU are only technical in nature that are unlikely to be required to be limited or publicly notified is not supported by a demonstration of the potential effects that could arise from non-compliance with standards such as:

- SUB-CMU-S1 – Access (i.e., potential danger to road users and pedestrians)
- SUB-CMU-S2 - Water supply, stormwater and wastewater (i.e., potential increased flooding effects on specific properties or a wider area)
- SUB-CMU-S3 - Subdivision in the Erosion Hazard Area of the Mangaroa Flood Hazard Extent (i.e., the potential to divert flood waters onto other properties, or change the upstream/downstream characteristics of the flood hazard)

984. As another example, I note that subdivision which proposes to create building platforms within 20m of a high voltage electricity line is likely to require the written approval of, or the service of limited notification on Transpower New Zealand Ltd.

985. In my opinion, there may be many scenarios where subdivision within the commercial and mixed use zones may require limited or public notification. I consider it is appropriate that the Council retains the discretion to make notification decisions on a case-by-case basis as intended by sections 95A – 95E of the RMA.

986. Accordingly, I recommend submission S58.61Kāinga Ora: Homes and Communities be rejected.

987. Regarding submission S58.64 - Kāinga Ora: Homes and Communities' request to delete the landscaping matters of control or discretion for rules SUB-CMU-R1, SUB-CMU-R2, SUB-CMU-R3, SUB-CMU-R4, and SUB-CMU-R5, I agree this should not be a matter of control or discretion for subdivision. I note landscaping requirements are specified by landscaping and screening permitted activity standards within the commercial and mixed use zone chapters. These standards must be complied with as part of development.

988. I therefore recommend submission S58.64 - Kāinga Ora: Homes and Communities be accepted, and that the matters of control/discretion from rules SUB-CMU-R1, SUB-CMU-R2, SUB-CMU-R3, SUB-CMU-R4, and SUB-CMU-R5 be amended as shown in the 'Recommended Amendments to IPI' section below.

26.1.3 Recommendations

1. I recommend submission S58.64 - Kāinga Ora: Homes and Communities be accepted.
2. I recommend submission S58.61Kāinga Ora: Homes and Communities be rejected.

3. I recommend all other submissions relevant to SUB-CMU general matters that are not specifically identified or addressed above be accepted, accepted in part, or rejected for the specific reasons provided in Appendix 1.
4. My recommendations in relation to any relevant further submissions reflect the recommendations on the primary submissions as set out above and within Appendix 1.
5. I recommend the IPI be amended as set out in the 'Recommended Amendments to IPI section below.

26.1.4 Recommended Amendments to IPI

989. I recommend the IPI be amended as follows (note recommended consequential amendments to numbering is only partially shown):

1. SUB-CMU-R1, SUB-CMU-R2, and SUB-CMU-R3: Delete matter of control (2) as follows:

Matters of control are limited to:

- (1) Design, appearance and layout of the subdivision.
- ~~(2) Landscaping.~~
- ~~(3)~~ Provision of and effects on network utilities and/or services.

2. SUB-CMU-R4, and SUB-CMU-R5: Delete Matter of discretion (2) as follows:

Matters of discretion are restricted to:

- (1) Design, appearance and layout of the subdivision.
- ~~(2) Landscaping.~~
- ~~(3)~~ Provision of and effects on network utilities and/or services.

26.1.5 Section 32AA Evaluation

990. In my opinion, the recommended amendments to the IPI in response to matters raised by submitters are more appropriate in achieving the objectives of the IPI than the notified provisions. In particular, I consider that:

1. The recommended amendments to rules SUB-CMU-R1, SUB-CMU-R2, SUB-CMU-R3, 2. SUB-CMU-R4, and SUB-CMU-R5 will remove landscaping from the matters of control/discretion as these are managed by permitted activity standards for development. This will ensure subdivision consent applications are addressing only relevant matters, leaving aspects of development to the appropriate permitted activity standards. The amendments are more efficient and effective than the notified provisions in achieving the objectives of the IPI.
2. The recommended amendments will not have any greater environmental, social, economic, or cultural effects than the notified provisions. However, there will be benefits for plan implementation as a result of simplified subdivision provisions that focus on relevant matters.

26.2 SUB-CMU-R1 – Subdivision around any existing lawfully established building which does not result in the creation of any new undeveloped allotment

26.2.1 Matters Raised by Submitters

991. Submission S56.17 - Fire and Emergency New Zealand requests rule SUB-CMU-R1 is amended to add the access standard SUB-CMU-S1 to the list of standards that must be met for controlled and restricted discretionary subdivision under this rule.

26.2.2 Discussion

992. Rule SUB-CMU-R1 specifically provides for subdivision around any existing lawfully established building which does not result in the creation of any new undeveloped allotment. This means all proposed allotments will already contain an existing lawfully established building, with existing access in place, or an absence of access that complies with SUB-CMU-S1.
993. Although section 106 of the RMA enables the Council to refuse to grant a subdivision consent if it considers sufficient provisions has not been made for legal and physical access to each allotment created by the subdivision, I consider it is likely there will be scenarios where existing access and manoeuvring areas within allotments proposed to be subdivided under the rule will no longer comply with the access standard following subdivision.
994. I note the wording of SUB-CMU-S1 means the access standard only applies where site access is required or provided. Therefore, access requirements would only be addressed where the subdivision would generate non-compliance with access requirements, or where an applicant proposes to create an access. On this basis I agree that it would be appropriate for applicants to demonstrate compliance with SUB-CMU-S1 when subdividing under rule SUB-CMU-R1.
995. I recommend submission S56.17 - Fire and Emergency New Zealand be accepted, and that SUB-CMU-R1 be amended as shown in the 'Recommended Amendments to IPI' section below.

26.2.3 Recommendations

1. I recommend submission S56.17 - Fire and Emergency New Zealand be accepted.
2. I recommend the IPI be amended as set out in the 'Recommended Amendments to IPI section below.

26.2.4 Recommended Amendments to IPI

I recommend the IPI be amended as follows:

1. SUB-CMU-R1.1.a: Amend as follows:

1. Activity status: Controlled
Where:
 - a. Compliance is achieved with
 - i. SUB-CMU-S2; ~~and~~
 - ii. SUB-CMU-S3; ~~and~~
 - iii. SUB-CMU-S1.

2. SUB-CMU-R1.2.a: Amend as follows:

2. Activity status: Restricted Discretionary
Where:
 - a. Compliance is not achieved with SUB-CMU-S1, SUB-CMU-S2 or SUB-CMU-S3

26.2.5 Section 32AA Evaluation

996. In my opinion, the recommended amendments to the IPI in response to matters raised by submitters are more appropriate in achieving the objectives of the IPI than the notified provisions. In particular, I consider that:
1. The recommended amendments to 1.SUB-CMU-R1 will ensure that potential adverse effects related to access and manoeuvring that would be generated by subdivision under the rule are addressed as part of the resource consent application. This will ensure unanticipated consequences will not occur with regard to proposed allotment boundaries and access arrangements resulting in proposed allotments and existing buildings within them failing to

provide safe access. The amendments are more efficient and effective than the notified provisions in achieving the objectives of the IPI.

2. The recommended amendments will not have any greater environmental, social, or cultural effects than the notified provisions. However, there will be potentially added costs to subdivision consent applications under the rule as a result of the need for applicants to address potentially unsafe access to the proposed allotments.

27 PK – Papakāinga

27.1 Matters Raised by Submitters

997. As an overview, and as outlined in the section 32 evaluation, the PK-Papakāinga provisions were prepared in partnership between the Council and mana whenua.
998. Submitters on the PK – Papakāinga chapter request a range of decisions including the following specific requests:

Submission No.	Decision Requested
S.5.17 - Bob Anker	Delete the reference to General Title Land owned by Māori from the PK-Papakāinga chapter.
S.5.18 - Bob Anker	PK-R2 remove the clause which precludes public notification.
S.5.19 - Bob Anker	PK-P1 ensure that at minimum all adjoining property owners are notified and provide informed consent. Additionally, notification should be placed in the community newspaper and/or social media.
S27.21 - Transpower New Zealand Limited	Amend Rules PK-R1, PK-R2 and PK-R3 as follows: " 1. Activity Status: Permitted Where a. Any building must comply with the relevant zone standards for building height, height in relation to boundary, yard setbacks and building coverage where specified in the relevant zone chapter. <u>... x) Any building or structure must comply with the relevant zone standard and associated activity status that applies where development is in the vicinity of high voltage (110 kV or greater) electricity transmission lines.</u>
S50.16 - Waka Kotahi – New Zealand Transport Agency	Amend PK-P4 to include access as a consideration for the limitations of a site for papakāinga.
S58.90 - Kāinga Ora - Homes and Communities	Amend PK-P4 to remove consideration of the effects on adjoining properties.
S58.91 - Kāinga Ora - Homes and Communities	Amend PK-P5 to include conservation activities in the list of non-residential activities.
S58.94 - Kāinga Ora - Homes and Communities	Amend PK-R1.2 to be a restricted discretionary activity rather than a discretionary activity. Delete the proposed public notification preclusion specific to standard (b) and replace with a general public notification preclusion for the entire rule. See submission for specific requested amendments.

S72.26 - Te Rūnanga o Toa Rangatira Inc (late submission)	Papakāinga Whole Chapter - Retain proposed change.
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27.2 Discussion

999. Submission S5.17 – Bob Anker requests the deletion of reference to General title Land owned by Māori from the papakāinga chapter. As discussed in the section 32 evaluation, the papakāinga provisions deliberately includes reference to General Title Land owned by Māori. I note that recognising and providing for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga is a *Matter of National Importance* under section 6 of the RMA. In my opinion, *ancestral land* is not determined by whether the land is held as Māori land or general title land. The term ancestral land recognises an ancestral link between Māori and land. The IPI recognises and provides for this ancestral link by providing a consent path for papakāinga on ancestral land that is not held as Māori land. I therefore recommend submission S5.17 – Bob Anker be rejected.
1000. Submission S5.18 – Bob Anker, requests the public notification preclusion within rule PK-R2 be removed. Rule PK-R2 is the restricted discretionary rule that provides a consent pathway for the consideration of papakāinga on general title land where the applicant is a member of Ngāti Toa Rangatira, Port Nicholson Block Settlement Trust, Wellington Tenth Trust, or Palmerston North Māori Reserve Trust.
1001. Papakāinga developments authorised under rule PK-R2 are still required to comply with all relevant bulk and location standards of the underlying zone for building height, height in relation to boundary, setbacks, and building coverage. This is achieved via other PK rules and standards. The relevant underlying zoning provisions do not preclude notification. I also note all other relevant district-wide provisions continue to apply. I consider the actual and potential effects of papakāinga on general title land under rule PK-R2 would be limited to specifically identified persons, as all other bulk and location requirements of the underlying zone and the district-wide provisions will continue to apply. I therefore recommend submission S5.18 – Bob Anker be rejected.
1002. Submission 5.19 – Bob Anker requests policy PK-P1 is amended to ensure that at a minimum, all adjoining property owners are notified and provide informed consent. The submitter also considers that notification should be placed in the community newspaper and/or social media.
1003. Policy PK-P1 sets out how the IPI intends to provide for papakāinga – i.e., on land on land held under Te Ture Whenua Māori Act 1993, and on general title land where it can be demonstrated that there is a whakapapa or ancestral connection to the land, and the land will remain in Māori ownership. I note that the identification of affected persons and notification decisions are made by the Council on a case-by-case basis after consideration of all actual and potential effects on the environment under sections 95-95E of the RMA. I therefore recommend submission S5.19 – Bob Anker be rejected.
1004. Submission S27.21 - Transpower New Zealand Limited, requests rules PK-R1, PK-R2 and PK-R3 be amended to include reference to the relevant zone standard and associated rules for development in the vicinity of high voltage (110 kV or greater) electricity transmission lines. I agree it would be appropriate to refer to the relevant building setback requirements with respect to electricity lines that are contained in all relevant zone chapters. As currently worded, rule PK-R1 does not achieve this, and neither does the proposed PK-District-wide matters rule table.
1005. To address this, I recommended making amendments to the PK-District-wide matters rule table rather than the rules specified by the submitter. This is recommended on the basis that the electricity transmission line rules within the zone chapters are located within restricted discretionary and non-

complying activity rules rather than permitted standards. I therefore recommend submission S27.21 - Transpower New Zealand Limited be accepted in part, and the IPI be amended as shown in the Recommended Amendments to the IPI section below.

1006. Submission S50.16 - Waka Kotahi – New Zealand Transport Agency, requests an amendment to policy PK-P4 to include access as a consideration for the limitations of a site for papakāinga. Policy PK-P4 sets out the maximum scale of papakāinga development as follows:

PK-P4 - Maximum scale of papakāinga development

The maximum intensity and scale of papakāinga development will be determined by the limitations of the site, including:

- (i) adequate provision of on-site or off-site infrastructure to serve the papakāinga; and*
- (ii) adverse effects on adjoining properties and the environment are avoided, remedied or mitigated;*

while recognising that papakāinga may contain activities of a character, scale, intensity or range that are not provided for in the surrounding area.

1007. I note papakāinga must also comply with the bulk and location standards of the relevant zone for building height, height in relation to boundary, setbacks, and building coverage. On this basis, I consider that the scale of papakāinga development is no greater than other forms of development within each zone.
1008. I note that where proposed papakāinga does not comply with the relevant permitted building standards under the relevant zone provisions, a discretionary resource consent is required under rule PK-R1.2. As a discretionary activity, the Council may consider any relevant matters, which could include adequate access is this is an issue for a particular site. I consider that reference to 'access' within policy PK-P4 would be useful to direct applicants and decision makers to turn their minds to potential access issues and any resulting transport safety effects that may be exacerbated by a high scale of development on a site. I also consider that restricted discretionary activity rule PK-R2 and discretionary activity rule PK-R3 would benefit from a policy reference to *access*.
1009. I therefore recommend submission S50.16 - Waka Kotahi – New Zealand Transport Agency be accepted, and that policy PK-P4 be amended as shown the Recommended Amendments to the IPI section below.
1010. Submission S58.90 - Kāinga Ora - Homes and Communities, requests policy PK-P4 be amended to remove consideration of the effects on adjoining properties as a potential limiting factor on the maximum scale of papakāinga development on a site. I note policy PK-P4 will be a matter the Council has regard to under section 104(1)(b)(vi) of the RMA when considering an application for resource consent for papakāinga developments that do not meet permitted standards. Such an application for resource consent for papakāinga may include proposals that breach the building height, setbacks, coverage, and height in relation to boundary standards of the relevant zone. I consider that applications that breach these standards may result in adverse effects on adjoining properties. Therefore, I consider it is appropriate for the policy to retain reference to the consideration of effects on adjoining properties. I therefore recommend submission S58.90 - Kāinga Ora - Homes and Communities be rejected.
1011. Submission S58.91 - Kāinga Ora - Homes and Communities requests policy PK-P5 be amended to include conservation activities in the list of non-residential activities. I consider that conservation activities fall under cultural and educational activities, which are already referred to in the policy. Therefore, I recommend submission S58.91 be rejected.

1012. Submission S58.94 - Kāinga Ora - Homes and Communities requests the following amendments to discretionary activity rule PK-R1.2:
- (a) The activity status is changed from discretionary to restricted discretionary;
 - (b) Delete the proposed public notification preclusion specific to standard (b) and replace with a general public notification preclusion for the entire rule.
1013. Rule PK-R1.2 is the discretionary activity rule for papakāinga where compliance is not achieved with one or more of the following permitted standards specified by rule PK-R1.1:
- a. Any building must comply with the relevant zone standards for building height, height in relation to boundary, yard setbacks and building coverage where specified in the relevant zone chapter.
 - b. The gross floor area of all *commercial activities* must not exceed the lesser of 20% of the area of the *subject site*, or 500m².
1014. The notification preclusion within discretionary activity rule PK-R1.2 precludes public notification of an application where compliance is not achieved with permitted standard (a) with respect to the bulk and location standards for buildings. The notification preclusion does not apply to applications that propose commercial activities that exceed the permitted area limitation. The ability to publicly notify a resource consent application that does not comply with the permitted standard is necessary to ensure that any *more than minor* actual or potential adverse effects on the role of the City Centre Zone can be publicly notified. This is consistent with how commercial activities are managed within all zones - excluding the City Centre Zone.
1015. I consider that limiting the scale of commercial activities outside of the City Centre Zone is an important method to achieve Strategic Direction objectives CMU-O3 – Centres Hierarchy, and CMU-O4 - Centre Zones Hierarchy. In my opinion, this approach is necessary to ensure the District Plan gives effect to RPS Objective 22 and Policy 30, which require the District Plan to ensure that uses and development in other centres do not undermine the role and function of the City Centre Zone – which the RPS identifies as a regionally significant sub-regional centre.
1016. On this basis I consider that discretionary activity status is the most appropriate rule category due to development under rule PK-R1.1 being provided for as a permitted activity within all zones – including the rural zones. In these scenarios, which could include large commercial activities proposed within a rural zone, I consider there may be other important matters the Council needs to consider during the processing of a resource consent. I do not have confidence that a specific list of matters of discretion could be prepared to ensure the Council would be able to consider all relevant matters.
1017. I consider that relevant matters will vary depending on a number of factors such as site location, access and transport, the potential for reverse sensitivity effects, effects on the City Centre Zone, and alignment with other national direction such as the National Policy Statement for Highly Productive Land. I do not generally recommend the use of restricted discretionary rules where the matters of discretion must be so broad to accommodate all potentially relevant matters that they are effectively a discretionary activity. Accordingly, I recommend submission S58.94 - Kāinga Ora - Homes and Communities be rejected.
1018. Submission S72.26 – Te Rūnanga o Toa Rangatira Inc request the entire papakāinga chapter be retained. I recommend this submission be accepted in part on the basis that the chapter is recommended to be retained, but I also recommend amendments to specific provisions as outlined above. I therefore recommend submission S72.26 – Te Rūnanga o Toa Rangatira Inc be accepted in part.

27.3 Recommendations

1. I recommend the following submissions be rejected:

- S5.17 – Bob Anker

- S5.18 – Bob Anker
 - S5.19 – Bob Anker
 - S58.90 - Kāinga Ora - Homes and Communities
 - S58.91 - Kāinga Ora - Homes and Communities
 - S58.94 - Kāinga Ora - Homes and Communities
2. I recommend submission S50.16 - Waka Kotahi – New Zealand Transport Agency be accepted.
 3. I recommend submission S27.21 - Transpower New Zealand Limited, and submission S72.26 – Te Rūnanga o Toa Rangatira Inc be accepted in part.
 4. I recommend all other submissions relevant to PK-Papakāinga provisions that are not specifically identified or addressed above be accepted, accepted in part, or rejected for the reasons specified in Appendix 1.
 5. My recommendations in relation to any relevant further submissions reflect the recommendations on the primary submissions as set out in Appendix 1.

27.4 Recommended Amendments to the IPI

1. Amend the PK-District-wide matters rule table as follows:

Rules

Zone Rules and District-wide matters

Papakāinga shall comply with the rules within the relevant zone chapter for buildings and structures within proximity to high voltage (110kV or greater) electricity transmission lines, and shall comply with all relevant permitted activity standards in the District-wide matters of the Plan as listed below.

...

2. Amend policy PK-P4 as follows:

PK-P4 - Maximum scale of papakāinga development

The maximum intensity and scale of papakāinga development will be determined by the limitations of the site, including:

- (i) adequate provision of access, on-site or off-site infrastructure to serve the papakāinga; and*

...

27.5 Section 32AA Evaluation – Recommended Amendments to Papakāinga Provisions

1019. In my opinion, the recommended amendments to the IPI in response to matters raised by submitters are more appropriate in achieving the objectives of the IPI than the notified provisions. In particular, I consider that:

1. The recommended amendments to the PK-Papakāinga rule table will ensure all relevant rules within the zone chapters that manage development in the vicinity of high voltage electricity transmission lines are applicable to papakāinga development. The amendments are more efficient and effective than the notified provisions in achieving the objectives of the IPI.
2. The recommended amendments to the PK-Papakāinga rule table will not have any greater environmental, social, economic, or cultural effects than the notified provisions. However, there will be benefits for plan implementation as a result of the appropriate management of activities as directed by national direction, and as intended by the existing District Plan

provisions. The amendment will address an oversight in the drafting of the Papakāinga provisions.

3. The recommended amendment to PK-P4 to include reference to 'access' as a potential matter that may impact the maximum scale of papakāinga development on a site will result in a more efficient and effective policy than the notified version in achieving the objectives of the IPI – particularly those that recognise good accessibility as a component of well-functioning urban environments.
4. The recommended amendment to PK-P4 will not have any greater environmental, social, or cultural effects than the notified provisions. However, there will be benefits for plan implementation as a result of improved clarity and recognition of access as a limiting factor on the scope of papakāinga development on a site. There may be an increase in economic costs where access issues are identified.

28 District-Wide Matters

28.1 Matters Raised by Submitters

1020. Submission S41.30 – Greater Wellington Regional Council requests amendments to the existing earthworks provisions to include:

- (a) Matters of control or discretion regarding the potential for adverse effects on water quality of any waterbody, wahi tapu, wahi taonga and habitat of any significant indigenous species; and
- (b) Requirements for the provision of an erosion and sediment control plan with a consent application for earthworks.

1021. Submission S41.30 also requests that the standards for Earthworks permitted activities be amended to include requirements for setbacks from waterbodies and erosion and sediment control measures to be effectively utilised to prevent sediment entering waterways and stormwater networks.

1022. Submission S48.3 – Siler Stream Railway Incorporated requests the IPI be amended to require a “no complaints” covenant, where the provision of noise and vibration provisions are not met adjacent to the railway, similar to what the submitter states is already on the property titles on existing housing located next to the railway boundary.

28.2 Discussion

1023. With respect to submission S41.30 – Greater Wellington Regional Council, I recommend the submission be rejected for the following reasons:

- (a) The request to include matters of control or discretion in the IPI are made on the basis that the submitter seeks the IPI provisions give effect to Proposed RPS Change 1 provisions. As addressed in the section 32 evaluation, during the preparation of the IPI the Council has had regard to Proposed RPS Change 1. I note there is no requirement to give effect to a proposed change to a regional policy statement under section 75(3) the RMA. I also note Proposed RPS Change 1 is subject to many submissions, and its final form following the hearings and appeals processes are not yet known.

(b) The request for the provision of an erosion and sediment control plan with a consent application for earthworks is already a matter addressed in the following sections of the Council's Code of Practice for Civil Engineering Works¹⁹:

- Part C – Design: A means of Compliance – Earthworks - C.1.2; and
- Part D – D.1.10 – Stormwater Drainage.

(c) The request to amend the earthworks permitted standards to include requirements for setbacks from waterbodies and erosion and sediment control measures is a matter that is already managed by earthworks permitted standards EW-S5, EW-S6, restricted discretionary activity rule EW-R9, and the Council's Code of Practice for Civil Engineering Works as discussed above.

1024. I also note that following Proposed RPS Change 1 being made operative following the hearings and appeals processes, the Council will be required to prepare a comprehensive plan change to give effect to the new RPS requirements. In my opinion, this future plan change is the most appropriate time to address all water quality matters that have been determined to fall within the functions of the Upper Hutt City Council under section 31 of the RMA.

1025. Regarding Submission S48.3 – Siler Stream Railway Incorporated requests the IPI be amended to require a “no complaints” covenant, where the provision of noise and vibration provisions are not met adjacent to the railway, I do not recommend including such provisions within a District Plan. I have concerns regarding the effectiveness and the lawfulness of district plan provisions that are intended to override a person's rights under sections 16 or 17 of the RMA.

1026. I note Section 17 of the RMA places a duty on all persons to avoid, remedy, or mitigate any adverse effect on the environment arising from an activity whether or not the activity is carried out in accordance with existing use rights under Section 10 of the RMA, a rule in a district plan, a resource consent, or a designation. Therefore, in my opinion, a 'no complaints' covenant as requested by submission S48.3 would be ineffective, as I consider such covenants would be put in place via resource consent conditions, and such conditions are not immune from the duties under section 17 of the RMA. I am concerned such an approach may be *ultra vires* section 17 of the RMA due to the District Plan attempting to limit a person's rights under Section 17.

1027. I also note that if adverse effects (including noise) exists beyond the boundaries of the railway line, it may be necessary for the infrastructure owner/operator to manage its activities by adopting the *best practicable option* to ensure the effects beyond the designation boundaries are reasonable in accordance with section 16 of the RMA – *duty to avoid unreasonable noise*.

1028. I am also of the opinion that any existing restrictions on the titles of properties is not a matter the IPI can reasonably investigate and form a view on. In any event, if property titles already include restrictions with respect to making complaints, I consider it is not necessary or appropriate for the IPI to duplicate these in the District Plan. For these reasons I recommend submission S48.3 – Silver Stream Railway Incorporated be rejected.

28.3 Recommendations

1. I recommend the following submissions be rejected:

- S41.30 – Greater Wellington Regional Council
- S48.3 – Siler Stream Railway Incorporated

¹⁹ [code-of-practice-for-civil-engineering-works.pdf \(upperhuttcity.com\)](#)

2. I recommend all other submissions relevant to District-Wide Matters that are not specifically identified or addressed above be accepted, accepted in part, or rejected for the reasons specified in Appendix 1.
3. My recommendations in relation to any relevant further submissions reflect the recommendations on the primary submissions as set out in Appendix 1.

29 Hydraulic Neutrality

29.1 Matters Raised by Submitters

1029. Submitter S58 - Kāinga Ora: Homes and Communities, makes multiple requests across the IPI to delete the performance criteria that defines hydraulic neutrality from specific provisions, and replacing this with a reference to the defined term *hydraulic neutrality*.
1030. Submission S37.1 - Kimberley Vermaey requests the IPI be amended so that rules be reworded to only require hydraulic neutrality for buildings containing residential units that are connected into the council mains via either a lateral or kerb to channel connection. The submitter considers that hydraulic neutrality should not apply to soak pit designs.
1031. Submission S58.100 - Kāinga Ora: Homes and Communities requests that GRZ-O4 is amended to refer to no 'net' increase in the peak demand on stormwater management systems on the basis that the submitter considers the existing wording that requires hydraulic neutrality to be unnecessarily strict and could be difficult to achieve.
1032. Submission S58.184 - Kāinga Ora: Homes and Communities requests that policy NCZ-P8 be amended to more accurately reflect the intent of the related rules and standards that require hydraulic neutrality as follows:
- Require ~~New~~ buildings and development ~~will~~ to be designed to achieve hydraulic neutrality.*
1033. Submissions S64.17 and S64.18 - Retirement Villages Association of New Zealand request amendments to multiple provisions across the zone chapters to replace the requirement to achieve hydraulic neutrality with wording that would *encourage* hydraulic neutrality.
1034. Submissions S64.42 and S64.50 - Retirement Villages Association of New Zealand request that GRZ-S9 and HRZ-O3 be amended to recognise that in some instances there may be sufficient capacity in the downstream system and / or the effects of increased water flows can be managed effectively without achieving hydraulic neutrality. No specific wording amendments are sought.
1035. Submission S72.3 – Te Rūnanga o Toa Rangatira Inc requests HRZ-O3 be amended to reflect that high density developments should not just do the bare minimum (neutrality) but aspire to achieve best practice to ensure they create 'hydraulic positivity' in the catchment and improve the quality of the environment.

29.2 Discussion

1036. I agree with submitter S58 – Kāinga Ora that the amendments to delete the description of hydraulic neutrality from specific provisions across the IPI would simplify the plan and improve implementation. I agree it is not necessary to repeat the content of a defined term within provisions. I recommend all relevant submissions from submitter S58 - Kāinga Ora: Homes and Communities that I list below be accepted, and that the IPI be amended as shown in the 'Recommended Amendments to IPI' section below.

1037. I do not agree with the reasoning for submission S37.1 - Kimberley Vermaey's request that the IPI be amended so that rules are reworded to only require hydraulic neutrality for buildings containing residential units that are connected into the council mains via either a lateral or kerb to channel connection. I consider that soak pit design and other methods that may be necessary to provide on-site stormwater attenuation must still be sufficient to achieve hydraulic neutrality. In my opinion, it is not a guarantee that hydraulic neutrality will be achieved simply due to the use of a soak pit – especially if the storage capacity and performance of the proposed soak pit is insufficient to cope with stormwater to the degree necessary to achieve hydraulic neutrality to the specified storm event. I consider that the submitter's requested amendments would be likely to result in situations where flooding from stormwater would be greater than the pre-development situation, and I consider such an outcome would be inconsistent with the objectives of the IPI. I therefore recommend submission S37.1 - Kimberley Vermaey be rejected.
1038. Regarding submission S58.100 - Kāinga Ora: Homes and Communities' request that GRZ-O4 is amended to refer to no 'net' increase in the peak demand on stormwater management systems, I consider that such an amendment is not necessary. I consider the addition of 'net' to GRZ-O4 serves no purpose as this is already implicit via what hydraulic neutrality requires -i.e., to manage stormwater so it is released from a site at a rate that does not exceed the pre-development peak stormwater runoff. I also note that this submission is inconsistent with a number of other submissions by submitter S58 that request the wording of similar objectives be retained as notified. I therefore recommend submission S58.100 - Kāinga Ora: Homes and Communities be rejected.
1039. I agree with submission S58.184 - Kāinga Ora: Homes and Communities that the requested amendments to policy NCZ-P8 are more appropriate than the notified version of the policy. I consider the amendments imply an action, and that this provides a stronger link with the relevant hydraulic neutrality rules and standards within the NCZ. I therefore recommend submission S58.184 - Kāinga Ora: Homes and Communities be accepted, and that the IPI be amended as shown in the Recommended Amendments to the IPI section below.
1040. Submissions S64.17 and S64.18 - Retirement Villages Association of New Zealand requests amendments to the IPI to replace multi-zone provisions that *require* hydraulic neutrality with wording that would only *encourage* hydraulic neutrality. I consider that the requested amendments to the policies listed by the submitter would be ineffective at achieving the relevant objectives that seek hydraulic neutrality be achieved to address stormwater flooding effects. I also consider such wording changes would be inconsistent with the proposed permitted activity standards for hydraulic neutrality. I note the relevant permitted standards across the zone chapter *require* rather than *encourage* hydraulic neutrality, and I do not recommend changing this approach in response to any other submission points. I therefore recommend submissions S64.17 and S64.18 - Retirement Villages Association of New Zealand be rejected.
1041. Submissions S64.42 and S64.50 - Retirement Villages Association of New Zealand request that GRZ-S9 and HRZ-O3 be amended to recognise that in some instances there may be sufficient capacity in the downstream system and / or the effects of increased water flows can be managed effectively without achieving hydraulic neutrality. I consider that amendments of this nature be inappropriate as they would enable downstream systems that currently have sufficient capacity for stormwater to become overwhelmed before hydraulic neutrality becomes necessary. In my opinion, such an approach would be likely to result in adverse stormwater constraints and effects in the future, and this would pass on the costs of addressing these effects to people who did not contribute to the problem.
1042. I note that the case-by-case consideration for proposals that seek to not achieve hydraulic neutrality is available via the resource consent process. I consider this to be the most appropriate method to achieve the relevant objectives, and I therefore recommend submissions S64.42 and S64.50 - Retirement Villages Association of New Zealand be rejected.

1043. Submissions S72.3 and S72.11 – Te Rūnanga o Toa Rangatira Inc requests objectives HRZ-O3 and NCZ-O4 be amended to reflect that high density developments should not just do the bare minimum (neutrality) but aspire to achieve best practice to ensure they create 'hydraulic positivity'. In my opinion, there is currently insufficient justification for including the requested rewording to include hydraulic positivity. I note there is no higher-level statutory planning direction that the district plan must give effect to that provides for the requested amendments.
1044. As discussed in the section 32 evaluation it is considered there is sufficient justification for the IPI hydraulic neutrality provisions, however I consider that going beyond hydraulic neutrality to ensure hydraulic *positivity* cannot currently be justified. Should hydraulic neutrality provisions make it through the plan change process for Proposed RPS Change 1, the Council will be required to change the District Plan via a comprehensive future plan change process to give effect to any relevant provisions of RPS plan change once it is made operative in its final form - following the hearings and appeals processes.
1045. I have not identified any requirements in the NPS-FM that require the IPI to be amended to provide the requested relief. I therefore recommend submissions S72.3 and S72.11 – Te Rūnanga o Toa Rangatira Inc be rejected.

29.3 Recommendations

1. I recommend the following submissions be accepted:
 - S58.38 - Kāinga Ora: Homes and Communities
 - S58.184 - Kāinga Ora: Homes and Communities
 - S58.219 - Kāinga Ora: Homes and Communities
 - S58.273 - Kāinga Ora: Homes and Communities
 - S58.322 - Kāinga Ora: Homes and Communities
 - S58.373 - Kāinga Ora: Homes and Communities
 - S58.409 - Kāinga Ora: Homes and Communities
2. I recommend the following submissions be rejected:
 - S37.1 – Kimberley Vermaey
 - S58.100 - Kāinga Ora: Homes and Communities
 - S64.17 - Retirement Villages Association of New Zealand
 - S64.18 - Retirement Villages Association of New Zealand
 - S64.42 - Retirement Villages Association of New Zealand
 - S64.50 - Retirement Villages Association of New Zealand
 - S72.3 – Te Rūnanga o Toa Rangatira Inc
 - S72.11 – Te Rūnanga o Toa Rangatira Inc
3. I recommend all other submissions relevant to hydraulic neutrality provisions that are not specifically identified or addressed above be accepted, accepted in part, or rejected for the reasons specified in Appendix 1.
4. My recommendations in relation to any relevant further submissions reflect the recommendations on the primary submissions as set out in Appendix 1.
5. I recommend the IPI be amended as set out in the 'Recommended Amendments to IPI' section below, and as set out in Appendix 2.

29.4 Recommended Amendments to IPI

I recommend the IPI be amended as follows:

1. SUB-GEN-R2A

Subdivision and development must be designed to achieve hydraulic neutrality. ~~ensure that the stormwater runoff from all new impermeable surfaces will be disposed of or stored on-site and released at a rate that does not exceed the peak stormwater runoff when compared to the pre-development situation for the 10% and 1% rainfall Annual Exceedance Probability event.~~

2. NCZ-S10

New buildings and development must be designed to achieve hydraulic neutrality. ~~ensure that the stormwater runoff from all new impermeable surfaces will be disposed of or stored on-site and released at a rate that does not exceed the peak stormwater runoff when compared to the pre-development situation for the 10% and 1% rainfall Annual Exceedance Probability event.~~

3. LCZ-S10

New buildings and development must be designed to achieve hydraulic neutrality. ~~ensure that the stormwater runoff from all new impermeable surfaces will be disposed of or stored on-site and released at a rate that does not exceed the peak stormwater runoff when compared to the pre-development situation for the 10% and 1% rainfall Annual Exceedance Probability event.~~

4. MUZ-S8

New buildings and development must be designed to achieve hydraulic neutrality. ~~ensure that the stormwater runoff from all new impermeable surfaces will be disposed of or stored on-site and released at a rate that does not exceed the peak stormwater runoff when compared to the pre-development situation for the 10% and 1% rainfall Annual Exceedance Probability event.~~

5. TCZ-S10

New buildings and development must be designed to achieve hydraulic neutrality. ~~ensure that the stormwater runoff from all new impermeable surfaces will be disposed of or stored on-site and released at a rate that does not exceed the peak stormwater runoff when compared to the pre-development situation for the 10% and 1% rainfall Annual Exceedance Probability event.~~

6. CCZ-S9

New buildings and development must be designed to achieve hydraulic neutrality. ~~ensure that the stormwater runoff from all new impermeable surfaces will be disposed of or stored on-site and released at a rate that does not exceed the peak stormwater runoff when compared to the pre-development situation for the 10% and 1% rainfall Annual Exceedance Probability event.~~

7. NCZ-P8

~~Require~~ new buildings and development will to be designed to achieve hydraulic neutrality.

29.5 Section 32AA Evaluation – Recommended Amendments to Hydraulic Neutrality Provisions

1046. In my opinion, the recommended amendments to the IPI in response to matters raised by submitters are more appropriate in achieving the objectives of the IPI than the notified provisions. In particular, I consider that:

1. The recommended amendments to simplify provisions that duplicate hydraulic neutrality performance criteria from the definition of *hydraulic neutrality* will simplify the plan without changing the intent or requirements of the relevant provisions, therefore improving plan implementation. The amendments are more efficient and effective than the notified provisions in achieving the objectives of the IPI.
2. The recommended amendments to simplify provisions that duplicate hydraulic neutrality performance criteria from the definition of *hydraulic neutrality* will not have any greater environmental, social, cultural, or economic effects than the notified provisions. There will be benefits for plan implementation as a result of the IPI provisions being more concise.

3. The recommended amendments to policy NZC-P8 will more accurately reflect and link with the hydraulic neutrality rules and standards within the NCZ chapter, therefore improving plan implementation. The amendments are more efficient and effective than the notified provisions in achieving the objectives of the IPI.
4. The recommended amendments to NCZ-P8 will not have any greater environmental, social, cultural, or economic effects than the notified provisions. There will be benefits for plan implementation as a result of the IPI provisions being more closely aligned with relevant rules and standards.

30 Transport / Infrastructure

30.1 Matters Raised by Submitters

1047. The following are the key submissions on transport / infrastructure provisions:

Submission No.	Decision Requested
S33.27 - Fuel Companies	<p>Amend Standard TP-S1 as follows: Where site access is required or provided the following standards apply:</p> <ol style="list-style-type: none"> 1. All accessways and manoeuvring areas shall be formed and surfaced in accordance with the Code of Practice for Civil Engineering Works (<u>Sections X and Y</u>). Exemption – the requirement for accessways serving sites solely occupied by unstaffed utilities shall be that the accessway shall be surfaced with permanent all weather surfacing for a minimum length of 5m from the edge of the road carriageway seal. 2. Sites shall have practical vehicle access to car parking and loading spaces (where provided or required), in accordance with the Code of Practice for Civil Engineering Works (<u>Sections X and Y</u>). This requirement does not apply to sites solely occupied by unstaffed utilities, provided that vehicles associated with utilities shall not obstruct the footpath or create a traffic hazard on the road. 3. Vehicular access to a corner allotment shall be located no closer than 8m from the street corner. Where a site is located on an intersection of a primary or secondary arterial traffic route (as identified in the Transport and Parking (TP) Chapter) the siting of the vehicular access shall be located as far as practicable from the corner of the street. The 8 metre setback shall be measured from where the two front boundaries of the site (refer to the definition of a corner allotment) join, or in accordance with the diagram below. <u>Note: This standard only relates to new allotments, new activities, or, where associated with an existing lawfully established activities, where the activity will result in a material change to the number or change to the nature of vehicle trips to and from the site...</u>
S50.11 - Waka Kotahi	Amend TP-R3 to broaden the rule to apply to all zones and all direct accesses to and from the state highway network.
S56.4 - Fire and Emergency New Zealand Opposed by:	<p>Include a new transport standard as follows, which should apply to all subdivision and land use activities in all zones: <u>TP-SX – Firefighting appliance access</u></p> <ol style="list-style-type: none"> 1. <u>Any access to a site located in an area where no fully reticulated water supply system is available, 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</u>

<p>FS14 - Retirement Villages Association of New Zealand Inc.</p> <p>FS15 – Ryman Healthcare Limited</p>	<p><u>metres wide and 13 metres long and with a minimum gross mass of 25 tonne including:</u></p> <p>a) <u>a gradient of no more than 16%; and</u></p> <p>b) <u>a minimum clear passageway and/or vehicle crossing of at least 3.5 metres width at the site entrance, internal entrances and between buildings; and</u></p> <p>c) <u>a minimum formed carriageway width of 4 metres; and</u></p> <p>d) <u>a height clearance of at least 4 metres; and</u></p> <p>e) <u>a design that is free of obstacles that could hinder access for emergency service vehicles.</u></p> <p><u>Zone: All</u></p>
<p>S50.12 - Waka Kotahi</p>	<p>Amend the transport access standards for state highways within TP-S1 to include minimum access spacing with any consequential amendments required throughout the rest of the plan to correctly reference the required access spacing standards for direct accesses to the state highway as follows:</p> <p>The appropriate safe access spacing standards for the state highway network are found in the <u>Waka Kotahi Planning Policy Manual Appendix 5B, Table App5B/3.</u></p>

30.2 Discussion

1048. Submission S33.27 - Fuel Companies requests standard TP-S1 is amended so the access and manoeuvring requirements specifically refer to the relevant sections of the Council's Code of Practice for Civil Engineering Works. The submitter also requests the insertion of a note that explains when the standard applies and when it does not apply with respect to existing and new activities.
1049. In my opinion, it is not necessary to specify the exact section of the Code of Practice for Civil Engineering Works, as the location of the access requirements within the Code are identified within the Code's contents section. In addition, I consider that should the Council review the Code in the future, a Schedule 1 RMA plan change may be necessary to update the section references if the IPI is too specific.
1050. I consider that the requested note below TP-S1(3) is not necessary or helpful for plan implementation. I note that existing use rights of existing lawfully established activities are provided for via section 10 of the RMA. For existing use rights to apply, section 10 requires that the character, intensity, and scale of the effects of an activity must be the same or similar to those that existed before the rule became operative or the proposed plan was notified. In my experience as a resource consents planner assessing building consent applications for compliance with the district plan, such determinations are made on a case-by-case basis. I do not consider that an advice note in the district plan is necessary to assist in the interpretation of section 10 of the RMA.
1051. I therefore recommend submission S33.27 - Fuel Companies be rejected.
1052. Submission S50.11 - Waka Kotahi requests rule TP-R3 is amended to broaden the rule to apply to all zones and all direct accesses to and from the state highway network. Rule TP-R3 is a proposed permitted activity rule for activities and buildings and structures that comply with the access standards of proposed standard TP-S1. The relevant zones listed in the rule are the Commercial and Mixed Use Zone.
1053. I have reviewed the relevant provisions and found that the residential zones under the IPI are subject to an existing specific standard that already requires compliance with the access standard. This standard is not shown in the IPI, as no changes to it are required to implement the MDRS or to give effect to policy 3 of the NPS-UD.

1054. The proposed new commercial and mixed use zones that replace the existing Commercial Zone do not duplicate TP-S1 within the zone chapters provisions, therefore the limitation of the commercial and mixed use zones within rule TP-R3 will ensure that subdivision, use and development within the commercial and mixed use zones are required to comply with TP-S1.
1055. On this basis, I consider that the requested amendment is not necessary. Accordingly, I recommend submission S50.11 - Waka Kotahi be rejected.
1056. Submission S56.4 - Fire and Emergency New Zealand requests the insertion of a new access standard that specifies the access standards for firefighting appliances.
1057. I note that the District Plan access standards do not *require* access to be provided to developments. However, where access is proposed, it must be provided in accordance with the access standard. Access requirements for firefighting appliances is not part of the existing access standards. The District Plan requires specific water supply standards to be met for firefighting purposes via the Council's Code of Practice for Civil Engineering Works, while the Building Act/Code requires sets out specific building access and escape requirements for firefighting and evacuation purposes.
1058. The submitter requests that the new standard is applied to all subdivision and land use activities within all zones that requires provision of specific access for firefighting appliances. The District Plan access standards do not require access to be provided to developments, but where access is proposed it must be provided in accordance with the access standard. Access requirements for firefighting appliances is not part of the existing access standards.
1059. The District Plan requires specific water supply standards to be met for firefighting purposes via the Council's Code of Practice for Civil Engineering Works, while the Building Act/Code requires sets out specific building access and escape requirements for firefighting and evacuation purposes.
1060. I consider that for the zones where the MDRS has been incorporated, or where the requirements of NPS-UD Policy 3 have been given effect to, the requested new standard would be deemed a new qualifying matter. In my opinion, to physically accommodate an access for firefighting appliances on a site for all subdivision and development would, at least in some instances, require a reduction in the amount of permitted activity development on a site than otherwise could take place under the IPI.
1061. I do not consider the submission includes sufficient justification to support a City-wide access standard for all subdivision and development across all zones. Although I agree the submission point raises an important issue, given the City-wide implications of the requested standard, I have reservations it falls within the limitations of an IPI under sections 80E and 80G of the RMA.
1062. To enable the consideration of a more specific and potentially more appropriate standard for firefighting appliance access, the submitter may wish to provide additional information at the hearing to:
- a. Provide evidence to demonstrate the need for the requested standard within the zones affected by the IPI in Upper Hutt;
 - b. Provide an evaluation of the requested standard pursuant to sections 77I, 77J, 77L, 77O, 77P and 77R of the RMA with respect to qualifying matters;
 - c. Consider refining the requested new standard so it fits within the limitations of the matters that can be included within an IPI pursuant to sections 80E and 80G of the RMA.
 - d. The necessity for the standard in addition to the existing water supply standards that must be met for firefighting purposes via the Council's Code of Practice for Civil Engineering Works, and the Building Act/Code requirements for building access and escape routes for firefighting and evacuation purposes.
1063. On this basis, I recommend submission S56.4 - Fire and Emergency New Zealand be rejected.

1064. With respect to submission S50.12 - Waka Kotahi's request to amend standard TP-S1 to refer to Waka Kotahi's updated planning policy manual for access standards for state highways, I have sought transportation advice from Mr Wignall to inform my recommendation. I have summarised the key points from Mr Wignall's evidence²⁰ as follows:

- a. In terms of the centres and mixed zones that Waka Kotahi address in respect of their submission, no substantial sites appear to be physically on a state highway, so the submission may be associated with potential future designations, rather than any currently proposed designations;
- b. The Table App5B/3 referred to by Waka Kotahi, is in any case, only a general guide, with 'recommended minimums' and 'desirable spacings' and so is unlikely to be sufficiently definitive to be enforceable as a rule;
- c. The submission refers to the Planning and Policy Manual (developed by Transit NZ in 2007 but no longer maintained as a complete entity) and a Table App5B/3 in Appendix 5B of the Manual which, on Waka Kotahi's web site, is stated to be "under review";
- d. Table App5B/3 is also based on, now superseded, Austroads advice and therefore, were Table App5B/3 to be incorporated into standards as requested by Waka Kotahi, it would likely need to be replaced very quickly, when Table App5B/3 is abandoned or updated;
- e. There is no need to include the requested new access standards, as the currently proposed assess standards and associated plan protections, in the context of Upper Hutt's state highway network are appropriate, sufficient, and would not be improved by including the requested new access standards; and
- f. Mr Wignall is not aware of any specific capacity or safety issues on the state highway through Upper Hutt, that could not be appropriately managed through existing Road Controlling Authority network management powers, procedures to approve new accesses onto a state highway, or through the currently proposed assess standards and associated plan protections.

1065. Based on the Mr Wignall's findings and advice, I do not consider it would be appropriate or necessary to amend standard TP-S1 to refer to Waka Kotahi's updated planning policy manual for access standards for state highways. I therefore recommend submission S50.12 - Waka Kotahi be rejected.

30.3 Recommendations

1. I recommend the following submissions be rejected:
 - S33.27 - Fuel Companies
 - S50.11 - Waka Kotahi
 - S56.4 - Fire and Emergency New Zealand
 - S50.12 - Waka Kotahi
2. I recommend all other submissions relevant to transport/infrastructure that are not specifically identified or addressed above be accepted, accepted in part, or rejected for the reasons specified in Appendix 1.
3. My recommendations in relation to any relevant further submissions reflect the recommendations on the primary submissions as set out in Appendix 1.

²⁰ Appendix 4.

31 Financial Contributions

31.1 Matters Raised by Submitters

1066. The following are the key submissions received on the financial contributions provisions:

Submission No.	Decision Requested
S41.29 - Greater Wellington Regional Council	Amend policy DC-P3 to ensure the subdivider or developer is paying their fair share of new utility services and facilities as outlined in the Stormwater Management Plan.
S58.69 - Kāinga Ora: Homes and Communities Opposed in part by: FS14 – Retirement Villages Association of New Zealand Inc. FS15 – Ryman Healthcare Limited	Amend the DC- Development Contributions chapter to: 1. Rename the chapter to 'Financial Contributions'. 2. Delete all references to development contributions. 3. That the chapter be amended to include specific provisions that clarify how Financial Contributions will be applied including by: (A) Provide a consistent methodology for determining FC across all forms of infrastructure, to the extent possible. For example: i Assessing whether infrastructure upgrades are already allowed for within the Council's Development Contributions Policy and only charging FC on upgrades not allowed for. ii Only charging the proportion of FC needed to service the proposed development (e.g., accounting for cumulative effects on infrastructure, but not disproportionately charging FC to those who may be the first to trigger an infrastructure upgrade). (B) Provide specific calculations, to the extent possible. (C) Provide specific circumstances where FC will not be charged. Provide details as to who undertakes the assessment (e.g., per FC-S3.1.d) and the process for dispute resolution. (D) By reference to an external document or resource, provide an 'online calculator' or similar tools to enable plan users to readily assess FC.
S50.15 - Waka Kotahi	Amend DC-P1 and DC-R2B to refer to 'transportation' and 'facilities to access public transport and cycleways' as shown in the submission. See submission for detailed requested amendments. Any other consequential amendments are also sought.
S58.71 - Kāinga Ora: Homes and Communities Opposed in part by: FS14 – Retirement Villages Association of New Zealand Inc. FS15 – Ryman Healthcare Limited	Amend DC-P1 to include references to 'those developing or subdividing', and 'based on the effects of the activity'. See submission for requested amendments.
S58.72 - Kāinga Ora: Homes and Communities Opposed in part by: FS14 – Retirement Villages Association of New Zealand Inc. FS15 – Ryman Healthcare Limited	Amend DC-P2 to refer to 'those developing or subdividing', and 'to be responsible for the fair and reasonable cost', and to insert commentary that specifies that financial contributions are required 'where such costs are not otherwise addressed by any other funding source available to the Council.

<p>S58.73 - Kāinga Ora: Homes and Communities</p> <p>Opposed in part by:</p> <p>FS14 – Retirement Villages Association of New Zealand Inc.</p> <p>FS15 – Ryman Healthcare Limited</p>	<p>Delete DC-P3 and replace with a new policy as follows: '<u>Require those developing or subdividing land to be responsible for the fair and reasonable cost of upgrading existing infrastructure or providing new infrastructure outside the land being subdivided, where existing infrastructure is not adequate to service the development, and where such costs are not otherwise addressed by any other funding source available to the Council.</u>'</p>
<p>S58.74 - Kāinga Ora: Homes and Communities</p> <p>Opposed in part by:</p> <p>FS14 – Retirement Villages Association of New Zealand Inc.</p> <p>FS15 – Ryman Healthcare Limited</p>	<p>Delete DC-P4.</p>
<p>S58.75 - Kāinga Ora: Homes and Communities</p> <p>Opposed in part by:</p> <p>FS14 – Retirement Villages Association of New Zealand Inc.</p> <p>FS15 – Ryman Healthcare Limited</p>	<p>Delete DC-P5 and replace it with the following: '<u>Require those developing or subdividing land to make a fair and reasonable contribution, in money or land, to open space and/or reserve contribution, where such costs are not otherwise addressed by any other funding source available to the Council.</u>'</p>
<p>S58.76 - Kāinga Ora: Homes and Communities</p> <p>Opposed in part by:</p> <p>FS14 – Retirement Villages Association of New Zealand Inc.</p> <p>FS15 – Ryman Healthcare Limited</p>	<p>Delete DC-P6.</p>
<p>S58.77 - Kāinga Ora: Homes and Communities</p> <p>Opposed in part by:</p> <p>FS14 – Retirement Villages Association of New Zealand Inc.</p> <p>FS15 – Ryman Healthcare Limited</p>	<p>Amend DC-P7 consistent with the relief sought on the other FC chapter provisions. See submission for requested amendments.</p>

<p>S58.78 - Kāinga Ora: Homes and Communities</p> <p>Opposed in part by:</p> <p>FS14 – Retirement Villages Association of New Zealand Inc.</p> <p>FS15 – Ryman Healthcare Limited</p>	<p>(1) Delete Rules R2-A to R2-E.</p> <p>(2) Notwithstanding the relief sought in the Kāinga Ora submission, deletion of a rule requiring an equivalent value equal to 4% of the value of each new residential unit or allotment up to a maximum of \$10,000 per residential unit or allotment is sought.</p> <p>(3) Seek a replacement rule for proposed rules R2-A to R2-E (see the submission and below for the new rule requested by the submitter).</p>
<p>S64.12 - Retirement Villages Association of New Zealand</p>	<p>Seek amendments to:</p> <p>(a) Ensure the dual financial and development contributions regimes will not result in double dipping;</p> <p>(b) Provide certainty as to the financial contributions that will be required to be paid;</p> <p>(c) Ensure the calculation methodology takes into account cost of works undertaken as part of development; and</p> <p>(d) Provide a retirement village-specific regime for retirement villages that takes into account their substantially lower demand profile compared to standard residential developments.</p>

31.2 Discussion

1067. Submission S41.29 - Greater Wellington Regional Council requests policy DC-P3 is amended *'to ensure the subdivider or developer is paying their fair share of new utility services and facilities as outlined in the Stormwater Management Plan'*.
1068. I am uncertain what the submitter is seeking in relation to Policy DC-P3. The policy states:
- DC-P3
- In circumstances where the existing services outside the land being subdivided or developed are adequate but, the proposed subdivision or development will require upgrading or provision of new services and facilities, the subdivider or developer shall pay the full and actual cost of such upgrading or new utility services and facilities.
1069. As far as I can determine, the Stormwater Management Plan referred to is a Wellington Water document (currently a draft) that sits outside the plan and is therefore subject to change. The submitter may wish to provide more information at the hearing, however based on the information provided with the submission I recommend submission S41.29 - Greater Wellington Regional Council be rejected.
1070. Submission S58.69 - Kāinga Ora: Homes and Communities requests a number of amendments to the financial contributions chapter. The further submitters oppose in part this submission on the grounds the requested decisions are inconsistent with the further submitters' own primary submissions on the IPI.
1071. I agree with submission S58.69 that it is appropriate to amend the chapter to refer to 'financial contributions' rather than 'development contributions', and to make consequential amendments throughout the chapter where appropriate. This is a legacy issue with the District Plan that I consider should be amended so the legislative basis for the provisions is clear – i.e., financial contributions are prepared under the RMA, whilst development contributions are prepared under the Local Government Act 2002. I note some references to 'development contributions' are explanatory and are present to assist in plan implementation, and I recommend in some instances these remain in the provisions.

1072. The submission also requests amendments to assist in explaining how financial contributions are assessed, calculated and what they are for. I agree the requested text will provide assistance for plan users. However, I do not recommend making amendments to provide specific calculation in the District Plan, as I note the development contributions policy is subject to more regular change and is currently being rewritten at the time of preparing this report.
1073. I therefore recommend submission S58.69 - Kāinga Ora: Homes and Communities be accepted in part, and that the financial contributions provisions be amended as set out in the 'Recommended Amendments to IPI' section below.
1074. Submission S50.15 – Waka Kotahi requests amendments to policy DC-P1 and rule DC-R2B to refer to 'transportation' and 'facilities to access public transport and cycleways'. The submitter requests these amendments to allow financial contributions to be collected for access to, or provision for all transport modes including walking, cycling and public transport. The submitter considers such an approach is consistent with the NPS-UD.
1075. I agree that the requested amendments related to components of a well-functioning urban environment as described in NPS-UD policy 6, such as accessibility including by way of public or active transport. In my opinion, financial contributions for these matters are for the purpose of ensuring positive effects on the environment to offset any adverse effects on the environment resulting from intensification, such as additional pressure of all transport nodes. The requested amendments would better align the direction of policy DC-P1 with the purpose of rule DC-R2B, which relates to financial contributions for transport including roads, private ways, service lanes, accessways, footpaths and walkways.
1076. I recommend the addition of 'cycleways' to the heading of rule DC-R2B to capture this aspect of active transport. I therefore recommend submission S50.15 – Waka Kotahi be accepted in part, and the IPI be amended as set out in the 'Recommended Amendments to IPI' section below.
1077. Submission S58.71 - Kāinga Ora: Homes and Communities requests amendments to policy DC-P1 as follows:
- ~~To require those developing or subdividing land subdividers or developers~~ to contribute to the provision of utilities, community facilities, services, roading and amenities based on the effects of the activity.
1078. Whilst I agree with the requested amendment to exchange reference to 'subdividers or developers' with 'those developing or subdividing land' improves the clarity of the policy; I do not agree it is necessary to add 'based on the effects of the activity'. I consider introducing such wording would introduce a degree of uncertainty between the policy wording and the financial contribution rules, which have been prepared based on the effects of the subdivision and development in accordance with section 77E(2) of the RMA.
1079. Regarding the further submitters who oppose submission S58.71 in part, the reasons provided for partial opposition is that the requested amendments are inconsistent with the further submitter's primary submission. No further technical explanation is provided; however, I have not identified any technical implications between submission S58.71 and the primary submissions of the further submitters. This is a recurring reason provided by further submitters FS14 – Retirement Villages Association of New Zealand, and FS15 – Rymans Healthcare Limited for partial opposition to requested amendments to the financial contribution provisions by submitter S58 – Kāinga Ora. I have not identified any technical implications associated with my recommendations on the further submitter's primary submissions and my recommendations on the financial contribution provisions in response to requested amendments by other submitters. For this reason, I do not consider the further submissions further in this section.
1080. I recommend submission S58.71 - Kāinga Ora: Homes and Communities be accepted in part, and policy DC-P1 be amended as set out in the 'Recommended Amendments to IPI' section below.

1081. Submission S58.72 - Kāinga Ora: Homes and Communities requests policy DP-P2 be amended as follows:

Require those developing or subdividing land Subdividers and developers should to be responsible for the fair and reasonable bear the cost of providing all utility services within the land being subdivided or developed where the benefits accrue services directly benefit to the land being subdivided or developed, where such costs are not otherwise addressed by any other funding source available to the Council.

1082. I agree some of the requested amendments are more appropriate than the existing wording of the policy, however I do not agree with other requested amendments as follows:

- a. I agree adding reference to 'require those developing or subdividing' is clearer wording than 'subdividers and developers'.
- b. Although not referred to in section 77E of the RMA, I agree adding reference to 'fair and reasonable' reflects how the proposed financial contributions have been prepared – including what is fair and reasonable to the community in terms of offsetting adverse effects from development and subdivision, and the community not having to pay for the costs of providing services to a site being developed or subdivided.
- c. I do not consider it necessary to replace 'benefits accrue' with 'services directly benefit'. In my opinion, the notified wording is simple and clear, and does not introduce any elements of uncertainty in their meaning.
- d. I agree it is appropriate to refer to the possibility of other funding sources available for the Council, but I do not agree with the wording requested by the submitter as I consider this could be interpreted to imply funding from rates. In my opinion, the addition of referent to alternative sources of funding should be specific to development contributions prepared under the Local Government Act 2002.

1083. I therefore recommend submission S58.72 - Kāinga Ora: Homes and Communities be accepted in part, and that policy DP-P2 is amended as set out in the 'Recommended Amendments to IPI' section below.

1084. Submission S58.73 - Kāinga Ora: Homes and Communities requests the deletion of policy DC-P3, and its replacement with the following policy wording:

Require those developing or subdividing land to be responsible for the fair and reasonable cost of upgrading existing infrastructure or providing new infrastructure outside the land being subdivided, where existing infrastructure is not adequate to service the development, and where such costs are not otherwise addressed by any other funding source available to the Council.

1085. With the exception of the final part of the requested wording that refers to other funding sources available to the Council – which I consider should be amended to be specific to development contributions under the LGA, I do not consider there to be any substantive differences between the notified wording of the policy and that requested by the submitter. I consider the notified wording to more accurately reflect situations where financial contributions may be required for services outside of the land being subdivided. I therefore recommend submission S58.73 - Kāinga Ora: Homes and Communities be accepted in part, and that policy DC-P3 be amended as set out in the 'Recommended Amendments to IPI' section below.

1086. Submission S58.74 - Kāinga Ora: Homes and Communities requests policy DC-P4 be deleted on the basis that the submitter considers public investment is driven by Development Contributions Policy and the Long Term Plan, and are therefore not required as a financial contribution, which are seeking to fill the gap between development contributions/Long Term Plan and enabled intensification. Although the submitter makes a good point, I note the Council does not in fact have a development contribution in place for urban allotments within the Council's current development contributions policy. I anticipate this gap will be filled in time, however in the meantime the IPI proposes to fill this

gap in response to the significant permitted development, and potential for adverse effects, generated by incorporating the MDRS and giving effect to policy 3 of the NPS-UD. I therefore recommend submission S58.74 - Kāinga Ora: Homes and Communities be rejected.

1087. Submission S58.75 - Kāinga Ora: Homes and Communities requests the deletion of policy DC-P5 and its' replacement with the following:

Require those developing or subdividing land to make a fair and reasonable contribution, in money or land, to open space and/or reserve contribution, where such costs are not otherwise addressed by any other funding source available to the Council.

1088. I agree the majority of the requested wording provides clearer and more concise direction that is more appropriate as policy wording. As with the submitter's other similar requested wording under other submission numbers above, I do not agree with the requested generic reference to 'other funding sources available to the Council'. I consider this could be interpreted to include funding via rates, which would mean the community would be paying these costs. I consider the wording should refer specifically to development contributions under the LGA. I therefore recommend submission S58.75 - Kāinga Ora: Homes and Communities be accepted in part, and that policy DC-P5 be replaced as shown in the 'Recommended Amendments to IPI' section below.

1089. Submission S58.76 - Kāinga Ora: Homes and Communities requests policy DC-P6 be deleted as the submitter considers that infrastructure can appropriately be captured under policy DC-P3 – subject to the submitter's requested amendments to DC-P3 being accepted.

1090. Notwithstanding my recommended amendments to policy DC-P3 that partially accept the submitter's requested amendments, I do not agree that infrastructure under DC-P6 can appropriately be captured under policy DC-P3. Policy DC-P6 is specific to the adverse effects from residential intensification on transportation or infrastructure effects. In my opinion, it would require interpretation, and potential debate, to interpret policy DC-P3 as capturing the effects of intensification in the same way as intended by policy DC-P6 – particularly for transportation effects. I do not generally recommend amendments that would result in less certainty and increased likelihood of debate between the Council and plan users. Accordingly, I recommend submission S58.76 - Kāinga Ora: Homes and Communities be rejected.

1091. Submission S58.77 - Kāinga Ora: Homes and Communities requests policy DC-P7 is amended as follows:

Only require A those developing or subdividing land to make a financial contribution ~~may be required for any land use or subdivision application~~ to ensure positive effects on the environment are achieved to offset any adverse effects ~~when the effects that~~ cannot otherwise be avoided, remedied or mitigated, and when costs are not otherwise addressed by any other funding source available to the Council.

1092. I generally agree with the requested amendments, however I do not agree with the request to use the term 'only' at the beginning of the policy, as I consider this introduces an element of uncertainty and debate that is not reflected in the financial contribution rules. I also do not consider the requested amendments to refer 'when the effects that' is necessary. I do not consider the addition of these words to be necessary to interpret the meaning of the policy. I agree it would be useful to the policy to refer to alternative forms of funding available to the Council, however, to avoid the potential interpretation that this includes funding from rates, I recommend this specific to development contributions under the LGA. I therefore recommend submission S58.77 - Kāinga Ora: Homes and Communities be accepted in part, and that policy DC-P7 be amended as set out in the 'Recommended Amendments to IPI' section below.

1093. Submission S58.78 - Kāinga Ora: Homes and Communities requests:

- a. the deletion of rules DC-R2-A to R2-E

- b. the deletion of a rule requiring an equivalent value equal to 4% of the value of each new residential unit or allotment up to a maximum of \$10,000 per residential unit or allotment.
- c. the replacement of rules DC-R2A to R2E with the following rule:

Financial Contribution for Residential and Subdivision Activities

In all residential, commercial and mixed use zones, where two or more residential units or allotments are proposed and when not provided by the development, or costs are not otherwise addressed by any other funding source available to the Council, a financial contribution that is directly related to the effects of the land use and/or subdivision may be required for:

- Infrastructure, including three waters and transportation;
- Open space;
- Reserves; and/or
- Environmental effects;

subject to considerations related to:

- Whether there will be an increase in the intensity of use of land from that which existed before the development
- Whether there is a change in nature and character of the use of land.

The subsidies that council may receive from New Zealand Transport Agency or other central government agencies.

1094. In my opinion, the requested replacement rule for rules DC-R2A to R2-E provides less clarity than the notified rules. In particular, I consider the requested rule does not describe how the level of financial contribution will be determined, and consequently I have reservations the requested wording meets the requirements of section 77E(2)(b) of the RMA. Section 77E of the RMA is as follows (emphasis added):

77E Local authority may make rule about financial contributions

- (1) A local authority may make a rule requiring a financial contribution for any class of activity other than a prohibited activity.*
- (2) A rule requiring a financial contribution must specify in the relevant plan or proposed plan—*
 - (a) the purpose for which the financial contribution is required (which may include the purpose of ensuring positive effects on the environment to offset any adverse effect); and*
 - (b) how the level of the financial contribution will be determined; and*
 - (c) when the financial contribution will be required.*
- (3) To avoid doubt, if a rule requiring a financial contribution is incorporated into a specified territorial authority's district plan under section 77G, the rule does not have immediate legal effect under section 86B when an IPI incorporating the standard is notified.*
- (4) In this section and section 77T, financial contribution has the same meaning as in section 108(9).*

1095. In my opinion the notified version of rule R2A provides certainty on how the amount will be determined by specifying that the financial contribution will be a maximum contribution in cash or land to an equivalent value equal to 4% of the value of each new residential unit or allotment up to a maximum of \$10,000 per residential unit or allotment. The use of 4% is based on the existing financial contribution provisions within the District Plan for the calculation of reserves and leisure facilities contribution – therefore providing a degree of familiarity and certainty for plan users until such time as the Council updates its development contributions policy. The proposed \$10,000 cap is also

intended to provide certainty regarding the maximum costs per residential unit or allotment before consideration is given to determine the final amount.

1096. In my opinion, the notified rules provide an appropriate method to give a high degree of certainty to developers with respect to the maximum financial contributions payable per additional residential unit or allotment until the provisions are superseded by the Council's updated development contributions policy under the LGA.
1097. On this basis, I consider rules DC-R2-A to R2-E should remain, but with one amendment to rule DC-R2A to include reference to funding via development contributions under the LGA as a matter the Council takes into account in determining the amount of financial contribution payable.
1098. I therefore recommend submission S58.78 - Kāinga Ora: Homes and Communities be accepted in part, and that rule DC-R2-A be amended as shown in the 'Recommended Amendments to IPI' section below.
1099. Submission S64.12 - Retirement Villages Association of New Zealand raises concerns that the proposed financial contribution provisions would result in 'double dipping' as the submitter considers there is overlap with the Council's Development Contributions Policy. I do not share the submitter's concerns as I note section 200 of the Local Government Act 2002 prevents the Council from double dipping. In my opinion, it is likely that once the Council updates its Development Contributions Policy, development contributions will be the method used by the Council rather than financial contributions.
1100. Submission S64.12 also requests that the development contributions provisions provide certainty as to the financial contributions that will be required, and to ensure that the calculation methodology takes into account the costs of works undertaken as part of development. I consider the proposed financial contributions provisions are clear as to the financial contributions that will be required, and I consider that recommended amendments I make in response to other submissions will add to this certainty.
1101. With respect to the calculation methodology request to take into account the cost of works undertaken as part of development, the submission points to examples such as public infrastructure such as roading and stormwater infrastructure that adds to the capacity of the network for wider public benefit. In my experience, such works are typically required to avoid, remedy, or mitigate the effects of development within the application site in accordance with the limitations of section 108AA of the RMA. In my opinion, should there be additional roading or infrastructure provided to a capacity that benefits the public beyond what is necessary to avoid, remedy or mitigate adverse effects arising from the development and use of the application site, this would need to be achieved via an agreement between the Council and the developer that sits outside of the resource consent process, or via an Augier condition pursuant to section 108AA(1)(a) of the RMA.
1102. Financial contributions are restricted to either money, land, or a combination of land under section 108(9) of the RMA. Therefore, I consider that works cannot be included as a financial contribution. Notwithstanding this, in my opinion, the wording of the matters the Council will take into account in setting a financial contribution under rule DC-R2A enables the case-by-case consideration of the intensity of the use of land before the development, and this may address the submitter's concerns to a degree. In my opinion, due to the complexity of the request combined with the limitations for financial contributions under the RMA, I consider that the most appropriate method to evaluate and determine the submitter's request would be via a review of the Council's Development Contributions under the LGA.
1103. Finally, submission S64.12 requests that a retirement village-specific regime for financial contributions is provided that takes into account the lower demand profile compared to standard residential developments. Although I agree in principle that some aspects of demand on infrastructure and services may be lower for retirement villages compared to a standard residential development, I do not have evidence that supports this, and I consider this would be a matter best addressed via the

Council's Development Contributions Policy. I therefore recommend submission S64.12 - Retirement Villages Association of New Zealand be rejected.

31.3 Recommendations

1. I recommend the following submissions be accepted in part:
 - S50.15 – Waka Kotahi
 - S58.69 - Kāinga Ora: Homes and Communities
 - S58.71 - Kāinga Ora: Homes and Communities
 - S58.72 - Kāinga Ora: Homes and Communities
 - S58.73 - Kāinga Ora: Homes and Communities
 - S58.75 - Kāinga Ora: Homes and Communities
 - S58.77 - Kāinga Ora: Homes and Communities
 - S58.78 - Kāinga Ora: Homes and Communities
2. I recommend the following submissions be rejected:
 - S41.29 - Greater Wellington Regional Council
 - S58.74 - Kāinga Ora: Homes and Communities
 - S58.76 - Kāinga Ora: Homes and Communities
 - Retirement Villages Association of New Zealand
3. I recommend all other submissions relevant to financial contributions that are not specifically identified or addressed above be accepted, accepted in part, or rejected for the reasons specified in Appendix 1.
4. My recommendations in relation to any relevant further submissions reflect the recommendations on the primary submissions as set out in Appendix 1.
5. I recommend the IPI be amended as set out in the 'Recommended Amendments to IPI' section below.

31.4 Recommended Amendments to IPI

1104. I recommend the IPI is amended as follows:

1. Financial Contributions chapter: Amend as described:
 - a. Replace all relevant references to 'development contributions' with 'financial contributions' as shown in Appendix 2.
2. Policy DC-P1: Amend as follows:

DC-P1

~~To require those developing or subdividing land subdividers or developers~~ to contribute to the provision of utilities, community facilities, services, road ~~ing~~ transportation and amenities.
3. Rule DC-R2B(a): Amend as follows:

DC-R2B

The full and actual costs of providing all new roads, private ways, service lanes, accessways, facilities to access public transport, cycleways, footpaths, and walkways...
4. Policy DC-P2: Amend as follows:

Require those developing or subdividing land ~~Subdividers and developers should to be responsible for the fair and reasonable bear the~~ cost of providing all utility services within the land being subdivided or developed where the benefits accrue to the land being subdivided or developed, where such costs

are not otherwise addressed by development contributions collected under the Local Government Act.

5. Policy DC-P3: Amend as follows:

In circumstances where the existing services outside the land being subdivided or developed are adequate but, the proposed subdivision or development will require upgrading or provision of new services and facilities, the subdivider or developer shall pay the full and actual cost of such upgrading or new utility services and facilities where such costs are not otherwise addressed by development contributions collected under the Local Government Act.

6. Policy DC-P5: Amend as follows:

~~Subdivision or development of land can lead to an increase in demand or need for reserves and open space and have adverse effects on the environment. It is important that subdividers or developers make a fair and reasonable contribution, either in cash or land, so that demand or need can be met and adverse effects can be avoided, remedied or mitigated.~~

Require those developing or subdividing land to make a fair and reasonable contribution, in money or land, to open space and/or reserve contribution, where such costs are not otherwise addressed by the Council's Development Contributions collected under the Local Government Act.

7. Policy DC-P7: Amend as follows:

~~Require A those developing or subdividing land to make a financial contribution may be required for any land use or subdivision application to ensure positive effects on the environment are achieved to offset any adverse effects that cannot otherwise be avoided, remedied or mitigated, and when costs are not otherwise addressed by the Council's Development Contributions collected under the Local Government Act.~~

8. Rule DC-R2A: Amend as follows:

In all Residential or Commercial and Mixed Use Zones all residential intensification activities where two or more residential units or allotments are proposed, a financial contribution shall be a maximum contribution in cash or land to an equivalent value equal to 4% of the value of each new residential unit or allotment up to a maximum of \$10,000 per residential unit or allotment.

- (a) Council recognises that the financial contribution is not appropriate in all cases and in determining whether the base maximum should be adjusted the following matters will be taken into account:
- (i) Whether there will be an increase in the intensity of use of land from that which existed before the development.
 - (ii) Whether there is a change in nature and character of the use of land.
 - (iii) The subsidies that council may receive from New Zealand Transport Agency or other central government agencies.
 - (iv) Whether a development contribution for the same purpose applies under the Council's Development Contributions Policy.

31.5 Section 32AA Evaluation

1105. In my opinion, the recommended amendments to the IPI in response to matters raised by submitters are more appropriate in achieving the objectives of the IPI than the notified provisions. In particular, I consider that:

1. The recommended amendments to the financial contributions provisions to delete reference to 'development contributions' will eliminate an error and reduce uncertainty regarding the interpretation of the provisions as to whether they are prepared under the RMA or the LGA.

The amendments are more efficient and effective than the notified provisions in achieving the objectives of the IPI.

2. The recommended amendments to the financial contributions provisions to delete reference to 'development contributions' will not have any greater environmental, social, economic, or cultural effects than the notified provisions. However, there will be benefits for plan implementation as a result of improved clarity of meaning and legislative basis underpinning the financial contributions provisions.
3. The recommended amendments to policies DC-P1, DC-P2, DC-P3, DC-P5, DC-P7, and rule DC-R2A improve the clarity of the provisions without changing their meaning or requirements. Reference to the Council's Development Contributions Policy will also assist plan implementation through the elimination of any confusion regarding potential 'double dipping' of financial contributions and development contributions. The amendments are more efficient and effective than the notified provisions in achieving the objectives of the IPI.
4. The recommended amendments to policies DC-P1, DC-P2, DC-P3, DC-P5, DC-P7, and rule DC-R2A will not have any greater environmental, social, economic, or cultural effects than the notified provisions. However, there will be benefits for plan implementation as a result of improved clarity of meaning and the legislative basis underpinning the financial contributions provisions. It will also ensure plan users are aware that development contributions under the Development Contributions Policy may be applicable to a proposed subdivision or development.
5. The recommended amendments to rule DC-R2B incorporates reference to other forms of public and active transport as described in policy 6 of the NPS-UD. This will enable financial contributions to target all aspects of infrastructure to support public and active transport that may be necessary within a site to help achieve a well-functioning urban environment. The amendments are more efficient and effective than the notified provisions in achieving the objectives of the IPI.
6. The recommended amendments to rule DC-R2B will not have any greater environmental, social, or cultural effects than the notified provisions. There may be additional economic costs as the result of a site needing to include access to public transport or a cycleway, although cycleways and walkways within development are typically provided in the form of a combined path. Benefits include improved access to public and active transport infrastructure within development sites.

32 Qualifying Matters

32.1 Matters Raised by Submitters

1106. A number of submitters request the addition of new qualifying matters to introduce a less permissive approach to residential development and subdivision than that provided by the MDRS. The common theme amongst the relevant submissions is the desire to address reverse sensitivity effects on existing activities and infrastructure, and to ensure the future development of these activities or infrastructure is not compromised by residential intensification in the surrounding area.
1107. The key submissions that seek new qualifying matters, and a suite of supporting provisions are as follows:

Submission No.	Decision Requested
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Wellington Electricity Lines Limited	
<p>S35.1 - Wellington Electricity Lines Limited</p> <p>Opposed by FS8 – Kāinga Ora</p> <p>Supported by FS13 – New Zealand Defence Force</p>	<p>It is sought that, as a mechanism, 'Qualifying Matters' be applied by Council in relation to the substation site identified in this submission to the extent that neighbouring (abutting) Medium and High Density Standard Zone properties cannot develop (as a permitted activity) multi-unit housing only 1.0m setback for the boundary and up to 20m in height.</p>
<p>S35.2 - Wellington Electricity Lines Limited</p> <p>Opposed by FS8 – Kāinga Ora</p> <p>Supported by FS13 – New Zealand Defence Force</p>	<p>WELL seek that intensified urban development is appropriately regulated through the qualifying matters provisions in the legislation on land which abuts critical Regionally Significant Infrastructure and associated facilities such as the identified Substations.</p>
<p>S35.3 - Wellington Electricity Lines Limited</p> <p>Opposed by FS8 – Kāinga Ora</p>	<p>Seeks that all activities and development adjoining the Brown Owl and Trentham Substations must comply with the provisions of the underlying Residential Activity Area of the ODP as they currently stand (as are currently operative).</p>
<p>S35.4 - Wellington Electricity Lines Limited</p> <p>Opposed by FS8 – Kāinga Ora</p> <p>Supported by FS13 – New Zealand Defence Force</p>	<p>Seek that the sites identified in this submission are identified on the applicable district planning map overlays with appropriate annotations to the effect that either medium or high density housing developments on abutting sites will require a land use consent as a Restricted Discretionary Activity thus enabling an effects assessment to be provided with appropriate reverse sensitivity mitigation being inherent to the development.</p>
<p>S35.6 - Wellington Electricity Lines Limited</p> <p>Opposed by FS8 – Kāinga Ora</p> <p>Supported by FS13 – New Zealand Defence Force</p>	<p>WELL seek that Policy NU-P3 of the ODP is similarly reflected in the MDRS to ensure the adverse effects of the proposed housing intensification appropriately consider the adverse effects of reverse sensitivity on Regionally Significant Infrastructure such as the Brown Owl and Trentham Zone Substations.</p>
<p>S35.8 - Wellington Electricity Lines Limited</p> <p>Opposed by FS8 – Kāinga Ora</p>	<p>WELL seeks that any intensification of properties surrounding the substations are provided for as restricted discretionary development so as to adequately integrate appropriate feedback from WELL (as an affected party) and the provision of mitigation against the potential adverse effects of reverse sensitivity (i.e., noise mitigation, screening, health and safety).</p>
KiwiRail Holdings Limited	
<p>S43.13 - KiwiRail Holdings Limited</p>	<p>Amend setbacks in LCZ-S2, MUZ-S3 TCZ-S3 and CCZ-S2, NCZ-SSC-S1, GRZ-S3, and any other zones affected by the IPI that adjoins the railway corridor to include a new permitted activity standard that requires a 5.0m building setback from boundaries adjoining the rail corridor, and a new matter of discretion that addresses the location</p>

Opposed by: FS8 – Kāinga Ora: Homes and Communities	and design of the building as it relates to the ability to safely use, access and maintain buildings without requiring access on, above or over the rail corridor. See the submission for specific requested amendments.
S43.14 – KiwiRail Opposed by: FS6 – Transpower New Zealand Limited Opposed in part by: FS14 – Retirement Villages Association of New Zealand Inc. FS15 – Ryman Healthcare Limited	Insert a new objective and policy into the NCZ, LCZ, MUZ, TCZ, CCZ and any other zones affected by the IPI that adjoins the railway corridor as follows: <u>OX. Built development is of an appropriate scale and location to minimise risks to public health and safety.</u> Add new policy as follows: <u>PX. Require activities adjacent to regionally significant network utilities to be setback a safe distance in order to ensure the ongoing safe and efficient operation of those utilities and the communities who live adjacent to them.</u> Alternatively, the existing objectives and policies in each zone be amended to provide appropriate policy direction to manage the safety of the rail corridor and the communities who live nearby.
S43.15 – KiwiRail Holdings Limited Supported by: FS10 – Waka Kotahi Supported in part by: FS13 – New Zealand Defence Force Opposed by: FS8 – Kāinga Ora: Homes and Communities	(1) Add a new objective and policy to the Noise chapter as follows: <u>NOISE-O2 Avoid where practicable, or otherwise remedy or mitigate, adverse effects of subdivision, use and development on regionally significant network utilities.</u> (2) Add new policy as follows: <u>NOISE-P3 Require activities to be appropriately located and/or designed to avoid where practicable or otherwise remedy or mitigate reverse sensitivity effects on regionally significant network utilities.</u> In the alternative and to the extent the noise and vibration rules are included in each relevant zone, amend the existing objectives and policies (including NCZ-P2, LCZ-P2, MUZ-P2 and TCZ-P2) to recognize the need to minimise reverse sensitivity effects on infrastructure.
S43.16 – KiwiRail Holdings Limited Supported by: FS10 – Waka Kotahi Opposed by: FS8 – Kāinga Ora: Homes and Communities FS14 – Retirement Villages Association of New Zealand Inc. FS15 – Ryman Healthcare Limited	Insert new Permitted Activity and Restricted Discretionary Rule into the Noise chapter to manage new buildings and alterations to existing buildings containing an activity sensitive to noise in all zones. See the submission for the requested new rules.
S43.17 – KiwiRail Holdings Limited Supported by: FS10 – Waka Kotahi Opposed by: FS8 – Kāinga Ora: Homes and Communities FS14 – Retirement Villages Association of New Zealand Inc.	1. Add a new permitted activity rule into the Noise chapter, or alternatively into each relevant zone adjoining the railway corridor that: (a) Specifies the maximum railway noise level (measured in LAeq(1h)) that any new building or alteration to an existing building that contains an activity sensitive to noise must meet be designed to meet. (b) Requires that any new building or alteration to an existing building that contains an activity sensitive to noise is at least 50 metres from any railway network and is designed so that a noise barrier completely blocks line-of-sight from all parts of doors and windows to all points 3.8 metres above railway tracks. (c) specifies the assumed level of noise from the railway track depending on the distance between the railway track and the new or altered building.

FS15 – Ryman Healthcare Limited	<p>(d) Requires new internal ventilation that provides air flow of at least 6 air changes per hour, provides relief for equivalent volumes of spill air, cooling, and heating of rooms between 18 degree C and 25 degrees C, and the noise emission limit for the heating/cooling or ventilation system can emit. See the submission for the wording of all requested standards.</p> <p>2. Add new matters for consideration where the requested new standards are not met. See the submission for all requested matters for consideration.</p>
<p>S43.18 – KiwiRail Holdings Limited</p> <p>Opposed by: FS8 – Kāinga Ora: Homes and Communities</p> <p>FS14 – Retirement Villages Association of New Zealand Inc.</p> <p>FS15 – Ryman Healthcare Limited</p>	<p>Add a new standard and matters for consideration into the Noise chapter or alternatively within each of the relevant zones adjoining the rail corridor as follows:</p> <p>New Noise standard:</p> <p><u>NOISE-S8 Indoor railway vibration</u></p> <ol style="list-style-type: none"> 1. <u>Any new buildings or alterations to existing buildings containing a noise sensitive activity, within 60 metres of the boundary of any railway network, must be protected from vibration arising from the nearby rail corridor.</u> 2. <u>Compliance with standard (1) above shall be achieved by a report submitted to the council demonstrating compliance with the following matters:</u> <ol style="list-style-type: none"> (a) <u>the new building or alteration or an existing building is designed, constructed and maintained to achieve rail vibration levels not exceeding 0.3 mm/s vw,95 or</u> (b) <u>the new building or alteration to an existing building is a single-storey framed residential building with:</u> <ol style="list-style-type: none"> i. <u>a constant level floor slab on a full-surface vibration isolation bearing with natural frequency not exceeding 10 Hz, installed in accordance with the supplier’s instructions and recommendations; and</u> ii. <u>vibration isolation separating the sides of the floor slab from the ground; and</u> iii. <u>no rigid connections between the building and the ground.</u> <p>Add new matters for consideration as follows:</p> <p><u>Matters for consideration</u></p> <p><u>NOISE-MC4 Rail vibration</u></p> <ol style="list-style-type: none"> (a) <u>the effects generated by the standard(s) not being met.</u> (b) <u>location of the building.</u> (c) <u>the effects of any non-compliance with the activity specific standards.</u> (d) <u>special topographical, building features or ground conditions which will mitigate vibration impacts.</u> <p><u>the outcome of any consultation with KiwiRail.</u></p>
Silver Stream Railway Incorporated	
S48.2 - Silver Stream Railway Incorporated	<p>Implement a setback based on district plan noise standards to be confirmed via a noise assessment from the Chalfont Road (Amberly Gardens), Kiln Street and Field Street boundaries of the Railway in which residential development becomes a restricted discretionary activity whereby discretion is restricted to managing the effects of reverse sensitivity; and/or add requirements for adjacent residential properties to be double-glazed and ventilated to protect the Railway from reverse sensitivity effects and complaints related to noise.</p>
Waka Kotahi NZ Transport Agency	
<p>S50.28 - Waka Kotahi</p> <p>Opposed by FS8 – Kāinga Ora</p> <p>Supported in part by FS13 - New</p>	<p>Include an overlay as qualifying matter which requires sensitive activities within 100m of State Highway 2 to provide mitigation for noise effects in accordance with Waka Kotahi standards.</p>

Zealand Defence Force	
New Zealand Defence Force	
S53.1 - New Zealand Defence Force Opposed by FS8 – Kāinga Ora	Seek to ensure that when significant intensification occurs within close proximity to Defence Facilities as proposed through the IPI, then reverse sensitivity effects are managed so that the ongoing operation of Defence Facilities are protected.
S53.5 - New Zealand Defence Force Opposed by FS8 – Kāinga Ora	Include the requirement for new development authorised by this Plan Change, that is within the NZDF reverse sensitivity buffer area, to include no-complaints covenants in favour of NZDF.
S53.6 - New Zealand Defence Force	The policy framework for both the High Density and General Residential zones acknowledges, and is supportive of, existing Defence facilities and operations, recognising that Trentham Military Camp has operated in this location for many years. The policy framework needs to set a clear direction in relation to avoiding reverse sensitivity effects on the Camp in order to ensure the safe and efficient operation of nationally significant infrastructure.
S53.7 - New Zealand Defence Force Opposed by FS8 – Kāinga Ora	That additional permitted activity standards requiring the registration of no-complaints covenants in favour of the NZDF are incorporated into intensification rules, for new development authorised by this Plan Change, in a NZDF reverse sensitivity buffer area.
S53.8 - New Zealand Defence Force Opposed by FS8 – Kāinga Ora	That reverse sensitivity be considered as a matter of control or discretion for proposed intensification not meeting permitted activity standards within a NZDF reverse sensitivity buffer area.
S53.10 - New Zealand Defence Force Opposed by FS8 – Kāinga Ora	Amend definition of "Qualifying Matter Area" to include "NZDF reverse sensitivity buffer area".
S53.12 - New Zealand Defence Force Opposed by FS8 – Kāinga Ora	Include objectives and policies that specifically manage reverse sensitivity effects on Trentham Military Camp in both the General Residential zone and the High Density Residential Zone. Means to achieve this include through the registration of no-complaint covenants in NZDF's favour within the NZDF reverse sensitivity buffer area.
Te Rūnanga o Toa Rangatira Inc	
S72.4 - Te Rūnanga o Toa Rangatira Inc (Late Submission) Supported by FS4 Greater Wellington Regional Council	HRZ-P1 - Identify sites and areas of significance and the boundaries of qualifying matter in this regard.

<p>S72.30 - Te Rūnanga o Toa Rangatira Inc (Late Submission)</p> <p>Supported by FS4 Greater Wellington Regional Council</p>	<p>The IPI Plan Change process will open the doors for developers, however in the absence of important overlays such as, SASMs and Significant Natural Areas (SNAs) that also have Tangata Whenua values, the Plan will be inadequate to provide necessary protection for these overlays. These overlays are qualifying matters. In the absence of such overlays, it is unclear how the Plan will deal with an overlay that does not exist when the IPI provisions take effect.</p>
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1108. There are also a number of submissions that seek other amendments to the IPI that relate to qualifying matters as follows:

Submission No.	Decision Requested
<p>S27.3 - Transpower New Zealand Limited</p>	<p>Seek limited amendments to refine the IPI's approach to embedding qualifying matters.</p>
<p>S27.16 - Transpower New Zealand Limited</p> <p>Opposed by FS8 – Kāinga Ora</p>	<p>Amend policy SUB-RES-P6 to read: To provide for medium density housing within the General Residential Zone while:</p> <p>(a) encouraging the consideration of the protection and retention of indigenous biodiversity values within the Indigenous Biodiversity Precinct. <u>and</u></p> <p>(b) <u>recognising that some parts of the Zone contain qualifying matters that may modify or limit the density or height of development. ...</u></p>
<p>S41.7 - Greater Wellington Regional Council</p> <p>Opposed by FS8 – Kāinga Ora</p>	<p>Ensure that density is appropriately managed within areas identified as experiencing 0.5 – 2 m inundation on the 'Regional Exposure Assessment 1% AEP' map.</p>
<p>S41.8 - Greater Wellington Regional Council</p>	<p>Ensure the District Plan provides for the management of development in areas at risk from natural hazards.</p>
<p>S41.16 - Greater Wellington Regional Council</p> <p>Opposed by FS3 – Bob Anker</p>	<p>Amend to apply setbacks to all waterbodies, and re-assess the areas identified for intensification as necessary.</p>
<p>S65.2 - Stephen Pattinson (late submission)</p>	<p>Qualifying matters (Add UFD-O4): Introduce new Policy (LCZ-P8); Flood zone Pinehaven Catchment Overlay (SUB-RES-R9). Re-assess the flood zones in the Pinehaven Stream Catchment Overlay using accurate input parameters that are truly representative of the catchment in order to provide flood zones that are genuine 'qualifying matters'</p>

32.2 Discussion

1109. I have the following technical and principles-based concerns regarding all requested amendments from the above submitters who request the addition of new qualifying matters and a suite of amendments to support the new qualifying matters:

- a. The lack of site-specific information and justification for the requested new qualifying matters including:

- i. technical information such as noise evidence, and evidence that demonstrates a legitimate resource management issue exists in the location(s) where the submitters request the application of a new qualifying matter – such as evidence of noise complaints;
 - ii. technical information to identify the spatial extent that would be necessary to provide for the requested qualifying matters, such as requested 'buffer areas' or specific setbacks from sites or infrastructure;
 - b. The lack of specific information to enable an evaluation of the requested new qualifying matters under sections 77J, 77L, 77P, and 77R of the RMA with respect to the duty to justify all proposed new qualifying matters;
 - c. The inability of all directly affected property owners to consider the requested new qualifying matter areas and participate in the IPI process. I note the requested provisions for new qualifying matters- such as those requested by submitter S43 – KiwiRail, are not accompanied by specific spatial mapping identifying all affected properties.
1110. Submissions S72.4 and S72.30 – Te Rūnanga o Toa Rangatira Inc, request the inclusion of Sites and Areas of Significance to Māori, and Significant Natural Areas as qualifying matters. Although I agree these are able to be included in the IPI as qualifying matters pursuant to sections 77I and 77O of the RMA. I also agree with the submitter that the development that the Council is required to enable via the IPI places additional risks and pressure on these important resource management issues. However, I do not recommend the inclusion of any additional sites as part of the IPI due to a lack of site-specific information, justification, and consultation with directly affected property owners.
1111. In my opinion, the provisions of SASMs and SNAs within the IPI would require a comprehensive evidence base. I would also expect consultation with directly affected property owners on the proposed listings and relevant provisions to have occurred. The timing requirements of the IPI are challenging, and as a consequence there has not been sufficient time to address these important resource management issues as part of the IPI. Therefore, I consider the most appropriate approach to address these matters would be via the Council working with all relevant iwi on a future non-IPI Schedule 1 RMA plan change to identify and protect SASMs within Upper Hutt. I therefore recommend submissions S72.4 and S72.30 be accepted in part on the basis the issues and potential implications the submitter raises are acknowledged.
1112. My recommendations on all other submissions that seek the inclusion of new qualifying matters is to reject the submissions. However, I note the submitters may wish to provide additional technical and evaluative information in advance of the hearing that, in my opinion, may enable the technical and evaluative consideration of the requested new qualifying matters. I note this possibility in Appendix 1 within the recommendations for all relevant submission points.
1113. Notwithstanding this potential outcome, I remain uncertain how directly affected property owners could be included in the IPI process to consider and comment on any restriction on the level of permitted development on their properties that would otherwise be enabled by the IPI as notified. I am mindful that the submissions that request new qualifying matters do not include sufficient spatial mapping information that identifies all property owners who would be directly affected – therefore in my opinion, significantly reducing the likelihood of further submissions being made by affected property owners. Taking into account there is no ability to appeal decisions on the IPI on merit grounds²¹, I have concerns regarding a fair process, even in the event the submitters provide sufficient technical and evaluative information to support and justify new qualifying matters prior to or during the hearing. I am therefore of the opinion that any potential new qualifying matters should be progressed via a non-IPI Schedule 1 RMA plan change process. This would ensure the robust testing

²¹ Clause 107 of Schedule 1 of the RMA prevents appeals on the IPI, while clause 108 preserves the right to judicial review: <https://legislation.govt.nz/act/public/1991/0069/latest/LMS634501.html>

and justification of all proposed new qualifying matters by the Council and enable input and testing by submitters, submitter's technical experts, and the appeals process.

1114. Further to the above, I consider the District Plan already contains provisions that require decision makers to turn their minds to the actual and potential effects on infrastructure, including regionally significant infrastructure. Existing provisions include objective NU-O1 and policy NU-P3, which state:

NU-O1 To recognise and protect the benefits of regionally significant network utilities and ensure their functions and operations are not compromised by other activities.

NU-P3 Avoid, or as appropriate, remedy or mitigate, the potential for any adverse effects including reverse sensitivity effects on regionally significant network utilities from inappropriate new subdivision, use and development occurring under, over, or adjacent to regionally significant network utilities.

1115. Regionally significant network utilities are defined as including the National Grid, facilities for the generation and transmission of electricity where it is supplied to the network, and the Strategic Transport Network as detailed in Appendix 1 to the Wellington Regional Land Transport Strategy 2010-2040. For Upper Hutt City, the Wellington Regional Land Transport Strategy identifies the following as regionally significant network utilities:

- State Highway 2;
- the rail corridor between Wellington Station and Upper Hutt; and
- Eastern Hutt Road and Fergusson Drive (strategic roads – primary regional arterials)

1116. In my opinion, the submissions do not demonstrate that the current approach within the District Plan to manage reverse sensitivity effects on these regionally significant network utilities is ineffective, inappropriate, or inconsistent with the RPS.

1117. I therefore recommend all submission be rejected as set out in the 'Recommendations' section below, and as contained in Appendix 1.

1118. There are a number of other submissions that seek other decisions on qualifying matters. Submission S23.7 – Transpower New Zealand Limited requests amendments to refine the IPI's approach to embedding qualifying matters. I address similar requested relief by submitter S23 in other sections of this report including the PK-Papakāinga chapter. I recommend amendments in response to those specific submissions that is consistent with the amendments requested by submission S.23.7, and I therefore recommend submission S23.7 – Transpower New Zealand Limited be accepted in part.

1119. Submission S27.16 - Transpower New Zealand Limited requests policy SUB-RES-P6 is amended to include a clause that references qualifying matters that may modify or limit the density or height of development within residential zones. I note that the District-wide matters rule table in the SUB-RES-Subdivision in the General Residential Zone clearly lists all existing qualifying matter areas that apply to subdivision. On this basis I consider that the requested additional text is not necessary to ensure qualifying matters are taken into account during the subdivision process. I therefore recommend submission S27.16 - Transpower New Zealand Limited be rejected.

1120. Submissions S41.7, S41.8, and S41.16 – Greater Wellington Regional Council request amendments to the IPI to address natural hazards including managing density within specific flood inundation areas, and to apply new setbacks to all waterbodies. I agree addressing natural hazards is an important resource management issue that may have significant implications on the location and form of development. However, in my opinion, addressing natural hazards in light of new hazard information is best achieved via a comprehensive non-IPI plan change process to enable the full preparation and testing of the evidence base, and to enable the full participation of the community, directly affected property owners, mana whenua, and all other interested stakeholders. Attempting to include new natural hazard provisions via a submission on the IPI does not provide for these processes. Consequently, I recommend submissions S41.7, S41.8, and S41.16 – Greater Wellington Regional Council be rejected.

1121. Submission S65.2 - Stephen Pattinson requests that the flood zones in the Pinehaven Stream Catchment Overlay are reassessed using accurate input parameters that are truly representative of the catchment in order to provide flood zones that are genuine qualifying matters. The Pinehaven Stream Catchment Overlay is identified in the District Plan hazard maps, and includes the catchment itself in addition to a stream corridor hazard, overland flow hazard, and ponding hazard. The relevant natural hazard provisions are proposed to be specifically identified as an existing qualifying matter area. The submission does not include any technical information that indicates the Council's flood hazard mapping is inaccurate in this area, and I do not have any reason to suspect this to be the case. I therefore recommend submission S65.2 - Stephen Pattinson be rejected.

32.3 Recommendations

1. I recommend the following submissions be accepted in part:
 - S23.7 – Transpower New Zealand Limited
 - S72.4 and S72.30 – Te Rūnanga o Toa Rangatira Inc

2. I recommend the following submissions be rejected:
 - S27.16 - Transpower New Zealand Limited
 - S35.1 - Wellington Electricity Lines Limited
 - S35.2 - Wellington Electricity Lines Limited
 - S35.3 - Wellington Electricity Lines Limited
 - S35.4 - Wellington Electricity Lines Limited
 - S35.6 - Wellington Electricity Lines Limited
 - S35.8 - Wellington Electricity Lines Limited
 - S35.1 - Wellington Electricity Lines Limited
 - S35.2 - Wellington Electricity Lines Limited
 - S35.3 - Wellington Electricity Lines Limited
 - S35.4 - Wellington Electricity Lines Limited
 - S35.6 - Wellington Electricity Lines Limited
 - S35.8 - Wellington Electricity Lines Limited
 - S41.7 - Greater Wellington Regional Council
 - S41.8 - Greater Wellington Regional Council
 - S41.16 – Greater Wellington Regional Council
 - S43.13 – KiwiRail Holdings Limited
 - S43.14 – KiwiRail Holdings Limited
 - S43.15 – KiwiRail Holdings Limited
 - S43.16 – KiwiRail Holdings Limited
 - S43.17 – KiwiRail Holdings Limited
 - S43.18 – KiwiRail Holdings Limited
 - S65.2 - Stephen Pattinson

3. I recommend all other submissions relevant to qualifying matters provisions that are not specifically identified or addressed above be accepted, accepted in part, or rejected for the reasons specified in Appendix 1. Note that relevant submissions may be located under other topics/chapters.

4. My recommendations in relation to any relevant further submissions reflect the recommendations on the primary submissions as set out above and within Appendix 1.

33 St Patrick's Estate Precinct

33.1 Matters Raised by Submitters

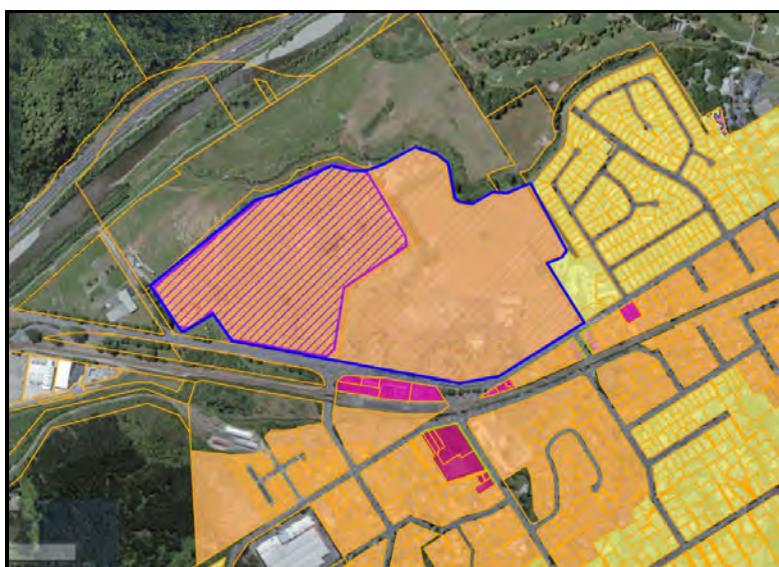
1122. The key submissions on the St Patrick's Estate Precinct are:

Submission No.	Decision Requested
S50.19 - Waka Kotahi	Amend the St Patrick's Estate Precinct provisions to require the re-development of this site to be supported by a qualifying matter of a comprehensive structure plan process to support the development of the precinct that considers all aspects of the proposal, including transportation requirements, three waters, open space, and commercial needs.
S62.1 - Silverstream Land Holdings Limited Partially supported by FS10 - Waka Kotahi	Amend the zoning of the St Patrick's Estate Precinct to Mixed Use Zone. The submission includes a considerable amount of reasoning and justification for all the requested amendments as a suite. See the submission for full reasoning and justification for these requested amendments.
S62.2 - Silverstream Land Holdings Limited	Move the proposed St Patrick's Estate Precinct provisions into the MUZ chapter.
S62.3 - Silverstream Land Holdings Limited	Amend via either of the following three options: <ol style="list-style-type: none"> 1. Combine the St Patrick's College and St Patrick's Urban Precincts into a single St Patrick's Estate Precinct; or Note: the following two additional options were not included in the summary of submissions: <ol style="list-style-type: none"> 2. Amend the District Plan text to refer to the St Patrick's College and St Patrick's Urban Precincts; or 3. Add an additional layer onto the planning maps of the St Patrick's Estate Precinct that encompasses both the St Patrick's College and St Patrick's Urban Precincts and make any consequential changes necessary within the District Plan Text.
S62.4 - Silverstream Land Holdings Limited	Amend the St Patrick's Estate Precinct by: <ol style="list-style-type: none"> 1. Inserting the following text: The St Patrick's Estate is strategically located in proximity to State Highway 2, provides a regionally significant development opportunity, and is within ...; 2. Delete reference to 'high density residential development' and replace it with 'a range of activities'; 3. Delete references to 'High Density Residential Zone' and replace with 'Mixed Use Zone'; 4. Make consequential amendments. See the submission for requested amendments.
S62.6 - Silverstream Land Holdings Limited	Insert the following new objective into the St Patrick's Estate Precinct provisions: <u>MUZ-PREC2-O2 - St Patrick's Estate Precinct.</u> <u>The St Patrick's Estate Precinct is recognised as a development site of regional significance and a wide range of activities are enabled on the site through the Mixed Use Zone.</u>
S62.14 - Silverstream Land Holdings Limited	Amend the MUZ Introduction text to remove the restriction of residential on ground floor. Alternatively, amend the introduction to the MUZ chapter to clarify that residential at ground floor is envisaged within the St Patrick's Estate Precinct.
S62.22 - Silverstream Land Holdings Limited Opposed by FS10 – Waka Kotahi	Include a new rule MUZ-PREC1-R1 to provide for garden centres as a permitted activity within the St Patrick's Estate.

S62.23 - Silverstream Land Holdings Limited Opposed by FS10 – Waka Kotahi	Provide for supermarkets as a permitted activity within the St Patrick's Estate Precinct; OR clarify as part of the existing definition of 'large format retail' that it is inclusive of supermarkets.
S62.24 - Silverstream Land Holdings Limited	Amend the proposed St Patrick Estate Precinct provisions, as transferred to the MUZ, to provide for the educational activity functions of the St Patrick's College site as a permitted activity.
S62.25 - Silverstream Land Holdings Limited	Amend the MUZ subdivision provisions by including, as necessary, subdivision provisions from the HRZ relevant to the St Patrick's Estate Precinct.

33.2 Discussion

1123. For context, prior to discussing the key submissions I provide information on the St Patrick's Estate Precinct. The location of the site is as shown in the image below:



*Blue outline = St Patrick's Estate Precinct, purple dashed line = 'Urban Precinct',
yellow dashed line = 'College Precinct'*

1124. The IPI proposes to rezone the site from Special Activity Zone to High Density Residential Zone with site-specific provisions provided for via the use of a precinct.
1125. Submissions S50.19 - Waka Kotahi requests the St Patricks Estate Precinct provisions are amended to require the development of this site to be supported by a qualifying matter of a comprehensive structure plan process to support the development of the precinct that considers all aspects of the proposal, including transportation requirements, three waters, open space and commercial needs.
1126. Taking into account the activities that are already provided for within the St Patrick's Estate Area under the existing Special Activity zoning, I do not consider it would be reasonable to restrict development of the site through requiring the prior development of a comprehensive structure plan as a qualifying matter. The submission does not provide specific requested amendments to provisions that would put in place a new qualifying matter, or the rule framework necessary to provide the mechanism for the consideration of subdivision, use and development within the Precinct. This leaves me with little to consider with respect to specific potential amendments to the IPI. This being the case, the submitter may wish to provide additional information at the hearing to enable the consideration of more specific amendments.
1127. Notwithstanding my opinion on shortfalls of the requested amendments by submission S50.19 above, I am aware that there are potential adverse transportation safety effects relevant to the development

of the site. To help inform my analysis of submissions on the St Patrick's Estate Precinct provisions, I have sought expert independent transportation advice on this matter, and I address transport safety issues in detail in response to submission S62 – Silverstream Land Holdings Limited below. On this basis, I recommend submission S50.19 - Waka Kotahi be rejected.

1128. Submissions S62.1 and S62.2 - Silverstream Land Holdings Limited requests the zoning of the St Patrick's Estate Precinct is changed from proposed High Density Residential Zone to Mixed Use Zone, and that the St Patrick's Estate Precinct provisions be relocated into the Mixed Use Zone chapter. Further submitter FS10 – Waka Kotahi partially support submission S62.1 but raise concerns regarding the potential adverse effects on infrastructure and transport nodes.
1129. When I take into account the existing uses that are enabled and provided for within the site under the existing Special Activity zoning, I consider that the proposed Mixed Use Zone is the closest comparable zone that reflects many, but not all, of the activities provided for and encouraged within the St Patrick's Estate site.
1130. I have carried out a technical comparison of the key differences in the activities and their potential effects provided for within the Special Activity Zone (the status quo) versus those provided for within the proposed Mixed Use Zone. I have also obtained independent expert transportation advice from Mr Don Wignall of Transport Futures Ltd to assist in identifying and describing transport network constraints affecting the site, and to identify potential activity thresholds in the event that specific provisions could be drafted to address the identified transport network effects and constraints. As my analysis has evolved, and as I discuss below in response to other submissions, I have not drafted provisions that would take this approach. Mr Wignall's evidence is attached as Appendix 4.
1131. Mr Wignall provides an overview of the transportation constraints associated with the development of a range of activities within the Precinct, and provides specific gross floor area thresholds for different activities based on the likely effects generated on the transportation network on a vehicles per hour basis.
1132. Mr Wignall identifies the key transportation constraints relevant to the St Patrick's Estate Precinct as
... the capacity and safety of Fergusson Drive at the point access is taken for the development and adjacent junctions, and also at the Fergusson Drive intersections with SH2, Eastern Hutt Road, County Lane, Field Street, St Patrick's College Accesses and the two Silverstream pedestrian crossings.
1133. My technical analysis²² shows that although there are similarities between how activities are provided for within the Special Activity Zone and the Mixed-Use Zone – such as residential activities, industrial activities, and education facilities, there are also some notable differences. My key findings are:
1. The Special Activity Zone (including the St Patrick's Estate provisions) lists many activities as non-complying activities that the Mixed-Use Zone provides for as either permitted, restricted discretionary, or discretionary activities. Key examples include:
 - a. Retail Activities and Large Format Retailing are non-complying activities within the SAZ, but are permitted activities within the MUZ.
 - b. Food and beverage activities are a non-complying activity within the SAZ, but a permitted activity within the MUZ – subject to maximum GFA standard.
 - c. Retirement villages are a non-complying activity within the SAZ, but are a restricted discretionary activity within the MUZ.
 - d. Light industrial activities are non-complying within the SAZ, but are a restricted discretionary activity within the MUZ.

²² Appendix 5

- e. Emergency service facilities are a non-complying within the SAZ, but are a restricted discretionary activity within the MUZ.
- f. Warehouses are a non-complying activity within the SAZ, but are a discretionary activity within the MUZ.
- g. Yard Based Activity / Trade Supplier are a non-complying activity within the SAZ, but a discretionary activity within the MUZ.
- h. Motorised Recreation is a non-complying activity within the SAZ, but a discretionary activity within the MUZ.
- i. All activities that are not specifically listed, such as drive-through activity, are a non-complying activity within the SAZ but are a discretionary activity within the MUZ.

1134. Many of the activities that are non-complying activities under the existing SAZ provisions for the St Patrick's Estate site, would be permitted activities should the zoning of the site be change to MUZ. Some of these activities are considered by Mr Wignall to be generators of high numbers of vehicle movements. For example, large format retailing, supermarkets, and drive-through activities are identified in Mr Wignall's evidence as activities that are of sufficient scale to warrant an integrated transport assessment prior to being deemed appropriate activities within the Precinct. I consider that permitted activity status would be at odds with such an approach. In light of Mr Wignall's evidence, I consider the submitter's requests to provide for supermarkets and garden centres as a permitted activity within the Precinct under submissions S62.22 and S62.23 are not reasonable requests for the site, and I do not recommend providing for these activities via permitted activity status – regardless of the zoning of the site. Further submitter FS10 – Waka Kotahi oppose these submissions on the basis they would result in adverse effects on the transportation network. Accordingly, I recommend submissions S62.22 and S62.23 - Silverstream Land Holdings Limited be rejected.

1135. Unlike the Mixed Use Zone in other locations in the City, the significant size of the Precinct and its relative undeveloped state means a substantial amount of new development and a mix of activities are provided for under the existing zoning. In my opinion, in the absence of a structure plan for the site that identifies the general layout and location of future activities within the site, a more cautious approach to that enabled within the Mixed Use Zone is necessary. When I add the submitter's other requests to the provisions for the Precinct, such as applying the High Density Residential Subdivision provisions to the Precinct (submission S62.25), I have been unable to identify a reasonably practicable technical approach that would deliver a rational pattern of development and mix of uses within the Precinct that would not potentially result in unanticipated adverse effects - such as an increased potential for reverse sensitivity effects resulting from high density residential subdivision and development as provided for by the HRZ provision in proximity to other non-residential activities enabled by the requested MUZ provisions. I also consider that rezoning the site to MUZ and applying the HRZ subdivision provisions to the Precinct may result in subdivision, use, and development that is not consistent with the purpose of the MUZ as described by the MUZ objectives.

1136. I have considered at length the submitter's request to rezone the Precinct to MUZ. I have come to the conclusion that due to the large size and primarily undeveloped state of the Precinct, I consider that the most appropriate method to achieve the submitter's requested amendments would be to prepare a structure plan to identify where HRZ subdivision and development is anticipated, and the areas where MUZ activities including the non-residential activities are anticipated. This would also enable the site constraints to be addressed at the same time, such as the potential adverse effects on the transportation network as a result of the development and use of the Precinct, and potential new roading connections. In my opinion, this approach would require a non-IPi plan change process to enable sufficient time to work through the technical details.

1137. In the absence of a structure plan, I consider that an alternative approach to that requested by the submitter would be the most appropriate method to address the issues I identify above. In my opinion, the Precinct should remain zoned HRZ as proposed by the IPI, however amendments to the Precinct objectives and policies could be made to provide direction to decision makers that development within the Precinct is anticipated to include a mix of compatible residential and non-residential activities. I note such an approach would retain the general direction of the existing objectives and policies for the Precinct (under the SAZ zoning), while also identifying the site as an important contributor to future housing supply via medium and high density residential development. Such policy direction would be applied in the consideration of resource consent applications under the existing HRZ rules, such as those for retail activities. I also consider that this approach would ensure the key potential adverse effects for mixed-use and high density residential development within the Precinct such as effects on the transportation network and reverse sensitivity effects would be considered under existing matters of discretion within the HRZ rules.
1138. Therefore, alternative amendments are recommended that are considered to partially address the matters raised by the submitter. I recommend the proposed rezoning of the Precinct to HRZ is retained, but an additional objective for the Precinct that is similar to the wording of objective SAZ-03 (currently recommended for deletion), and amendments are made to policy HRZ-PREC2-P1 to refer to a mix of activities and the need to address potential adverse effects such as reverse sensitivity effects.
1139. I note all activities that the submitter requests be enabled within the Precinct via the MUZ zoning and additional specific permitted activity rules may be pursued via resource consent under the HRZ zoning, with the additional consideration of the recommended Precinct-specific objective and policies.
1140. Should the submitter have a potential alternative technical solution that addresses the key potential issues that I consider may result from the submitter's requested mix of high density residential subdivision and development, mixed with non-residential activities that would be provided for under the MUZ provisions, I would welcome the opportunity to consider this as part of the hearing process. In my opinion, it would be useful if any proposed technical solution includes a structure plan, and specific provisions that address the matters I have discussed above.
1141. As I recommend alternative amendments that may address some of the submitter's concerns regarding the provision for a mix of uses within the Precinct, I recommend submission S62.1 - Silverstream Land Holdings Limited be accepted in part, and submissions S62.2 and S62.25 - Silverstream Land Holdings Limited be rejected. I recommend the IPI be amended as shown in the 'Recommended Amendments to IPI' section below. In the event that submission scope is considered to be a potential issue for my recommended amendments, I also consider that the recommended amendments may be considered under clause 99 of part 6 of Schedule 1 of the RMA.
1142. Submission S62.3 - Silverstream Land Holdings Limited raises issues regarding the spatial identification of the Precinct on the planning maps, and the lack of provisions in the IPI that refer to the two specific precincts identified on the maps. I consider that the Precinct mapping should not identify a 'St Patrick's Urban Precinct' and a 'St Patrick's College Precinct', as the IPI provisions do not refer to these two areas.
1143. I have considered the options to address this put forward by the submitter, and in my opinion, it is not necessary for the Precinct provisions to identify or manage the college area separately from the undeveloped portion of the site. Submission S62.24 - Silverstream Land Holdings Limited requests the MUZ provisions that would be applied to the education facility carried out at the St Patrick's College site are amended to enable education activities as a permitted activity, rather than a permitted activity subject to a 500m² gross floor area per facility restriction. I note the approach requested by the submitter is not appropriate as the requested change in zoning of the Precinct to MUZ is

recommended for rejection. I also consider that, based on the evidence of Mr Wignall, potential adverse effects on the transport network could occur should the future expansion of the college enjoy unlimited permitted activity status. I consider that decisions on how the two areas within the Precinct will be developed and used in the future would most appropriately be made under the Precinct and HRZ provisions as recommended.

1144. Regarding the effect of rezoning the college site to HRZ, I consider that the continued operation of the college can continue under existing use rights pursuant to section 10 of the RMA. I note that any future proposed changes to the school that would result in effects that fall beyond the limitations of section 10 can be considered via the resource consent process under existing discretionary activity rule GRZ-R21 – which would be informed by the recommended Precinct objective and amendments to the proposed Precinct policy.
1145. I therefore recommend the 'College Precinct' and 'Urban Precinct' be deleted from the IPI maps, and the entire site is identified as 'Precinct 2 - St Patrick's Estate Precinct'. On this basis, I recommend submission S62.3 - Silverstream Land Holdings Limited be accepted in part, and that submission S62.24 - Silverstream Land Holdings Limited be rejected. I recommend the IPI maps be amended as described in the 'Recommended Amendments to IPI' section below.
1146. Submission S62.4 - Silverstream Land Holdings Limited requests a suite of amendments to the proposed St Patrick's Estate Precinct provisions to reflect the submitter's aspirations for the potential future uses of the site, including the change in zoning to Mixed Use Zone, and to raise the significance of the site to a regional level.
1147. I agree it is appropriate to amend the wording of the introduction and description of the St Patrick's Estate provisions, however I recommend alternative wording to that requested by the submitter. I have been unable to locate justification within any regional planning document that would support the request to refer to the site as being of regional significance. I have already recommended above that the request to rezone the site to MUZ be rejected. Therefore, I do not recommend amendments that would suggest the site is of regional significance or part of the MUZ. However, I do agree the site offers a significant development opportunity within Upper Hutt due to its size, and proximity to a state highway and a rapid transit stop.
1148. I therefore recommend submission S62.4 - Silverstream Land Holdings Limited be accepted in part, and that the St Patrick's Estate Precinct be amended as shown in the 'Recommended Amendments to IPI' section below.
1149. Submission S62.6 - Silverstream Land Holdings Limited requests a new objective be inserted into the Precinct provisions. Although I agree it is appropriate to include a St Patrick's Estate Precinct objective to set out the outcomes for the site, I do not agree the site is of regional significance. I have been unable to locate any reference to the site as being of regional significance in any regional planning documents or non-regulatory regional spatial development document. Therefore, I recommend alternative wording that recognises the significance of the site to Upper Hutt.
1150. I also consider it appropriate that the new objective also refers to a mix of compatible residential and non-residential activities are envisioned within the Precinct, and that adverse effects on services and roading infrastructure are appropriately managed. I consider such an approach, when combined with the proposed High Density Residential Zoning would recognise the significance of the site as a future source of housing and compatible non-residential activities in the City.
1151. Finally, I consider that reference to 'avoid' and 'remedy', should be included in the objective. I consider these terms reflect the actions that may be necessary for specific activities and development to be enabled within the precinct, such as the avoidance of reverse sensitivity effects, or the remedying of potential adverse effects on the transportation network. Although the wording is not specifically requested by the submitter, in my opinion, the recommended wording of the objective could be considered to fall under clause 99 of Part 6 of Schedule 1 of the RMA.

1152. Accordingly, I recommend submission S62.6 - Silverstream Land Holdings Limited be accepted in part, and that a new objective be inserted into the recommended precinct provisions as shown in the 'Recommended Amendments to IPI' section below.

1153. Submission S62.14 - Silverstream Land Holdings Limited requests the introduction text for the MUZ is amended to remove the reference to residential over commercial to light industrial activities etc. I consider this requested amendment is part of the suite of amendments sought by the submitter to enable high density residential subdivision and development, in addition to non-residential activities provided for by the MUZ within the Precinct. As I explain above, I do not recommend the site is rezoned to MUZ. In my opinion, the consideration of residential development at ground floor level within the MUZ is best achieved via the case-by-case consideration by way of resource consent to ensure the purpose of the MUZ as described with the MUZ objectives is achieved. I therefore recommend submission S62.14 - Silverstream Land Holdings Limited be rejected.

33.3 Recommendations

1. I recommend the following submissions be accepted in part:
 - S62.1 - Silverstream Land Holdings Limited
 - S62.3 - Silverstream Land Holdings Limited
 - S62.4 - Silverstream Land Holdings Limited
 - S62.6 - Silverstream Land Holdings Limited
2. I recommend the following submissions be rejected:
 - S50.19 - Waka Kotahi
 - S62.2 - Silverstream Land Holdings Limited
 - S62.14 - Silverstream Land Holdings Limited
 - S62.22 - Silverstream Land Holdings Limited
 - S62.23 - Silverstream Land Holdings Limited
 - S62.24 - Silverstream Land Holdings Limited
 - S62.25 - Silverstream Land Holdings Limited
3. I recommend all other submissions relevant to St Patrick's Estate Precinct that are not specifically identified or addressed above be accepted, accepted in part, or rejected for the specific reasons provided in Appendix 1.
4. My recommendations in relation to any relevant further submissions reflect the recommendations on the primary submissions as set out in Appendix 1.
5. I recommend the IPI be amended as set out or described in the 'Recommended Amendments to IPI' section below.

33.4 Recommended Amendments to IPI

1154. I recommend the IPI be amended as follows:

1. IPI Maps: Amend as described below:
 - a. Delete the St Patrick's Estate Precinct 'Urban Precinct', and 'College Precinct'.
 - b. Retain St Patrick's Estate Precinct over the underlying proposed High Density Residential Zone.
2. New Objective: Insert a new objective for the St Patrick's Estate Precinct within the HRZ chapter as follows:

HRZ-PREC2-O1

Development of the St Patrick's Estate Precinct will provide a mix of high density residential and compatible non-residential activities which avoids, or remedies reverse sensitivity effects, and adverse effects on services and the transportation network.

3. Policy HRZ-PREC2-P1: Amend as follows:

HRZ-PREC2-P1

Provide for medium and high density residential subdivision, use and development, and a mix of compatible non-residential activities within the St Patrick's Estate Precinct that:

- (i) avoids significant adverse effects arising from potential inundation from the Hutt River and the Mawaihakona Stream; ~~and,~~
- (ii) provides pedestrian linkages to the Hutt River walkway and Silverstream Railway Station.
- (iii) enhances the southern entrance to the City via landscaping along the frontage of the site with Fergusson Drive
- (iv) Avoids or remedies adverse effects on the transportation network.
- (iiv) Avoids potential reverse sensitivity effects.

4. St Patrick's Estate Precinct introductory text: Amend as follows:

The St Patrick's Estate Precinct comprises approximately 45 hectares of undeveloped land bordering the Hutt River, and forms part of the flood plain. The St Patrick's Estate Precinct is within the walkable catchment of Silverstream Railway Station, and is located in proximity to State Highway 2. The Precinct provides a significant development opportunity within Upper Hutt, and therefore high density residential development and compatible non-residential activities are anticipated. as such high density residential development provided for within the Precinct. The Precinct sits near the Southern gateway to the City and therefore subdivision and development of the Precinct provides an opportunity for to enhance the entrance to the City via landscaping along Fergusson Drive.

Development within the Precinct needs to address potential transportation safety effects on the road network including the state highway.

The Precinct sits near the Southern gateway to the City and therefore subdivision and development of the Precinct provides an opportunity for to enhance the entrance to the City via landscaping along Fergusson Drive, and to ensure key active transport connections between the Hutt River and Silverstream Town Centre and rail station are provided.

33.5 Section 32AA Evaluation – Recommended Amendments to St Patrick's Estate Precinct Provisions

1155. In my opinion, the recommended amendments to the IPI are more appropriate in achieving the objectives of the IPI than the notified provisions. In particular, I consider that:

1. The recommended deletion of the 'urban precinct' and 'college precinct' from the IPI maps will eliminate a drafting error. There are no corresponding provisions within the IPI for these two areas. Subdivision, use and development within these areas can be effectively managed via the recommended High Density Residential Zone provisions, and the St Patrick's Estate Precinct provisions. The amendments are more efficient and effective than the notified provisions in achieving the objectives of the IPI.
2. The recommended deletion of the two 'precincts' on the St Patrick's Estate Precinct as identified on the proposed IPI map corrects a drafting error, and will not result in any additional social, economic, environmental, or cultural adverse effects, however positive economic and social effects may occur as a result of the elimination of mapped features that do not have any corresponding provisions within the IPI.
3. The recommended objective HRZ-PREC2-O1 and amendments to policy HRZ-PREC2-P1 for the St Patrick's Estate Precinct will set out the desired outcomes for the site, and provide direction

to decision makers when considering resource consent applications for complementary non-residential activities. The amendments convey that in addition to high density residential development, a mix of complementary non-residential activities are anticipated. This will assist in retaining the intent of the existing Special Activity Zone provisions that currently apply to the site (which the IPI proposes to delete), while ensuring that the consideration of non-residential activities are appropriately managed via the resource consent process under the proposed High Density Residential zoning for the Precinct. It is considered this approach is more effective as it will assist in identifying and addressing potential significant adverse effects as it will ensure the relevant matters of discretion are considered as part of the resource consent process – including potential reverse sensitivity effects and adverse effects on the transportation network. The amendments are more efficient and effective than the notified provisions in achieving the objectives of the IPI.

4. The recommended new objective HRZ-PREC2-O1 and amendments to policy HRZ-PREC2-P1 for the St Patrick's Estate Precinct will not result in any additional social, economic, environmental, or cultural adverse effects, however positive economic and social effects may occur as a result of:
 - a. Improved direction on the mix of residential and non-residential uses anticipated within the zone – but leaving the assessment of what is compatible to the resource consent process where potential reverse sensitivity effects will be considered and addressed. This will result in positive social effects for residents, and positive economic effects through the reduced likelihood of reverse sensitivity effects affecting complementary non-residential activities within the Precinct;
 - b. Greater certainty and direction developers and decision makers that complementary non-residential activities are anticipated within the Precinct. This may result in economic benefits as a result of compatible non-residential activities becoming established within the Precinct.
5. The recommended amendments to the introductory text for the St Patrick's Estate Precinct provides improved context for the site and its importance as a key development site within the City. The amendments also reflect the content of the recommended objective and amendments to the policy for the Precinct with respect to high density residential activities and complementary non-residential activities, as well as referring to the key constraints potentially affecting development of the site. The amendments are more efficient and effective than the notified provisions in achieving the objectives of the IPI.
6. The recommended amendments the introductory text for the St Patrick's Estate Precinct better reflects the importance of the site and the potential for a mix of complementary activities. The amendments will not result in any additional social, economic, environmental or cultural adverse effects; however, plan implementation will be improved as a result of improved consistency within the St Patrick's Estate Precinct provisions.

34 Indigenous Biodiversity Precinct / Vegetation

34.1 Matters Raised by Submitters

1156. Submission S34.3 - Mary Beth Taylor requests more Biodiversity Precincts are created including formalising and enhancing the Green Belt along the hills that frame the entire Upper Hutt River valley, east and west, north, and south including the Silverstream Spur in its entirety as a road free reserve.
1157. Submission S34.2 – Mary Beth Taylor requests objective GRZ-PREC1-O1 is amended to delete the word 'encouraged' and include 'mandatory' or similar wording.
1158. Submissions S58.6, and S58.137 - Kāinga Ora: Homes and Communities, requests the IPI is amended to:
- (a) replace all references to Indigenous Biodiversity Precinct with Indigenous Biodiversity Overlay with accompanying rules located in the ECO chapter; and
 - (b) delete the GRZ – Precinct 1 chapter and replace it with an Indigenous Biodiversity Overlay, with a rule framework contained within the ECO chapter.
1159. The submitter considers the use of an overlay rather than a precinct is more consistent with the requirements of the National Planning Standards.
1160. Submission S72.28 - Te Rūnanga o Toa Rangatira Inc considers that the Indigenous Biodiversity Precinct objectives and policies should be amended to use stronger wording and language. For example, the submitter considers that objective GRZ-PREC1-O1 would be more effective if it were reworded to say: 'Indigenous biological diversity values within the Indigenous Biodiversity Qualifying Matter Precinct are maintained and protected.'
1161. Submission S72.28 - Te Rūnanga o Toa Rangatira Inc also requests policy GRZ-PREC1-P1 could be reworded to say: 'Areas of significant indigenous vegetation and significant habitats of indigenous fauna are maintained and protected from the potential adverse effects of medium density residential development.' Therefore, the submitter considers the objectives and policies in the plan should protect indigenous biodiversity from subdivision and development.
1162. Submission S72.29 – Te Rūnanga o Toa Rangatira Inc requests the General Residential Zone - Precinct 1 – Indigenous Biodiversity Qualifying Matter Precinct be amended to include mana whenua values for indigenous biodiversity and to enable cultural activities. This is supported by further submitter FS4 – Greater Wellington Regional Council on the basis the requested changes are consistent with Proposed RPS Change 1.

34.2 Discussion

1163. Regarding submission S34.3 – Mary Beth Taylor's requests for the creation of additional biodiversity precincts, I note the IPI does not propose to introduce new significant natural areas. The existing significant natural areas draft study prepared by Wildlands Consultants Limited forms the basis for the Council's future work on identifying and protecting significant natural areas within the City via a future Schedule 1 RMA plan change process. This non-IPI future plan change process will identify and map areas of significant indigenous vegetation and habitats in the City, and I expect the Biodiversity Precinct will be removed as part of this work as it will be superseded by more specific provisions that give effect to section 6(c) of the RMA and the requirements of the RPS to identify and protect SNAs. I therefore recommend submission S34.3 be rejected.
1164. Submission S34.2 – Mary Beth Taylor requests objective GRZ-PREC1-O1 is amended to delete the word 'encouraged' and include 'mandatory' or similar wording. I note there are no rules or standards in the District Plan or the IPI that would require the mandatory retention of areas identified as the

Indigenous Biodiversity Precinct. This is a deliberate interim step to signal the Council's intent to identify and protect these areas via a future RMA Schedule 1 plan change process. I therefore recommend submission S34.2 be rejected.

1165. I disagree with the reasoning provided by submissions S58.6, and S58.137 - Kāinga Ora: Homes and Communities for the submitter's requests to amend the IPI to replace all references to the Indigenous Biodiversity Precinct and replace it with an Indigenous Biodiversity Overlay, and to relocate the Precinct provisions with specific references within a rule framework in the ECO chapter. Although I consider the differences between the National Planning Standards descriptions for an *overlay* versus a *precinct* are subtle, when I take into account the purpose of the Precinct, I consider it to be a better fit.

1166. I consider the term 'precinct' best describes the purpose of the provisions, which is to modify or refine the *policy* approach within the identified areas. I consider this is consistent with the National Planning Standards spatial layers standard as follows (emphasis added):

A precinct spatially identifies and manages an area where additional place-based provisions apply to modify or refine aspects of the policy approach or outcomes anticipated in the underlying zone(s).

1167. In my opinion, this contrasts with the National Planning Standards definition for 'Overlay', which implies rules will be used via reference to the term 'management' as follows:

An overlay spatially identifies distinctive values, risks or other factors which require management in a different manner from underlying zone provisions.

1168. I am satisfied that on balance, the term *precinct* is more appropriate as it better aligns with the purpose of the Indigenous Biodiversity Precinct – which is to introduce a specific policy approach in the area. This being the case, I also do not consider it appropriate to relocate provisions within the ECO chapter. I recommend submissions S58.6, and S58.137 - Kāinga Ora: Homes and Communities be rejected.

1169. Submission S72.28 - Te Rūnanga o Toa Rangatira Inc requests the objective and policies within the Indigenous Biodiversity Precinct be strengthened to require the protection and maintenance of indigenous biodiversity. As detailed in the section 32 evaluation, the purpose of the Indigenous Biodiversity Precinct is to apply policy direction and *encouragement* of the retention of the identified significant natural areas. It is noted the Council is yet to publicly notify a plan change to identify and protect the significant natural areas within urban areas, as consultation with directly affected property owners is still underway.

1170. I consider the requested changes to the wording of objective GRZ-PREC1-O1 and policy GRZ-PREC1-P1 would provide strong direction that is inconsistent with the rules that apply for the modification of indigenous vegetation. I consider this inconsistency would be problematic during the consideration of a resource consent application that proposes to modify the identified indigenous biodiversity, due to the district plan permitting activities that would have the same effect. It is not the intent of the IPI to pre-determine the outcome of the future SNA plan change, and I therefore recommend submission S72.28 - Te Rūnanga o Toa Rangatira Inc be rejected.

1171. Submission S72.29 – Te Rūnanga o Toa Rangatira Inc requests that the Precinct 1 – Indigenous Biodiversity Precinct be amended to include mana whenua values for indigenous biodiversity and to enable cultural activities. In my opinion a comprehensive future Schedule 1 RMA non-IPI plan change will be required to incorporate provisions that provide for mana whenua values and the enablement of cultural activities. The purpose of the Indigenous Biodiversity Precinct is to signal the Council's intention to initiate a future plan change to identify and protect significant natural areas, and in the interim, to provide policy direction to encourage the retention of the identified areas. I also note the requested amendments are consistent with Proposed RPS Change 1 provisions, and I recommend such provisions are not given effect to in a district plan until they are operative. I therefore recommend

submission S72.29 - Te Rūnanga o Toa Rangatira Inc, and the further submission in support by FS8 – Greater Wellington Regional Council be rejected.

34.3 Recommendations

1. I recommend the following submissions be rejected:
 - S34.3 – Mary Beth Taylor
 - S34.2 – Mary Beth Taylor
 - S58.137 - Kāinga Ora: Homes and Communities
 - S58.137 - Kāinga Ora: Homes and Communities
 - S72.28 - Te Rūnanga o Toa Rangatira Inc
 - S72.29 - Te Rūnanga o Toa Rangatira Inc
2. I recommend all other submissions relevant to Precinct 1 – Indigenous Biodiversity Precinct provisions that are not specifically identified or addressed above be accepted, accepted in part, or rejected for the reasons specified in Appendix 1.
3. My recommendations in relation to any relevant further submissions reflect the recommendations on the primary submissions as set out in Appendix 1.

35 DEV1 – Development Area 1 - Wallaceville Structure Plan Development Area

35.1 Matters Raised by Submitters

1172. Submitter S46 - Blue Mountains Campus Development Limited Partnership raises many matters that are specific to the Wallaceville Structure Plan Development Area and how the development area provisions interplay with other IPI provisions.
1173. Although the submission points by submitter S46 relate to many provisions within a number of IPI chapters, they are all directly relevant to the structure plan area on account of the underlying zoning of the development area being either General Residential Zone, High Density Residential Zone, or Local Centre Zone.
1174. The submissions relevant to the Wallaceville Structure Plan Development Area are as follows:

Submission No.	Decision Requested
S46.1 - Blue Mountains Campus Development Limited Partnership	Amend the explanatory text of Policy DEV1-P8 as follows: <i>The Wallaceville Structure Plan identifies the Gateway Precinct as the location of a local centre incorporating retail, commercial and above-ground-level residential uses. It also establishes intention and outcome expectations based on an analysis of site values, constraints, and opportunities. Requiring development to be consistent with the Structure Plan will ensure that future development of the local centre represents sustainable management of the land resource.</i>
S46.2 - Blue Mountains Campus Development Limited Partnership	Delete Rule DEV1-R2 and instead rely on the permitted activities provided by the underlying LCZ; or Amend Rule DEV1-R2 as follows: Retail activity, restaurants, offices, early childhood centres, and residential accommodation above-ground-level on land identified in the Gateway Precinct of Wallaceville Structure Plan If Rule DEV1-R2 is deleted, Rule DEV1-R6 will also need to be deleted.

S46.3 - Blue Mountains Campus Development Limited Partnership	Amend Standard DEV1-S10 to correct reference to COMZ-S6 and retain the existing intent of the standard.
S46.4 - Blue Mountains Campus Development Limited Partnership	Amend Standard DEV1-S12 to correct reference to COMZ-S8 and retain the existing intent of the standard in providing an exemption.
S46.5 - Blue Mountains Campus Development Limited Partnership	Amend Standard DEV1-S13 to correct reference to COMZ-S9 and retain the existing intent of the standard in providing an exemption.
S46.6 - Blue Mountains Campus Development Limited Partnership	Amend the restriction on notification from DEV-R5 as follows: <i>In respect of this rule, and subject to sections 95A(2)(b), 95A(2)(c), 95A(4) and 95C of the Act, an application which meets the relevant standards and terms will be decided without the need for public notification under section 95A and any application that is consistent with the Wallaceville Structure Plan without the need for limited notification under Section 95B and for new buildings within the heritage covenant area limited notification will only be served on Heritage New Zealand (unless affected party approval is provided) under section 95B of the Act.</i>
S46.7 - Blue Mountains Campus Development Limited Partnership	Amend Rule DEV1-R6 as follows: <i>Garden centres and all activities other than retail activity, restaurants, offices, early childhood centres, and residential accommodation above ground level and not otherwise provided for as non-complying in COMZ-R20 and COMZ-R21 in the Gateway Precinct of the Wallaceville Structure Plan Development Area. Correct references to COMZ-R20 and COMZR21.</i>
S46.9 - Blue Mountains Campus Development Limited Partnership	As an alternative to changing the zoning of the site as outlined (in submission point S46.8): Provide for the permitted activities of the Gateway Precinct within Lots 2,3 and 252 of the Urban Precinct as part of the Wallaceville Structure Plan Development Area chapter; or Provide for the permitted activities of the Gateway Precinct within Lots 2,3 and 252 of the Urban Precinct as a new Precinct within the LCZ chapter.
S46.10 - Blue Mountains Campus Development Limited Partnership	Amend Standard DEV1-S1 to correct reference to HRZ-S1.
S46.11 - Blue Mountains Campus Development	Amend Standard DEV1-S2 to correct reference to GRZ-S4, make any other necessary consequential changes.

Limited Partnership	
S46.12 - Blue Mountains Campus Development Limited Partnership	Amend Standard DEV1-S3 to correct reference to GRZ-S5 or delete the standard.
S46.13 - Blue Mountains Campus Development Limited Partnership	Amend Standard DEV1-S4 to correct reference to GRZ-S7 or delete the standard.
S46.14 - Blue Mountains Campus Development Limited Partnership	Amend Standard DEV1-S5 to correct reference to GRZ-S8 and retain the existing intent of the standard if necessary.
S46.15 - Blue Mountains Campus Development Limited Partnership	Amend DEV1-MC1 to correct references to provisions within the GRZ.

35.2 Discussion

1175. Firstly, it is important to note the IPI does not propose to make changes to the Wallaceville Structure Plan. However, it is important that the development plan rules and standards in the District Plan are appropriately amended to ensure they align with the amendments the IPI proposes to make to the underlying zone provisions. The underlying zone provisions include a number of specific references to the different precincts within the Wallaceville Structure Plan Development Area, and it is important that these are retained or amended as necessary to accommodate the changes proposed by the IPI. I acknowledge there are a number of amendments that are still required to complete this task. These are identified and discussed in detail below.

1176. Submission S46.1 - Blue Mountains Campus Development Limited Partnership, requests the explanatory text of Policy DEV1-P8 to remove reference to 'above ground level' residential uses. The submitter considers this to be inconsistent with Objective DEV1-O1 and the Wallaceville Structure Plan. Objective DEV1-O1 is as follows:

To promote the sustainable management and efficient utilisation of land within the Wallaceville Structure Plan Development Area, while avoiding, remedying or mitigating adverse effects.

1177. The Gateway Precinct has an underlying zoning of Commercial Zone under the operative District Plan. The IPI proposes to change the commercial zoning to Local Centre Zone as part of the new centres hierarchy.

1178. I have reviewed the Wallaceville Structure Plan and I note there are a number of unhelpful descriptive discrepancies within the Structure Plan explanatory and supporting text with respect to the descriptions of the anticipated uses and development within the Gateway Precinct. However, I have not identified any discrepancies within the relevant objectives, policies, or rules within the DEV1 chapter. The objectives, policies and rules all appear to align with each other with respect to the anticipated location of residential units within the Gateway Precinct. I note it is only within the explanatory text for the Gateway Precinct Structure Plan that contains discrepancies. It is my understanding that the Wallaceville Structure Plan and the Development Area provisions were prepared and introduced into the District Plan at the same time. Therefore, I consider that these discrepancies were in place prior to the IPI being notified, and are not a consequence of the IPI.

1179. In terms of conflicting explanatory and supporting text, I have identified the following:

4. Clause 1.3.1- Intentions of the Gateway Precinct, subclause (6) of the Wallaceville Structure Plan states (emphasis added):

Development in this precinct:

(6) Includes provision for a range of residential housing types at a relatively high density, including duplexes, terraces and low rise apartments.

5. Clause 1.3.2 – Outcomes of the Gateway Precinct, subclause 14 of the Wallaceville Structure Plan states:

(14) Residential development that is consistent with the Design Guide for the Residential Centres Precinct.

1180. I consider that both these references found within the Structure Plan for the Gateway Precinct set up an expectation that residential activities will be provided for at ground floor level within the Gateway Precinct, however this expectation is not delivered within the specific objectives, policies, rules and standards for the Gateway Precinct.

1181. The above descriptive and explanatory clauses from the Structure Plan are not reflected in Objective DEV1-O2, Policy SUB-DEV1-P3, Policy DEV1-P8, permitted activity rule DEV1-R2, or discretionary activity rule DEV1-R6 which state (emphasis added):

Objective DEV1-O2

- (1) Provide for the Gateway Precinct of the Wallaceville Structure Plan Development Area as a neighbourhood centre which:*
- (2) Provides local convenience retail and services*
- (3) Provides employment opportunities*
- (4) Provides residential development where this is compatible with retail, commercial and office land uses*
- (5) Makes efficient use of natural and physical resources*

SUB-DEV1-P3

Provide for subdivision within the Gateway Precinct of the Wallaceville Structure Plan Development Area that is consistent with the Wallaceville Structure Plan

The Wallaceville Structure Plan identifies the Gateway Precinct as the location of a local centre incorporating retail, commercial and above ground level residential uses. It also establishes intention and outcome expectations based on an analysis of site values, constraints and opportunities. Requiring development to be consistent with the Structure Plan will ensure that future development of the local centre represents sustainable management of the land resource.

DEV1-P8

Provide for development within the Gateway Precinct of the Wallaceville Structure Plan Development Area that is consistent with the Wallaceville Structure Plan.

The Wallaceville Structure Plan identifies the Gateway Precinct as the location of a local centre incorporating retail, commercial and above ground level residential uses. It also establishes intention and outcome expectations based on an analysis of site values, constraints and opportunities. Requiring development to be consistent with the Structure Plan will ensure that future development of the local centre represents sustainable management of the land resource.

Permitted Activities

DEV1-R2

Retail activity, restaurants, offices, early childhood centres, and residential accommodation above ground level on land identified in the Gateway Precinct of Wallaceville Structure Plan.

Discretionary Activities

DEV1-R6

Garden centres and all activities other than retail activity, restaurants, offices, early childhood centres, and residential accommodation above ground level and not otherwise provided for as non-complying in COMZ-R20 and COMZ-R21 in the Gateway Precinct of the Wallaceville Structure Plan Development Area.

1182. In my opinion, it is clear from the wording and direction of the above site-specific objective, policies, and rules that the District Plan intends to provide for residential activities in the Gateway Precinct only where they are above retail and commercial activities on the ground floor. This approach is consistent with the provisions for all other Local Centre Zones –along an active frontage identified on the planning maps. I note that the Gateway Precinct does not contain any identified active frontages. However, the description for the rules within the Gateway Precinct states (emphasis added):

The following provisions apply to the Gateway Precinct of the Wallaceville Structure Plan Development Area. They apply in addition to the provisions of the underlying Commercial Zone. Where there is any conflict between the provisions the Wallaceville Structure Plan Development Area provisions shall prevail.

1183. On this basis I consider the objective, policies, and rules for the Gateway Precinct set a deliberate and site-specific requirement that residential accommodation is required to be above ground floor level to be a permitted activity. I therefore do not consider the IPI creates any inconsistently with Objective DEV-O1. Although I agree the Structure Plan includes explanatory text that conflicts with the specific objective, policies, rules, and standards that apply to the Gateway Precinct, I do not consider these to be the result of the IPI, and I do not consider the rules and standards should be amended to reflect the descriptive text of the structure plan.

1184. I therefore recommended submission S46.1 - Blue Mountains Campus Development Limited Partnership be rejected, noting that residential activities on the ground floor within the Gateway Precinct of the Local Centre Zone can be considered on a case-by-case basis via the resource consent process under restricted discretionary rule LCZ-R12.2.b.

1185. I consider there is scope available to delete the incorrect descriptive and explanatory descriptions within the Wallaceville Structure Plan that conflict with the direction and requirements of the relevant objective, policies, and rules as part of the IPI (such as Clause 1.3.1- Intentions – (6), and Clause 1.3.2 – Outcomes (14)). However, I do not recommend any amendments on the basis that this would result in amendments that would have the opposite effect to the amendments requested by the submitter.

1186. Submission S46.2 - Blue Mountains Campus Development Limited Partnership, requests the deletion of permitted activity rule DEV1-R2 and rely on the permitted activities provided by the underlying LCZ. Alternatively, the submitter requests amending rule DEV1-R2 to delete the requirement for permitted

residential accommodation to be above ground level within the Gateway Precinct of Wallaceville Structure Plan Area.

1187. As I discuss above with respect to submission point S64.1, I consider that it is appropriate to limit residential accommodation to above ground floor level as a permitted activity, as this is what the site-specific objective, policies, and rules require.
1188. On my reading of the provisions, it is a site-specific and deliberate requirement within the Gateway Precinct that residential accommodation is required to be above ground floor level as a permitted activity. I note there is no requirement within the NPS-UD to standardise provisions across different Local Centre Zoned sites when giving effect to Policy 3(d), particularly where pre-existing site-specific subdivision and development requirements exist. On this basis I recommend submission S46.2 - Blue Mountains Campus Development Limited Partnership be rejected.
1189. Submission S46.3 - Blue Mountains Campus Development Limited Partnership, requests standard DEV1-S10 is amended to correct reference to COMZ-S6 and to retain the existing intent of the standard.
1190. Permitted standard DEV1-S10 provides for the Wallaceville Structure Plan Development Area with an exception to having to comply with loading spaces required under permitted standard COMZ-S6. The IPI proposes to delete COMZ-S6 and rely on the provisions within the TP-Transport and Parking chapter to manage loading zones - where loading zones they are to be provided. I noted the LCZ rules table identifies the TP-Transport and Parking chapter as applicable to the LCZ, therefore in my view making standard DEV1-S10 redundant.
1191. Although not part of the notified IPI, I consider that deleting DEV1-S10 is consistent with Section 80(1)(b)(iii) as a related provision that supports or is consequential on Policy 3 of the NPS-UD, insofar as it is part of a suite of provisions that create a centres hierarchy to enable the Council to more effectively give effect to Policy 3.
1192. I therefore recommend S46.3 - Blue Mountains Campus Development Limited Partnership be accepted in part, and DEV1-S10 be deleted as shown in the Recommended Amendments to the IPI section below.
1193. Submission S46.4 - Blue Mountains Campus Development Limited Partnership, requests standard DEV1-S12 be amended to correct the reference to COMZ-S8 and to retain the existing intent of the standard in providing an exemption for the Gateway Precinct.
1194. Permitted activity standard COMZ-S8 is the existing permitted standard for screening within the Commercial Zone. It is a simple standard that requires a 2m high solid fence on the boundaries of sites where they adjoin a Residential or Open Space Zone. The Gateway Precinct is exempt from COM-S8 on the basis that the fencing requirements within the Gateway Precinct are managed via permitted standard DEV1-S14.
1195. The IPI deletes COMZ-S8 and replaces it with a new landscaping and screening standard under permitted standard LCZ-S8. The new landscaping standard does not duplicate the 2m fence height requirement of COMZ-S8, and therefore I do not consider there to be a conflict between the requirements of DEV1-S14 and LCZ-S8. I consider it is appropriate that all local centre zones are subject to the new landscaping and screening standard, including the LCZ within the Gateway Precinct.
1196. Therefore, I consider the most appropriate recommendation is to delete DEV1-S12 in its entirety – noting that the Gateway Precinct will still be required to comply with the new screening requirements of LCZ-S8. Consequently, I recommend submission S46.4 - Blue Mountains Campus Development

Limited Partnership be accepted in part, and standard DEV1-S12 be deleted as shown in the Recommended Amendments to the IPI section below.

1197. Submission S46.5 - Blue Mountains Campus Development Limited Partnership, requests permitted activity standard DEV1-S13 be amended to correct reference to COMZ-S9 and to retain the existing intent of the standard in providing an exemption for the Gateway Precinct.

1198. Permitted activity standard DEV1-S13 provides a specific exemption for the Gateway Precinct as follows:

DEV1-S13 Landscaping

(1) The land identified in the Gateway Precinct of the Wallaceville Structure Plan Development Area is exempt from the landscaping specified in COMZ-S9 (2).

1199. Permitted activity standard COMZ-S9(2) is one part of the existing permitted standard for landscaping within the Commercial Zone as follows:

(2) Where a site adjoins a Residential, Rural, Open Space or Special Activity Zone (excluding road boundaries) or is within 25m of a General Residential or Open Space Zone, a landscape buffer with a minimum width of 0.6m shall be provided within the site between the zone boundary and the buildings.

1200. The IPI proposes to delete COMZ-S9 in its entirety and replace it with a more specific permitted landscaping and screening standard that applies to service areas, outdoor storage areas, and parking areas (LCZ-S8). The closest requirement of LCZ-S8 to existing clause (2) of COMZ-S9 that I can locate is LCZ-S8 – clause 1(c) as set out below (emphasis added):

1. *Any on-site service areas, including rubbish collection areas, and areas for the outdoor storage of goods or materials must, without preventing the provision of an entry point to the site, be adequately screened by a fence or landscaping where they are visible from any:*
 - a. *Public road;*
 - b. *Other public space; and*
 - c. *Directly adjoining site zoned Residential or Open Space and Recreation.*

1201. On this basis I consider that the requirements of LCZ-S8 do not duplicate clause (2) of COMZ-S9. This results in the previous specific exclusion of the Gateway Precinct from the screening requirements of COMZ-S9(2) being an orphaned provision under the IPI. As the IPI does not duplicate the existing COMZ-S9 landscaping standard, I do not consider it to be technically possible to retain the existing intent of the landscaping exclusion for the Gateway Precinct. For this reason, I consider the most appropriate amendment would be to delete DEV1-S13 entirely, and require development with the Gateway Precinct to comply with the new landscaping and screening standard LCZ-S8.

1202. Although I consider this recommended approach grants the submitter's request in part, on the basis that the previous landscaping standard does not apply to the Gateway Precinct, I note that new requirements would be put in place for landscaping of specific areas within the Gateway Precinct. This is not what the submitter has requested. The submitter may wish to comment on this recommended approach at the hearing, and potentially offer an alternative technical solution that would retain the previous exclusion while ensuring consistency with the relevant objectives and policies of the Local Centre Zone and the Gateway Precinct objectives, policies, and structure plan provisions.

1203. I consider the recommended deletion of DEV1-S13 is consequential on Policy 3 of the NPS-UD, insofar as it is a necessary consequential amendment in the creation of a centres hierarchy to enable the Council to give effect to Policy 3(d) of the NPS-UD.
1204. In the interim, I recommend submission S46.5 - Blue Mountains Campus Development Limited Partnership be accepted in part, and the IPI is amended to delete DEV1-S13 as shown in the Recommended Amendments to the IPI section below.
1205. Submission S46.6 - Blue Mountains Campus Development Limited Partnership, requests the restriction on notification provision within DEV-R5 be amended to delete reference to applications being consistent with the Wallaceville Structure Plan.
1206. Rule DEV1-R5 is the restricted discretionary rule for all new buildings or significant exterior alterations to existing buildings within the Wallaceville Structure Plan Development Area. Reference to the structure plan is intended to provide greater certainty to resource consent applicants that application that are consistent with the structure plan will not be publicly notified. However, when the inconsistencies between the structure plan and the relevant objectives, policies, rules, and standards I identify and discuss under submission point S41.1 above are taken into account, I consider the reference to the structure plan in the notification preclusion statement in rule DEV1-R5 has the opposite effect and reduces certainty. I am satisfied that the relevant provisions that manage new buildings and alterations to buildings provide sufficient certainty that the likely actual and potential effects on the environment under rule DEV1-R5 will not be more than minor – but could potentially have adverse effects on specific persons. I therefore agree with the submitter it is appropriate to delete reference to the structure plan from the notification restriction from DEV1-R5 as requested.
1207. I recommend submission S46.6 - Blue Mountains Campus Development Limited Partnership is accepted, and that the notification preclusion statement within rule DEV1-R5 is amended as shown in the Recommended Amendments to the IPI section below.
1208. Submission S46.7 - Blue Mountains Campus Development Limited Partnership, requests rule DEV1-R6 is amended to delete the requirement for residential accommodation to be located above ground level. The submission also requests references to COMZ-R20 and COMZ-R21 be corrected.
1209. Rule DEV1-R6 is the discretionary activity rule as follows:
- DEV1-R6*
- Garden centres and all activities other than retail activity, restaurants, offices, early childhood centres, and residential accommodation above ground level and not otherwise provided for as non-complying in COMZ-R20 and COMZ-R21 in the Gateway Precinct of the Wallaceville Structure Plan Development Area.*
1210. As I conclude under my discussion for submission point S46.1 above, I consider that the objectives, policies and rules of the Gateway Precinct intentionally restrict residential activities on the ground floor. Therefore, I recommend this component of the requested amendments be rejected.
1211. Operative District Plan rules COMZ-R20 and COMZ-R21 are the non-complying rules for motor vehicle wrecking, and offensive trades within the commercial zones. These are the only two non-complying activity rules within the COMZ chapter.
1212. The IPI proposes to delete these rules and replace them with a specific list of non-complying activity rules. I note neither motor vehicle wrecking or offensive trades are specifically listed within the proposed LCZ non-complying rules. The list of activities that are listed as non-complying within the LCZ are as follows:

- Industrial Activity (rule LCZ-R21);

- Yard Sale Activity / Trade Supplier (rule LCZ-R22);
- Motorised Recreation (rule LCZ-R23);
- Rural Industry (rule LCZ-R24); and
- Primary Production (rule LCZ-R25)

1213. As the IPI proposes to refine how the district plan manages activities within the different centre zones in accordance with the proposed centres hierarchy, I consider it is appropriate to retain the intent of DEV1-R6 to reference to the non-complying rules within the LCZ provisions. I note however that this will have the effect of increasing the list of non-complying activities within the Gateway Precinct that are currently provided for as a discretionary activity via the catch-all approach of rule DEV1-R6. I consider this to be an important amendment to achieve the relevant IPI objectives, and I therefore recommend the submission be accepted in part, and that rule DEV1-R6 be amended to refer to the non-complying activity rules within the LCZ chapter as shown in the Recommended Amendments to the IPI section below.

1214. Submission S46.9 - Blue Mountains Campus Development Limited Partnership, requests that as an alternative to changing the zoning of the site as requested under submission point S46.8 (see the Rezoning Requests section of this report), the submitter requests that one of the following amendments be made:

- (a) Provide for the permitted activities of the Gateway Precinct within Lots 2,3 and 252 of the Urban Precinct as part of the Wallaceville Structure Plan Development Area chapter; or
- (b) Provide for the permitted activities of the Gateway Precinct within Lots 2,3 and 252 of the Urban Precinct as a new Precinct within the LCZ chapter.

1215. The amendments are requested on the basis that the submitter considers that:

'The proposed HDRZ zoning unnecessarily limits the scope of activities on the site, and is inconsistent with the direction of the NPS-UD. The site, as described by the Wallaceville Structure Plan envisages non-residential activities in the Urban Precinct. Provision for non-residential activities as a discretionary activity creates uncertainty in considering potential development options for the site.'

1216. I note the pre-IPI zoning of these sites within the Urban Precinct is General Residential Zone. The IPI proposes to change the zoning of these sites to High Density Residential Zone due their proximity to Wallaceville rail station, and the need to provide for at least 6 stories within a walkable catchment under Policy 3(c)(i) of the NPS-UD. No amendments are proposed by the IPI regarding how non-residential activities are provided for within residential zones.

1217. The Wallaceville Structure Plan describes the Urban Precinct as:

a compact and attractive high density residential precinct, making efficient use of the land resource in this location and providing a transition from the Commercial Zone to other residential areas.

1218. I note that the Wallaceville Structure Plan map describes the Urban Precinct as '*high density, predominantly attached housing, 3 storey max, some commercial /retail*'. Despite this reference on the precinct map, the objectives, policies and rules for the Urban Precinct do not provide for the commercial/retail activities referred to. The result of this is that the provisions of the General Residential Zone apply for these activities.

1219. I therefore consider that the issue described by the submitter is an existing situation rather than the result of the IPI. I disagree the proposed rezoning of the sites from General Residential Zone to High

Density Residential Zone is inconsistent with the NPS-UD. I consider the proposed rezoning is entirely consistent with the requirements of NPS-UD policy 3(c)(i). I consider that any limitations on the scope of activities within the precinct arise from the existing precinct provisions and the underlying zone provisions – which the IPI does not propose changing. I note the ability remains to seek resource consent for proposed commercial or retail activities within the Urban Precinct. As a residential zone, I consider this is the most appropriate approach to ensure the relevant objectives of the IPI are met.

1220. I also note the increased heights and densities proposed by the IPI for the High Density Residential Zone are significantly greater than the status quo (General Residential zoning) within the Urban Precinct. Therefore, I also disagree with the submitter's statement that the proposed zoning of High Density Residential Zone *'unnecessarily limits the scope of activities on the site, and is inconsistent with the direction of the NPS-UD'*.
1221. In my opinion, giving effect to the requirements of the NPS-UD Policy 3(c)(i) does not require the Council to rezone these sites to Local Centre Zone. I have also not found any information in the HBA that identifies the need for an increased Local Centre Zone in this location.
1222. For these reasons, I recommend submission S46.9 - Blue Mountains Campus Development Limited Partnership be rejected. I also recommend rejection of the alternative relief requested to apply the Gateway Precinct provisions to the Urban Precinct for the same reasons.
1223. Submission S46.10 - Blue Mountains Campus Development Limited Partnership, requests standard DEV1-S1 be amended to correct the reference to HRZ-S1. Standard GRZ-S1 is the access standard for permitted and controlled activities in the General Residential Zone. Standard DEV-S1 references GRZ-S1. I agree an amendment is required to change this reference to HRZ-S1 to account for the change in zoning to High Density Residential Zone. I recommend submission S46.10 be accepted, and DEV1-S1 is amended as shown in the Recommended Amendments to the IPI section below.
1224. Submission S46.11 - Blue Mountains Campus Development Limited Partnership, requests standard DEV1-S2 be amended to correct reference to GRZ-S4, and to make any other necessary consequential changes. I note it is not necessary to amend DEV1-S2 to refer to the High Density Residential Zone permitted standard for setbacks. This is due to the format of the HRZ cross-referencing the GRZ provisions - unless specifically provided for in the HRZ chapter. The setback standard for the HRZ is located in the GRZ chapter. I therefore recommend submission S46.11 be rejected.
1225. Submissions S46.12 and S64.13 - Blue Mountains Campus Development Limited Partnership, requests Standards DEV1-S3 and DEV1-S4 are amended to correct the reference to GRZ-S5 and GRZ-S7 or to delete the standards. Permitted activity standard DEV1-S3 provides an outdoor living space exemption to the requirements of GRZ-S5 where buildings are part of a comprehensive residential development. Permitted activity standard DEV1-S4 provides a building height exemption to the requirements of GRZ-S7 where the building is part of a comprehensive residential development.
1226. I consider that the deletion of DEV1-S3 and DEV1-S4 is necessary as it provides an exemption from the comprehensive residential development outdoor living space requirements – however all comprehensive residential development provisions are being deleted by the IPI as they conflict with the MDRS. With the deletion of DEV1-S3 and DEV1-S4, the outdoor living space requirements and building height requirements of the HRZ will apply. I therefore recommend submissions S46.12 and S46.13 be accepted, and that DEV1-S3 and DEV1-S4 be deleted as shown in the Recommended Amendments to the IPI section below.
1227. Submission S46.14 - Blue Mountains Campus Development Limited Partnership requests standard DEV1-S5 be amended to correct reference to GRZ-S8 and to retain the existing intent of the standard.

Permitted activity standard DEV1-S5 provides semi-detached residential units within the Urban Precinct of the Wallaceville Structure Plan Development Area with an exclusion from the requirements of the height in relation to boundary standard GRZ-S8 along shared common walls. I note the HRZ height in relation to boundary standard HRZ-S3 provides an exemption along existing or proposed internal boundaries of a site, and where there is an existing common wall (in accordance with the MDRS). On this basis I consider DEV1-S5 is unnecessary and should be deleted. I recommend submission S46.14 - Blue Mountains Campus Development Limited Partnership be accepted, and DEV1-S5 be deleted as shown in the Recommended Amendments to the IPI section below.

1228. Submission S46.15 - Blue Mountains Campus Development Limited Partnership requests DEV1-MC1 be amended to correct references to provisions within the GRZ. DEV1-MC1 specifies the matters that may be relevant in the consideration of any resource consent, other than for a restricted discretionary activity within the Wallaceville Structure Plan Development Area. These are not matters of discretion as they are not located within or referred to within rules, but do provide guidance for plan users.

1229. Clause (1) of DEV1-MC1 refers to GRZ provisions that the IPI proposes to change. I therefore agree it is appropriate to amend these matters to ensure they reflect the proposed deletion of the Comprehensive Residential Development provisions. I recommend submission S46.15 is accepted, and that DEV1-MC1 is amended as set out in the Recommended Amendments to the IPI section below.

35.3 Recommendations

1. I recommend the following submissions be accepted:

- S46.6 - Blue Mountains Campus Development Limited Partnership
- S46.10 - Blue Mountains Campus Development Limited Partnership
- S46.12 - Blue Mountains Campus Development Limited Partnership
- S46.12 - Blue Mountains Campus Development Limited Partnership
- S46.14 - Blue Mountains Campus Development Limited Partnership
- S46.15 - Blue Mountains Campus Development Limited Partnership

2. I recommend the following submissions be accepted in part:

- S46.3 - Blue Mountains Campus Development Limited Partnership
- S46.4 - Blue Mountains Campus Development Limited Partnership
- S46.5 - Blue Mountains Campus Development Limited Partnership
- S46.7 - Blue Mountains Campus Development Limited Partnership

3. I recommend the following submissions be rejected:

- S46.1 - Blue Mountains Campus Development Limited
- S46.2 - Blue Mountains Campus Development Limited Partnership
- S46.9 - Blue Mountains Campus Development Limited Partnership
- S46.11 - Blue Mountains Campus Development Limited Partnership

4. I recommend the IPI be amended as shown in the 'Recommended Amendments to IPI' section below.

35.4 Recommended Amendments to IPI

1230. I recommend the IPI be amended as follows:

2. DEV1-S10 – delete as follows:

~~DEV1-S10~~
 Policies
 COMZ-P1,

~~CCZ-P2~~

~~Loading Provisions~~

~~(1) Loading spaces required under COMZ-S6 do not apply to the floor area of residential activities located in the Gateway Precinct of the Wallaceville Structure Plan Development Area~~

3. DEV1-S12 – delete as follows:

~~DEV1-S12~~

~~Policies~~

~~COMZ-P1,~~

~~COMZ-P3~~

~~Screening~~

~~(1) The land identified in in the Gateway Precinct of the Wallaceville Structure Plan Development Area is exempt from the screening specified in COMZ-S8.~~

4. DEV1-S13 – delete as follows:

~~DEV1-S13~~

~~Policies~~

~~COMZ-P1,~~

~~DEV1-P7~~

~~CCZ-P2~~

~~Landscaping~~

~~(1) The land identified in in the Gateway Precinct of the Wallaceville Structure Plan Development Area is exempt from the landscaping specified in COMZ-S9(2).~~

5. DEV1-R5 – Amend the notification preclusion statement as follows:

In respect of this rule, and subject to sections 95A(2)(b), 95A(2)(c), 95A(4) and 95C of the Act, an application which meets the relevant standards and terms will be decided without the need for public notification under section 95A and ~~any application that is consistent with the Wallaceville Structure Plan~~ without the need for limited notification under Section 95B and for new buildings within the heritage covenant area limited notification will only be served on Heritage New Zealand (unless affected party approval is provided) under section 95B of the Act.

6. DEV1-R6 – Amend the rule as follows:

DEV1-R6

Garden centres and all activities other than retail activity, restaurants, offices, early childhood centres, and residential accommodation above ground level and not otherwise provided for as non-complying in ~~COMZ-R20 and COMZ-R21~~ the Local Centre Zone in the Gateway Precinct of the Wallaceville Structure Plan Development Area.

7. DEV1-S1 – Amend as follows:

DEV1-S1 Access standards for land use activities

The following standards apply in addition to the requirements of ~~GHRZ-S1~~

(1) ...

8. DEV1-S3 – Delete as follows:

~~DEV1-S3~~

~~Policies
GRZ-P2,
GRZ-PREC1-P1,
DEV1-P5~~

~~Outdoor living space~~

~~The following exemption applies to the requirements of GRZ-S5~~

~~Exemptions:~~

- ~~(1) For new residential buildings as part of Comprehensive Residential Developments in the Urban Precinct of the Wallaceville Structure Plan Development Area, any residential unit with no habitable rooms at ground level shall have an outdoor living space (such as a balcony or terrace) that is directly accessible from an internal living room with a minimum depth of 2.2m and a minimum area of 10m².~~

9. DEV1-S4 – Delete as follows:

~~DEV1-S4~~

~~Policies
GRZ-P2,
GRZ-PREC1-P1,
DEV1-P2,
GRZ-P4~~

~~Building height~~

~~The following exemption applies to the requirements of GRZ-S7~~

- ~~(1) New buildings as part of a Comprehensive Residential Development in the Urban Precinct of the Wallaceville Structure Plan Development Area where the maximum height above ground level of any building shall not exceed 10m~~

10. DEV1-S5 – Delete as follows:

~~DEV1-S5~~

~~Policies
GRZ-P2,
GRZ-PREC1-P1,
DEV1-P2,
GRZ-P4~~

~~Sunlight access~~

~~The following exemption applies to the requirements of GRZ-S8~~

~~Exemptions:~~

- ~~In the Urban Precinct of the Wallaceville Structure Plan Development Area, for semi-detached residential units the sunlight access provisions shall not apply on the shared common wall.~~

11. DEV1-MC1 – Amend as follows:

DEV1-MC1

Development in the Wallaceville Structure Plan Development Area

Relevant matters GRZ-MC1 to GRZ-MC10 and ~~GRZ-PREC1-MC1 to GRZ-PREC1-MC2~~

35.5 Section 32AA Evaluation – Recommended Amendments to DEV1 – Development Area 1 Provisions

1231. In my opinion, the recommended amendments to the IPI in response to matters raised by submitters are more appropriate in achieving the objectives of the IPI than the notified provisions. In particular, I consider that:

1. The recommended deletion of DEV1-S3, DEV1-S4, DEV1-S5, DEV1-S10, DEV1-S12, DEV1-S13, and correction to DEV1-S1, and DEV1-MC1 will ensure that development within the Wallaceville Structure Plan Development Area will be subject to the relevant rules and standards within other zone chapters. The deletions and amendments will ensure there is no inappropriate cross-references to provisions in other zone chapters that the IPI proposes to amend or delete. The amendments are more efficient and effective than the notified provisions in achieving the objectives of the IPI.
2. The recommended amendments to the Wallaceville Structure Plan Development Area provisions will not have any greater environmental, social, or cultural effects than the notified provisions. There will be a requirement for development within the Wallaceville Structure Plan Development Area to comply with the new noise and ventilation standards for residential units within a Local Centre Zone, and this may have an economic effect through a potential increase in construction costs. There will be benefits for plan implementation as a result of the correction or deletions of references to provisions that are to be deleted or amended by the IPI. The amendments will ensure the Wallaceville Structure Plan Development Area can be developed as anticipated by the relevant objectives.
3. The recommended deletion of reference to the Wallaceville Structure Plan from the notification preclusion within rule DEV1-R5 will improve certainty that development within the Wallaceville Structure Plan Development Area will be subject to the relevant rules and standards within other zone chapters. The deletions will ensure there is no inappropriate cross-references to provisions in other zone chapters that the IPI proposes to amend or delete. The amendments are more efficient and effective than the notified provisions in achieving the objectives of the IPI.
4. The recommended amendments to the Wallaceville Structure Plan Development Area provisions will not have any greater environmental, social, or cultural effects than the notified provisions. There will be benefits for plan implementation as a result of greater certainty on the role of the structure plan when making notification decisions on resource consent applications.
5. The recommended correction of references to the LCZ non-complying rules within rule DEV1-R6 will ensure the Gateway Precinct provisions can be implemented following decisions on the IPI being released. The amendments are more efficient and effective than the notified provisions in achieving the objectives of the IPI.
6. The recommended amendments to DEV1-R6 will not have any greater environmental, social, or cultural effects than the notified provisions. As the proposed LCZ non-complying rules add a number of activities to the non-complying list, there will be the effect of some activities that are discretionary under rule DEV1-R6 becoming non-complying activities. Although this has the potential to increase uncertainty for these activities within the Gateway Precinct through an increase in activity status to non-complying, they are not activities that are anticipated with the Gateway Precinct under the structure plan. Therefore, the potential economic costs are considered to be no greater than the existing method to manage these activities under rule DEV1-R6. There will be benefits for plan implementation as a result of greater certainty on the list of activities that are not generally provided for within the Local Centre Zone, including the Gateway Precinct.

36 Definitions

36.1 Matters Raised by Submitters

1232. The key submissions relevant to definition are as follows:

Submission No.	Decision Requested
S5.2 – Bob Anker	That the definition for Papakāinga be amended to conform with the body of the document text or that the document text be amended to conform with the definition.
S5.4 – Bob Anker	That the definition for the walkable catchments be amended to remove uncertainty.
S5.15 – Bob Anker	Include a comprehensive definition of "multi modal transport" within the "Definitions" section of this document.
S28.2 - Ara Poutama Aotearoa – Department of Corrections Opposed by Kāinga Ora	Add a new definition of "Household" as follows: <u>Household: means a person or group of people who live together as a unit whether or not:</u> a. <u>any or all of them are members of the same family; or</u> b. <u>one or more members of the group (whether or not they are paid) provides day-to-day care, support and supervision to any other member(s) of the group.</u>
S32.4 - Z Energy Limited	Retain the definition of service station as notified but apply it only to those zones affected by the IPI; or retain the definition as notified but ensure that the status of a vehicle orientated facility where the principal activity is the refuelling of motorised vehicles and sale of products does not consequentially change throughout the plan.
S33.4 - Fuel Companies	Retain the definition of "service station" as notified but apply it only to those zones affected by the IPI; or Retain the definition as notified but ensure that the status of a vehicle orientated facility where the principal activity is the refuelling of motorised vehicles and sale of products does not consequentially change throughout the plan.
S51.1 - Ministry of Education	Add a new definition for <u>Additional Infrastructure</u> : a. <u>public open space;</u> b. <u>community infrastructure as defined in section 197 of the Local Government Act 2002;</u> c. <u>land transport (as defined in the Land Transport Management Act 2003) that is not controlled by local authorities;</u> d. <u>social infrastructure, such as schools and healthcare facilities;</u> e. <u>a network operated for the purpose of telecommunications (as defined in section 5 of the Telecommunications Act 2001);</u> f. <u>a network operated for the purpose of transmitting or distributing electricity or gas.</u>
S53.2 & S53.9 - New Zealand Defence Force Neutral further submission by FS6 - Transpower	A new definition of "Nationally Significant Infrastructure" is added to Section 3.1 of the Proposed Plan, which specifically includes Defence Facilities.
S58.13 - Kāinga Ora: Homes and Communities	Delete definition for 'dwelling' and make consequential amendments to replace with the term 'residential unit'.
S58.14 - Kāinga Ora: Homes and Communities	Delete definition for 'high density residential zone'.
S58.15 - Kāinga Ora: Homes and Communities	Amend definition for hydraulic neutrality to delete reference to on-site disposal or storage, and references to the 10% and 1% AEP flood events. See submission for specific requested wording.
S64.1 - Retirement Villages	Add the following definition: 'retirement unit'.

Association of New Zealand	<u>Retirement Unit means any unit within a retirement village that is used or designed to be used for a residential activity (whether or not it includes cooking, bathing, and toilet facilities). A retirement unit is not a residential unit.</u>
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36.2 Discussion

1233. Submission S5.2 – Bob Anker requests that the definition for Papakāinga be amended to conform with the body of the document text, or that the document text be amended to conform with the definition. The submitter considers that the inclusion of General Title land owned by Māori should be included in the definition to reflect the provisions.
1234. Ancestral land is not determined by whether the land is held as Māori land or general title land. The term ancestral land recognises an ancestral link between Māori and land. The IPI recognises and provides for this by providing a consent path for papakāinga on ancestral land that is not held as Māori land. Therefore, there is no need for the definition for papakāinga to refer to General Title land owned by Māori. Accordingly, I recommend submission S5.2 – Bob Anker be rejected.
1235. Submission S5.4 – Bob Anker requests that the definition for the walkable catchments be amended to remove uncertainty. The submitter considers the definition should refer to a specific distance rather than a walking time. The submitter also considers the definition is incomplete as it only refers to the City Centre Zone and not the other zones specified in the NPS-UD.
1236. The identification of walkable catchments gives effect to the requirements of Policy 3(c)(i) and (ii) from the edge of the City Centre Zone and rapid transit stops comprising the existing passenger train stations in Upper Hutt.
1237. The submitter is correct insofar as the description of how the walkable catchment and the resulting spatial extent of the High Density Residential Zone was created is incorrect, however this error sits within policy UFD-P2. This policy describes how the heights and densities within urban environment has been determined. The policy incorrectly includes the other centres zones as contributing to the identification of the walkable catchments; however, this is not the case. Although many of the centres zones are located within the walkable catchments of the City Centre zone and rapid transit stops, they do not form part of the methodology for the identification of the spatial extent of the High Density Residential Zone. Policy 3(d) of the NPS-UD does not require the use of walkable catchments around the listed centres, and this was not how the spatial extent of the High Density Residential Zone was determined.
1238. On this basis it is clear that policy UFD-P2 is incorrect, as it lists the other centres. I recommend amendments to correct this below. I also make a recommendation for a consequential amendment to the definition for walkable catchment to simply refer to policy UDF-P2. I do not recommend including the requested specified distance used to identify the spatial extent of walkable catchments as this does not take into account actual walking times, or amendments made to the boundary of the proposed High Density Residential Zone to create a more spatially rational zone interface boundary with the lower density General Residential Zone. I therefore recommend submission S5.4 – Bob Anker be accepted in part.
1239. Regarding submission S5.15 – Bob Anker's request to include a comprehensive definition of 'multi modal transport', I have been unable to locate a suitable definition used in any other relevant statutory planning document such as the RPS, or any other relevant document such as the Wellington Regional Land Transport Plan 2021. The term 'multi modal transport' is used within policy SUB-HRZ-P5 as follows:

Provide for the efficient function of multimodal transport options within the road corridor within a walkable distance to urban railway stations and the centre zones.

1240. I have not located the term in any other IPI provisions. I do not recommend the creation of a definition for multimodal transport for two reasons. Firstly, I consider the term is sufficiently self-explanatory for the purposes of interpreting policy SUB-HRZ-P5. I consider the term encompass all lawful methods of transport within the road corridor. Secondly, should a nationally or regionally prescribed definition become available, there is a risk a definition within the District Plan will be inconsistent. Therefore, I recommend submission S5.15 – Bob Anker be rejected.
1241. Submission S28.2 - Ara Poutama Aotearoa – Department of Corrections request a new definition be included in the IPI for 'household'. Firstly, I have concerns that the use of an IPI for the insertion of provisions to support Department of Corrections activities in delivering its 'Ara Poutama' activities does not appear to fall within the scope of an IPI under sections 80E and 80G of the RMA.
1242. My understanding of Ara Poutama activities relevant to the residential zones are described by the submitter as:
- Ara Poutama operates residential housing in the community throughout New Zealand, providing support for some people in its care to assist with their transition and/or integration in the community. There is a range of rehabilitation, reintegration and support provided in these houses, depending on the needs of the residents. Housing and associated support services may be for people following their release from prison or may be used to accommodate those on bail or community-based sentences (such as home detention).*
- Residential accommodation (with support) provides necessary facilities, such as sleeping, cooking, bathing and toilet facilities, which encompass a typical household living scenario; and a typical residential dwelling, within a residential setting, is utilised for such purposes. People living in this residential environment are not detained on-site, the same as anyone else living in the community, except that some people may be electronically monitored and/or supervised. In some instances, supervisory staff are present on-site to provide a level of care (being a range of rehabilitation, reintegration and support services) appropriate to meet the needs of the individual(s) residing at the site. It is noted that these support staff do not reside onsite and have an alternative residential address. In other instances, supervisory staff will provide support on a part-time basis.*
1243. Secondly, I consider the District Plan already provides for the residential 'Ara Poutama' activities within residential zones as a permitted activity via *community care housing* permitted activity rule GRZ-R4 – *Rest homes and community care housing*, which is defined as follows:
- special care housing used for the rehabilitation or care of any group of persons.*
1244. On this basis, I consider inserting a definition for 'household' is not necessary to enable the submitter to implement Ara Poutama residential activities within the General Residential Zone or High Density Residential Zone. Should Ara Poutama activities include other activities that are not provided for as a permitted activity within these zones, the submitter would be required to apply for resource consent. I therefore recommend submission S28.2 - Ara Poutama Aotearoa – Department of Corrections be rejected.
1245. Submissions S32.4 - Z Energy Limited, and S33.4 - Fuel Companies, request the definition of *service station* is retained as notified but that it is only applied to those zones affected by the IPI. As an alternative, the submitters request the retention of the existing District Plan definition to ensure there are no unanticipated consequential changes to other provisions in the District Plan.
1246. I have considered the proposed IPI amendments to the definition for service station, and I agree with the submitters that the proposed changes will have consequences for service stations across all zones in the City. I consider it would be out of scope of sections 80E and 80G of the RMA for changes to definitions under the IPI to have an effect on how activities are provided for in non-IPI zones.
1247. In terms of the reasons for the proposed changes to the definition for service station, it appears this has been driven by a desire to introduce regional consistency of defined terms between district plans in the region rather than to address an identified issue.

1248. I therefore recommended submissions S32.4 - Z Energy Limited, and S33.4 - Fuel Companies be accepted in part, and that the existing District Plan definition for *service station* be retained without amendment. I do not consider it practicable to amend the proposed IPI definition for *service station* so it only applies to the zones affected by the IPI as this would require two definitions for 'service station' to be applied within different zones.
1249. Regarding submission S51.1 - Ministry of Education's requested new definition for 'additional infrastructure', I do not agree such a definition is necessary. I note that although Policy 10 of the NPS-UD places a duty on the Council to engage with providers of development infrastructure and *additional infrastructure* to achieve integrated land use and infrastructure planning, in my opinion, this does not place a requirement on the Council to duplicate NPS-UD provisions within the District Plan via the IPI.
1250. The term *additional infrastructure* is defined in the NPS-UD; however the term is not used in the IPI. I also note the requirements of the NPS-UD to engage with providers of additional infrastructure to achieve the integrated land use and infrastructure planning apply regardless of whether or not the District Plan duplicates NPS-UD provisions to include a definition for *additional infrastructure*.
1251. I have considered the submitter's concerns regarding the sufficiency requirements of short, medium and long term development capacity; however, I note the Council is aware of its obligations under Subpart 1 of the NPS-UD with respect to providing for development capacity. It is my expectation that the Council will work with the Ministry (as required by NPS-UD Policy 10) as the Council updates its HBA, and prepares its Future Development Strategy under Subpart 4 of the NPS-UD.
1252. In addition, although I understand the Ministry's desire to see the IPI address additional infrastructure matters, I do not consider this to be practicable prior to the Council preparing its Future Development Strategy and engaged with providers of development infrastructure and additional infrastructure. I note it is likely the Council will be required to implement the findings of the FDS, including provisions for additional infrastructure via future non-IPI Schedule 1 RMA plan changes. On this basis I recommend submission S51.1 - Ministry of Education be rejected.
1253. Submissions S53.2 and S53.9 - New Zealand Defence Force, request a new definition for *Nationally Significant Infrastructure*, which the submitter requests specifically includes *Defence Facilities*. The term *Nationally Significant Infrastructure* is defined in the NPS-UD, and this term is used in the same context in the IPI within strategic direction objective UFD-O4. In my opinion it would be appropriate to include a new definition for *nationally significant infrastructure* that links to the NPS-UD definition for *Nationally Significant Infrastructure*. This would ensure the interpretation of the objective is clear. On this basis submissions S53.2 and S53.9 are recommended to be accepted in part.
1254. With respect to the submitter's request to specifically include defence facilities with the definition for nationally significant infrastructure, I note they are not included in the NPS-UD definition for *Nationally Significant Infrastructure*, and on this basis, I do not consider it appropriate to include reference to defence facilities. I note the Urban Development Act 2020 includes a definition for nationally significant infrastructure that includes defence facilities, however in my opinion this is a specific definition relevant to the functions, powers, and duties of Kāinga Ora – Homes and Communities under Urban Development Act. On my reading of this Act, the Council and its District Plan have no provisions that manage nationally significant infrastructure as defined by the Urban Development Act. On this basis this aspect of the submission point is recommended for rejection.
1255. For these reasons I recommend submissions S53.2 and S53.9 - New Zealand Defence Force be accepted in part, and that the IPI be amended to include a reference to the NPS-UD definition for *Nationally Significant Infrastructure* as set out in the Recommended Amendments to the IPI section below.
1256. Submission S58.13 - Kāinga Ora: Homes and Communities, requests the proposed definition for 'dwelling' is deleted, and replaced with the term 'residential unit'. The submitter requests that necessary consequential amendments are made across the plan. Although I agree a more appropriate

term that aligns with the National Planning Standards would be preferable, I note the term 'dwelling' is used within mandatory MDRS provisions including:

- GRZ-P1A; and
- GRZ-S14 – Outlook space (per residential unit)

1257. In my opinion, the Council does not have the discretion to change the wording of these mandatory MDRS provisions as they are mandated under section 77G(1) of the RMA.

1258. To avoid potential implementation uncertainty with respect to the meaning of 'dwelling' in these MDRS provisions, the IPI proposes a definition for 'dwelling' as follows:

Dwelling means residential unit.

1259. Therefore, I recommend the proposed definition for 'dwelling' is retained to ensure there are no interpretation issues during plan implementation. Therefore, I recommend submission S58.13 - Kāinga Ora: Homes and Communities be rejected.

1260. Submission S58.14 - Kāinga Ora: Homes and Communities requests the deletion of the proposed definition for High Density Residential Zone. I agree the deletion of the definition is consistent with how other zones in the District Plan are identified – i.e., reference is made to the Planning Maps to determine the zoning of a site before navigating to the correct zone chapter in the District Plan. I therefore recommend submission S58.14 - Kāinga Ora: Homes and Communities be accepted, and that the definition for High Density Residential Zone be deleted as shown in the Recommended Amendments to the IPI section below.

1261. Submission S58.15 - Kāinga Ora: Homes and Communities requests the proposed definition for *hydraulic neutrality* be amended to delete the performance requirements including on-site disposal or storage, and references to the 10% and 1% AEP flood events. The submitter requests this on the basis that the submitter considers that hydraulic neutrality can be achieved by more than on-site disposal or storage, and to recognise that hydraulic neutrality for new development that does not increase stormwater runoff can be achieved without disposal or storage. The submission requests the following amendments:

Hydraulic neutrality means managing stormwater runoff from all new subdivision and development ~~through either on-site disposal or storage~~, so that stormwater is released from the site at a rate that does not exceed the predevelopment peak stormwater runoff for the 10% and 1% rainfall Annual Exceedance Probability event.

1262. I consider it would be inappropriate to remove the reference to the performance criteria of not exceeding the predevelopment peak stormwater runoff for the 10% and 1% rainfall Annual Exceedance Probability event. I consider that without these performance criteria it would be very difficult to determine whether any proposed buildings or development complied with the relevant permitted activity standard for hydraulic neutrality. This is particularly the case following my recommendations to accept other requested amendments by submitter S58 to remove the performance criteria from all relevant standards and rely on the definition.

1263. I also disagree that new development can achieve hydraulic neutrality without some form of on-site disposal or storage to achieve the relevant performance criteria for the specified Annual Exceedance Probability events. In my experience processing resource consents where hydraulic neutrality is required, all proposed development that involves the creation of water-impervious surfaces gather and direct stormwater faster than the pre-development state of a site, and on-site disposal or attenuation is always required in some form to ensure stormwater leaving the site does not exceed the pre-development state. At the very least, technical information is required to demonstrate that hydraulic neutrality is achieved in accordance with the relevant standard. I note that proposals that do not wish to comply with the hydraulic neutrality requirements may seek resource consent. In my

opinion this would be the most appropriate route for the types of development the submitter refers to. I therefore recommend submission S58.15 - Kāinga Ora: Homes and Communities be rejected.

1264. Submission S64.1 - Retirement Villages Association of New Zealand, requests a new definition be added for 'retirement unit'. I recommend the submission be rejected for the following reasons:

- (a) The requested new definition conflicts with the definition for residential unit. If a retirement unit includes the components necessary to be deemed a residential unit, then retirement units are residential units. Retirement units that are within a retirement village already fall under the definition for residential unit.
- (b) I also note the requested amendment to exclude retirement units from the definition for residential unit would have unintended consequences across the District Plan for the applicability of district-wide rules that manage the location of residential units. As an example, the natural hazard provisions that would no longer apply to 'retirement units' include:
 - Natural hazard provisions
 - Policy NH-P8
 - Permitted activity rule NH-R4
 - Permitted activity standard NH-S3
 - Restricted discretionary activity standard NH-S9
 - Restricted discretionary activity rule NH-R10
 - Restricted discretionary activity rule NH-R11
 - Discretionary activity rule NH-R15
 - Discretionary activity rule NH-R16
 - Non-complying activity rule NH-R20
- (c) As all other requested amendments to the IPI by submitter S64 to incorporate retirement village-specific provisions into the IPI are recommended for rejection, the requested new definition serves no purpose.

36.3 Recommendations

1. I recommend the following submissions be accepted:
 - S58.14 - Kāinga Ora: Homes and Communities
2. I recommend the following submissions be accepted in part:
 - S5.4 – Bob Anker
 - S32.4 - Z Energy Limited
 - S33.4 - Fuel Companies
 - S53.2 - New Zealand Defence Force
 - S53.9 - New Zealand Defence Force
3. I recommend the following submissions be rejected:
 - S5.2 – Bob Anker
 - S5.15 – Bob Anker
 - S28.2 - Ara Poutama Aotearoa – Department of Corrections
 - S51.1 - Ministry of Education
 - S58.13 - Kāinga Ora: Homes and Communities
 - S58.15 - Kāinga Ora: Homes and Communities
 - S64.1 - Retirement Villages Association of New Zealand

4. I recommend all other submissions relevant to definitions that are not specifically identified or addressed above be accepted, accepted in part, or rejected for the reasons specified in Appendix 1.
5. My recommendations in relation to any relevant further submissions reflect the recommendations on the primary submissions as set out in Appendix 1.
6. I recommend the IPI be amended as shown in the Recommended Amendments to the IPI section below.

36.4 Recommended Amendments to IPI

1265. I recommend the IPI be amended as follows:

1. Policy UFD-P2

Provide for heights and densities of urban built form that enable more people to live in, and more businesses and community services to be located in, the City's urban environments, by:

1. enabling the greatest building heights and densities, including unlimited height of buildings, to occur within the City Centre Zone;
2. enabling building heights up to 26 metres and greater densities within the High Density Residential Zone. The High Density Residential Zone comprises areas within a walkable catchment of the following train stations and centres:
 - a. Silverstream Station;
 - b. Heretaunga Station;
 - c. Trentham Station;
 - d. Wallaceville Station;
 - e. Upper Hutt Station;
 - f. City Centre Zone;
 - ~~g. Town Centre Zone;~~
 - ~~h. Local Centre Zone; and~~
 - ~~i. Neighbourhood Centre Zone;~~
3. ...

2. Definition for Walkable Catchment:

Walkable catchment

means areas within the High Density Residential Zone that are specified in Urban Form and Development Policy UFD-P2 within a 10 minute walk of a train station, and the City Centre Zone based on average walking speeds.

3. Definition for Service Station:

Delete proposed IPI amendments and retain the existing district plan definition as follows:

Service station

Any land and buildings where the predominant activity is the retail sale of motor vehicle fuels (including petrol, LPG, CNG and diesel) and may also include, as ancillary activities:

- The mechanical repair and servicing of motor vehicles (other than panel beating, trimming or spray painting, heavy engineering such as engine restoring and crankshaft grinding).
- The sale or hire of any goods, including the preparation and sale of food and beverages.
- Car wash facilities.
- The hire of light trailers and motor vehicles.

4. Definition for Nationally Significant Infrastructure: add definition as follows:

Nationally Significant Infrastructure

means the same as in the National Policy Statement on Urban Development 2020.

5. Definition for High Density Residential Zone: delete as follows:

~~High Density Residential Zone means the areas identified as High Density Residential Zone on the Planning Maps.~~

36.5 Section 32AA Evaluation – Recommended Amendments to Definitions Provisions

1266. In my opinion, the recommended amendments to the IPI in response to matters raised by submitters are more appropriate in achieving the objectives of the IPI than the notified provisions. In particular, I consider that:

1. The recommended amendments to UFD-P2 and the definition of *walkable catchment* will ensure that the IPI provisions accurately reflect the methodology used in the identification of the High Density Residential Zone to give effect to policy 3(c)(i) and (ii) of the NPS-UD. The amendments correct a drafting error, and are more efficient and effective than the notified provisions in achieving the objectives of the IPI.
2. The recommended amendments to policy UFD-P2 and the definition of *walkable catchment* will not have any greater environmental, social, economic, or cultural effects than the notified provisions. There will be benefits for plan implementation as a result of the correction of an error and greater alignment with the NPS-UD.
3. The recommended deletion of the proposed amendments to the definition for service station, and the retention of the existing definition will ensure that the IPI provisions are within the scope of sections 80E and 80G of the RMA, and that unanticipated consequences for how service stations are provided for in non-IPI zones will not occur. The amendments correct a drafting error, and are more efficient and effective than the notified provisions in achieving the objectives of the IPI.
4. The recommended deletion of the proposed amendments to the definition for *service station*, and the retention of the existing definition will not have any greater environmental, social, economic, or cultural effects than the notified provisions. There will be benefits for plan implementation as a result of the correction of an error that will avoid unanticipated consequences for non-IPI zone provisions.
5. The recommended amendment to add a definition for Nationally Significant Infrastructure will ensure that the IPI provisions can be more accurately interpreted where this defined term is used – such as within strategic direction objective UDF-O4. The amendment will ensure interpretation of the IPI is consistent with the requirements of the NPS-UD, and are more efficient and effective than the notified provisions in achieving the objectives of the IPI.
6. The recommended amendments to add a definition for Nationally Significant Infrastructure will not have any greater environmental, social, economic, or cultural effects than the notified provisions. There will be benefits for plan implementation as a result of greater alignment with the NPS-UD, resulting in the unequivocal interpretation of the meaning of relevant IPI provisions.
7. The recommended deletion of the definition for High Density Residential Zone will ensure that the IPI provisions are consistent with respect to the identification of all zones i.e., no other zones have a specific definition. The effect of the amendment on plan implementation will be

minimal, but the amendments is more efficient and effective than the notified provisions in achieving the objectives of the IPI.

8. The recommended deletion of the definition for High Density Residential Zone will not have any greater environmental, social, economic, or cultural effects than the notified provisions.

37 Rezoning Requests

37.1 Matters Raised by Submitters

1267. There were ten submission requesting rezoning. These submissions were subject to seven further submissions as follows:

Submission No.	Decision Requested
S16.1 - Peri Zee	Additional land should be up zoned for retail/mixed use in the northern suburbs described above to provide necessary services (small supermarkets, pharmacy, GP, community centres etc) and to create identifiable centres within walking /biking distance to people's homes.
S29.1 - Farrah Breads Family Trust Opposed by: FS1 - Logan McLean FS2 - Rach Trudgeon FS5 – Willis	Rezoning of land at 57 Kiln Street to general residential.
S40.1 - Dean Spicer	Rezone the property at 224a Parkes Lines Road and the surrounding block of land at 168/180/180A/186/216/224A/224B/264G Parkes Line Road, Maymorn to a density at least congruent to Large Lot Residential Zone under the National Planning Standards.
S46.8 - Blue Mountains Campus Development Limited Partnership	Change the zoning of Lots 2, 3 and 252 of the Urban Precinct from High Density Residential Zone to Local Centre Zone.
S48.1 - Silver Stream Railway Incorporated	Change the zoning surrounding the Railway's Chalfont Road (Amberly Gardens), Kiln Street and Field Street boundaries from 'High Density Residential' to the zoning under the operative district plan or another zoning that is less enabling of housing such as 'General Residential'.
S49.1 - Logan McLean	Re-zone the Farrah's site to residential. Alternatively, do not support the surrounding impacted area to be re-zoned to high density until such time as all issues associated with this industrial zone have been resolved and UHCC is capable of enforcing the relevant provisions in the District Plan to protect the amenity value of the surrounding residential areas. Ensure that provisions in the District Plan are not relaxed around this area in regard to noise etc that impact on the amenity values of the neighbourhood.
S58.275 - Kāinga Ora: Homes and Communities	Rezone Blue Mountain Campus to Mixed Use Zone, as shown in Appendix 4 pf the submission. See the submission for details.

<p>S58.324 - Kāinga Ora: Homes and Communities</p> <p>Opposed in Part by: FS4 – Greater Wellington Regional Council</p>	<p>Amend Trentham LCZ to become TCZ, as shown in Appendix 4 of the submission. If the relief sought is not granted, the following relief is sought:</p> <p>(a) Trentham as a TCZ – no variation to outcomes sought consistent with rest of submission</p> <p>b. Spatial Extent of Trentham TCZ – height variation of 29m to HRZ.</p> <p>See the submission and its Appendix 4 for details.</p>
<p>S69.1 - RACE Inc (Racing at Awapuni and Trentham Combined Enterprises Incorporated) (late submission)</p> <p>Opposed by: FS7 – Summerset Group Holdings FS9 – Gilles Group Management Trust</p> <p>Opposed in part by : FS13 – New Zealand Defence Force</p>	<p>Seek that:</p> <p>1) the part of the Trentham Racecourse shown hatched on the attached aerial at Pt Lot 2 527769 and Lot 4 522882 be rezoned, and</p> <p>2) that the Mixed Use Zone provisions apply.</p>
<p>S71.1 The Heretaunga Co Limited and The Heretaunga Co No2 Limited (late submission)</p>	<p>The New Zealand Campus of Innovation and Sport and Sports Hub be rezoned Mixed Use Zone in the IPI Plan Change.</p>

37.2 Discussion

1268. Submission S16.1 - Peri Zee makes a general rezoning request for land in the northern including Maoribank, Timberlea, Brown Owl, Emerald Hill, Birchville, Te Marua and Plateau to provide for retail and mixed uses to provide services such as small supermarkets, pharmacy, GP, community centres etc. The submission requests this to create identifiable centres within walking /biking distance to people's homes. The submission notes that:

- servicing all of these suburbs there is currently only a bottle store/gaming lounge, petrol station, fish and chip shop and two dairies.
- there is no identifiable neighbourhood centre in any of these suburbs.
- people living in these suburbs (many being the most disadvantaged) have to travel long distances to obtain basic services.

1269. In my opinion, the rezoning of additional land in the northern suburbs to provide new retail/mixed use services would require an evidence base to identify the level of need and to identify potential sites for rezoning. I also consider that the potential rezoning of land to create a new retail/mixed use zone would be best achieved by including community and affected persons consultation. I note this is not

possible via the IPI process in response to a submission. I therefore recommend submission S16.1 - Peri Zee be rejected.

1270. Submission S29.1 - Farrah Breads Family Trust requests the rezoning of land at 57 Kiln Street from Industrial Zone to General Residential Zone. The submission includes the following plan identifying the area requested to be rezoned:



1271. Submission S29.1 is opposed by three further submissions on the basis that the existing industrial operation on the site, which is operated by submitter S29, has resulted in significant noise complaints from residents in the area. The further submitters consider these issues continue to be an issue, and that allowing additional residential development closer to the source of the industrial noise will result in more issues. The submitter's also raise other potential issues such as the capacity of roading in the area to cope with increased traffic, and the effect of the rezoning on the natural environment resulting from the loss of mature trees and native vegetation.
1272. Industrial activities operating from the site have been the subject of many noise complaints to the Council from residents in the area. It is my understanding that noise mitigation has recently been put in place by the submitter as part of the construction of consented building work to place additional infrastructure to factory on the site. As part of the resource consent process that approved these works, it was confirmed that noise levels from the site breached the District Plan noise standards. The resource consent decision included conditions to provide noise mitigation works to ensure noise leaving the site complied with the limits of the District Plan.
1273. Notwithstanding the outcome of any noise mitigation works installed on site as required by the resource consent decision, I agree with the further submitters it would not be appropriate to rezone industrial land on the site to General Residential Zone. I consider this would place additional residential sites and more people in closer proximity to the source of industrial noise – particularly as the site has been the subject to many noise complaints from surrounding residents in the area. I understand the noise mitigation works have been put in place, and have been successful in complying with District Plan noise levels at existing residential boundaries.
1274. In my opinion, any proposed rezoning of the site from Industrial Zone to General Residential Zone would need to be supported by robust noise evidence that demonstrates that reverse sensitivity effects will not become an issue for new residents. I note section 16 of the RMA does not limit the obligation on persons carrying out an activity that generates noise to adopt the best practicable option to ensure that the emission of noise from that land or water does not exceed a reasonable level. In addition, section 17 of the RMA places an obligation on all persons to avoid, remedy or mitigate

adverse effects on the environment arising from an activity, even if the activity is carried out in accordance with a rule in a district plan (such as a rule specifying maximum noise standards), or a resource consent. On this basis, I consider that it remains to be seen whether or not reverse sensitivity effects will continue to be an issue in this location, regardless of the mitigation measures required to be put in place as a condition of the resource consent.

1275. I therefore recommend submission S29.1 - Farrah Breads Family Trust be rejected, and the further submissions by FS1 - Logan McLean, FS2 - Rach Trudgeon, and FS5 – Willis be accepted.

1276. Submission S40.1 - Dean Spicer requests nine specific sites that are currently zoned Rural Production Zone be rezoned to Large Lot Residential Zone via the IPI. under the National Planning Standards. The submission considers rezoning of these sites to Large Lot Residential Zone is:

'enabled by section 77G(4) of the Resource Management Act 1990 (the Act) to give effect to policy 2 of the National Policy Statement on Urban Development 2020 (NPS-UD) requiring the Upper Hutt City Council, as a tier 1 Council, to enable sufficient development capacity to meet expected demand for housing over the short and medium term'.

1277. I disagree with the justification put forward within the submission. I do not agree that the IPI is either enabled or required to rezone these sites. My reasoning is as follows:

- a. Section 77G(1) of the RMA requires the IPI to incorporate the MDRS into every relevant residential zone. RMA section 2 – Interpretation, specifies that a *relevant residential zone* excludes a large lot residential zone.
- b. Although section 77G(4) enables the Council to create new residential zones or amend existing residential zones, this must still fit within the limitations of what can be included within an IPI under section 80E. Section 80E states at clause (1)(b)(iii) that related provisions, including *zones* that are included in an IPI must *support or be consequential on* the MDRS or policies 3 or 4 of the NPS-UD. As Large Lot Residential Zone is not a relevant residential zone, neither the MDRS nor the heights and density of urban form requirements of policy 3 NPS-UD within walkable catchments can be cited as justification to rezone rural zoned sites to Large Lot Residential Zone.
- c. Giving effect to NPS-UD policy 2, falls beyond the remit of what can be included in an IPI pursuant to sections 80G and 80E of the RMA. Although the Council is required to give effect to policy 2 of the NPS-UD, this falls beyond the purpose of the IPI under sections 80E and 80G of the RMA. The Council will be required to give effect to policy 2 of the NPS-UD, however this will be informed by an evidence base to identify specific sites – such as via the Future Development Strategy required under subpart 4 of the NPS-UD.
- d. Rezoning of rural zoned land to an urban zone such as Large Lot Residential Zone may be contrary to the National Policy Statement on Highly Productive Land 2022 (NPS-HPL). It is noted the Regional Council has not yet given effect to the requirements of clause 3.4 of the NPS-HPL to identify and map highly productive land in the region. Under the NPS-HPL, the identification of the productive potential of land requires an evaluation that goes beyond the Land Use Capability class for a site.

1278. For these reasons, I recommend submission S40.1 - Dean Spicer be rejected.

1279. Submission S46.8 - Blue Mountains Campus Development Limited Partnership requests the zoning of Lots 2, 3 and 252 of the Urban Precinct from High Density Residential Zone to Local Centre Zone. These sites are currently zoned General Residential Zone, which the IPI proposes to rezone to High Density Residential Zone as they are within a walkable catchment of the Wallaceville rail station. In my opinion, the proposed High Density Residential Zone for these sites appropriately gives effect to the heights and density of urban form requirements of Policy 3(c)(i), and (d) of the NPS-UD. I note the NPS-UD does not require the Council to rezone these sites to Local Centre Zone.

1280. I note the proposed HRZ provisions do not limit non-residential activities within the Urban Precinct any differently to the status quo rules that apply under the GRZ provisions and the existing site-specific Urban Precinct provisions. Therefore, the basis is for the following statement within the submission is unclear to me:

The proposed HRZ zoning unnecessarily limits the scope of activities on the site, and is inconsistent with the direction of the NPS-UD. The site, as described by the Wallaceville Structure Plan envisages non-residential activities in the Urban Precinct. Provision for non-residential activities as a discretionary activity creates uncertainty in considering potential development options for the site.

1281. I note the proposed High Density Residential zoning of the site and associated provisions will retain the existing approach towards non-residential activities currently provided for within the Urban Precinct. Therefore, I consider that any limitation on the scope of activities provided for on these sites arises from the existing zoning rather than being an outcome of the IPI. On this basis I disagree the HRZ zoning of the site is inconsistent with the direction of the NPS-UD, as the NPS-UD only requires the Council to give effect to policy 3 of the NPS-UD for these sites.

1282. I have not identified in the HBA a need for additional Local Centre Zone land in this location. I note the HBA identifies the Local Centre Zone in this location is at approximately 25.6% occupation of total potential floor space capacity²³. It is therefore unclear to me what the basis is for the requested rezoning of these sites to Local Centre Zone other than seeking to provide for non-residential activities via a more enabling activity status. At this time, it is recommended submission S46.8 - Blue Mountains Campus Development Limited be rejected, however the submitter may wish to provide more information at the hearing to support the request to rezone these Urban Precinct sites from HRZ to LCZ.

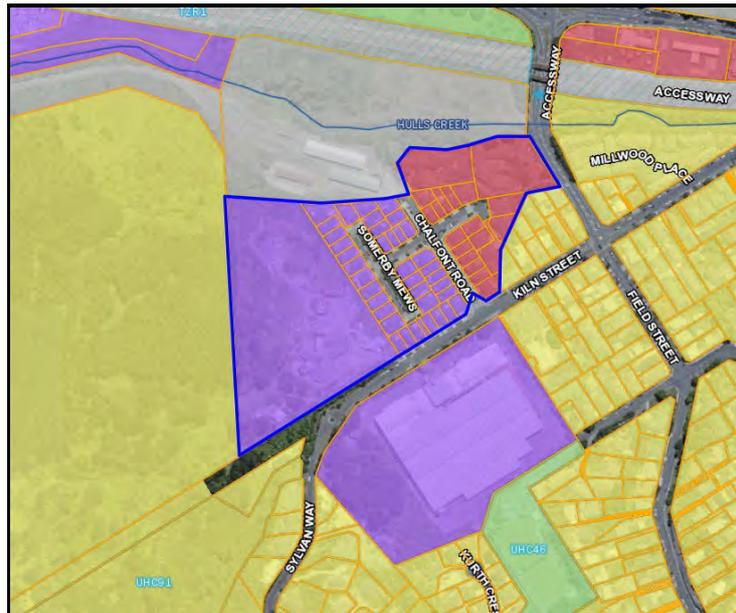
1283. Submission S48.1 - Silver Stream Railway Incorporated requests the IPI is amended to change the zoning surrounding the Railway's Chalfont Road (Amberly Gardens), Kiln Street and Field Street boundaries from 'High Density Residential' to the zoning under the operative district plan or another zoning that is less enabling of housing such as 'General Residential'. The relevant area identified by the submitter is within the blue line in the image below:



1284. The IPI proposes to rezone sites in this locality from a combination of Commercial Zone, Industrial Zone, and General Residential Zone as shown by the area within the blue line in the image below:

²³ HBA, Table 6.35 – "Ward Street" area, page 358:

<https://www.upperhuttcity.com/files/assets/public/districtplan/ipi/appendix-c-hba-2019.pdf>



On first appearances it may appear unusual to recommend rezoning these sites from a commercial and industrial zone to residential zone. I have discussed my opinion on avoiding the creation of potential reverse sensitivity effects in multiple locations throughout this report, and I recommend rejection of a request to rezone part of 57 Kiln Street from Industrial Zone to General Residential Zone on the site to the south of this area – chiefly on account of potential reverse sensitivity effects (submission S29.1 - Farrah Breads Family Trust). However, in this instance, the proposed rezoning of these sites is to reflect the actual uses in these areas, specifically:

- a. The Sombrey Mews / Chalfont Road / Ashington Road area is an entirely developed residential and medium density residential area.
- b. The areas proposed to be rezoned to High Density Residential Zone do not include any non-residential activities such as industrial or commercial activities.

1285. To assist in providing context to the above, the following image is a Google Streetview image looking north-west along Chelfont Road towards the submitter's site at the end of the road:



1286. On this basis, I consider the proposed rezoning of these sites to reflect their actual uses is appropriate and fits within the purpose of the IPI as specified by sections 80E and 80G of the RMA. The High Density Residential Zoning will give effect to the requirements of NPS-UD policy 3 with respect to the sites being located within a walkable catchment of a rapid transit stop. I therefore recommend submission S48.1 - Silver Stream Railway Incorporated be rejected.

1287. Submission S49.1 - Logan McLean requests the Farrah's site (at 57 Kiln Street) be rezoned to residential zone. Alternatively, the submission requests the Council does not rezone the surrounding area to High Density Residential Zone until such time as the reverse sensitivity effects have been resolved. It is my understanding the reverse sensitivity effects concerning noise from industrial activities being carried out at 57 Kiln Street are being, or have been resolved as part of complying with resource consent conditions for the site. The proposed rezoning of surrounding area to High Density Residential Zone is required to give effect to the requirements of NPS-UD Policy 3. I do not have sufficient evidence to justify recommending the application of a qualifying matter in the area to reduce the heights and density of urban form that would be enabled through rezoning the residential sites to High Density Residential Zone.
1288. Regarding the submission's request to rezone the industrial site at 57 Kiln Street to residential zone, I do not recommend such an approach as the site is an industrial zoned site that is used for industrial purposes. The owner of the site has not requested the site be rezoned to residential – although a request to rezone part of the site to GRZ is recommended for rejection under submission S29.1 - Farrah Breads Family Trust as discussed above. I therefore recommend submission S49.1 - Logan McLean be rejected.
1289. Submission S58.275 - Kāinga Ora: Homes and Communities requests the Blue Mountain Campus is rezoned from Local Centre Zone to Mixed Use Zone. I note this request is at odds with the submission from the owner of the site to extend the LCZ zoning to adjacent HRZ sites (S46.8 - Blue Mountains Campus Development Limited Partnership). In addition to the submission including insufficient information to justify the requested rezoning, I consider it would be inappropriate to rezone privately owned properties from Local Centre Zone to Mixed Use Zone in response to a submission without direct consultation with all affected property owners and the community, and the preparation of an evidence base to support it. Accordingly, I recommend submission S58.275 - Kāinga Ora: Homes and Communities be rejected.
1290. Submission S58.324 - Kāinga Ora: Homes and Communities requests the zoning of the Local Centre Zone at Trentham be changed to Town Centre Zone. The submission also requests an expansion of the spatial extent of the LCZ by rezoning, by my best estimate using the submitter's plan (Appendix 4 to the submission), approximately 54 privately owned residential sites. In the event the requested rezoning and spatial expansion of LCZ at Trentham is not accepted, the submission requests a height variation control of 29m is applied to the surrounding HRZ – also as shown on the plan within Appendix 4 to the submission.
1291. I do not have any evidence that suggests the scale and use of this centre warrants a change in zone from Local Centre Zone to Town Centre Zone. With respect to the requested expansion of the spatial extent of the centre, I do not recommend rezoning some 54 privately owned residential sites to Town Centre Zone in the absence of direct consultation with affected property owners, and the preparation of an evidence base to support the rezoning.
1292. With respect to the requested addition of a 'height variation control' of 29m to the surrounding HRZ around the centre, I consider this would increase the likelihood of adverse effects occurring on residents in this area as a result of the loss of direct sunlight into residential units due to the increase in permitted building height. I note that heights of 29m can be considered on a case-by-case basis via the resource consent process. In my opinion, this is the most appropriate method to ensure actual and potential adverse effects are identified and managed, and to ensure potentially affected persons are appropriately identified. I therefore recommend submission S58.324 - Kāinga Ora: Homes and Communities be rejected.
1293. Submission S69.1 - RACE Inc requests that part of the Trentham Racecourse be rezoned from Special Activity Zone to Mixed Use Zone. The submission states that the Special Activity Zone provisions are no longer fit for purpose for the racecourse site to enable it to diversity the range of activities and

1301. By contrast, the MUZ provisions provide for a wide range of residential and non-residential activities including residential activities, retail, offices, education facilities, visitor accommodation, commercial service activities, community facilities, medical activities, large format retailing, and drive-through activities. The non-residential activities are permitted activities subject to standards that limit their scale. Light industrial activities are provided for as a restricted discretionary activity, whilst industrial activities are listed as non-complying.
1302. In my opinion, the requested rezoning of the site presents a unique opportunity within Upper Hutt. Unlike all other specific rezoning requests, the rezoning of the site from SAZ to MUZ would not be at the expense of any existing commercial or residential zoned sites that are accounted for within the HBA. I consider that this point of difference is important, as the rezoning of the site would result in a net gain in land zoned for housing and business uses, therefore adding to the existing capacity identified in the HBA.
1303. The relative separation of the site from existing residential uses in the area means the potential for reverse sensitivity effects from non-residential activities affecting existing residents would be reduced, but not entirely removed, due to the presence of the Summerset retirement village that adjoins the site to the east and north.
1304. Rezoning will provide for additional housing and provide a mix of complementary non-residential activities.
1305. I am aware of reports in the media²⁴ stating the Council has successfully obtained \$12.4 million for infrastructure investment in the area to enable an 850 home housing development and 'shopping centre' on the Trentham Racecourse land. This is confirmed by Kainga Ora on its webpage²⁵ regarding confirmed infrastructure acceleration fund projects as follows:

Upper Hutt

- *IAF funding agreed: \$12.4 million*
- *New homes expected to be enabled: 859*

Upper Hutt City Council will receive \$12.4 million from the IAF, which will fund critical transport upgrades in the area and enable a large, high-density housing development planned within part of the Trentham Racecourse in Upper Hutt. It is expected the new infrastructure will provide the necessary capacity to support the development, while also increasing the resilience of the entire Upper Hutt transport network.

The IAF-funded infrastructure is expected to help enable around 850 new homes within a mixed-use development that will include residential apartments, aged-care homes and community amenities.

1306. With respect to the potential transportation effects associated with the requested rezoning, I sought advice from Mr Wignall, who provides the following key points:
- a. Kāinga Ora has indicated Upper Hutt City Council will receive \$12.4 million from the Infrastructure Acceleration Fund for transport upgrades to support a large high-density housing development planned within part of the Trentham Racecourse²⁶. However, this may not necessarily cover all access capacity requirements arising from future mixed development on the site. It is also not certain at the present time, what the timing of any proposed upgrades might be.
 - b. Large horse racing events are held at the racecourse on a number of occasions throughout the year, with potentially 25,000 people in attendance at any one time, many travelling by public transport. Other activities and smaller gathering events are also held at the

²⁴ <https://www.stuff.co.nz/national/130535070/trentham-racecourse-on-track-for-850-new-homes>

²⁵ <https://kaingaora.govt.nz/working-with-us/housing-acceleration-fund/infrastructure-acceleration-fund/#regions>

²⁶

racecourse site and it is not currently clear which activities would be retained on site, in the context of any future rezoning and associated new mixed development.

- c. Detailed transport assessment is needed in the context of: increased local traffic using Messines Avenue intersections with Racecourse Road and Seddul Bahr Road, substantial increases in development related traffic demand at the at-grade road/rail crossing of Messines Avenue (especially given) the context of planned increases in train frequency and increased demand at the signalised intersection of Fergusson Drive and Sutherland Avenue.
- d. It is not known whether the requested rezoning will be approved or what any future scale end mix of individual activities might be. It is expected that, if development proposals are taken forward, that future traffic generation will be calculated, and an associated access strategy will be developed through a future Integrated Transport Assessment (ITA). However, in order to identify where pressure is likely to fall on the surrounding road network, a nominal development mix has been tested, initially for the weekday morning peak hour (see Annex within Mr Wignall's Evidence - Appendix 4).
- e. In the context of site access: capacity, safety and amenity constraints, if any new development activity is expected to generate a road traffic trip rate of 100 passenger car units (PCU) per hour or more, this would, in Mr Wignall's opinion, warrant an ITA to be undertaken, for consideration by Council.
- f. Subject to undertaking or reviewing more detailed site-specific assessments, in the context of the site access: capacity, safety and amenity constraints, a mixed development threshold of ≥ 100 PCU for any activity or combination of activities, would, in Mr Wignall's opinion, warrant an ITA to be undertaken, for consideration by Council.
- g. In addition to setting traffic related ITA thresholds for individual activities, in Mr Wignall's opinion, the potential scale of future development in the context of the network location, means that, if the mixed rezoning is approved, an overall ITA is needed to appropriately understand and plan for necessary access arrangements.

1307. Based on the advice of Mr Wignall I consider any rezoning of the site should include a restricted discretionary rule for activities of groups of activities that generate greater than 100 passenger car units per hour, with the standard requiring the preparation of an integrated transport assessment. This would be supported by a recommended new definition for passenger car units to ensure Mr Wignall's advice is given effect to. I have prepared and recommend a new rule and definition in the 'Recommended Amendments to IPI' section below.

1308. With respect to housing and business needs and capacity in Upper Hutt, I have reviewed the findings of the 2019 HBA. A limiting factor in this information is that it does not account for the housing capacity that will be released as a result of implementing the MDRS and giving effect to policy 3 of the NPS-UD. Recent changes to interest rates, immigration, inflation, and the costs of building are also not factored in to the 2019 data. The results of updated HBA modelling are anticipated to be available in early 2023, and I will provide updated data should it become available in time for the hearing.

1309. With respect to residential demand, the 2022 HBA residential update identifies the 30 year housing demand including the mandatory competitiveness margin²⁷ of an additional 12,223 residential units. The modelled total 30-year capacity is 11,361 additional residential units. This identifies a shortfall of 278 residential units in the short term (3 years), 2,560 in the medium term (3years - 10years), and a surplus of 64 in the long-term (10 years-30 years) - representing a total shortfall of 862 residential units over the 30 year period to 2051.

²⁷ NPS-UD, clause 3.22 requires the addition of development capacity of a margin of 20% to the short term, 20% to the medium term, and 30% to the long term over and above the expected demand.

1310. The update identifies infrastructure constraints as a challenge that will need to be addressed to cater for the projected residential demand, with three-waters infrastructure cited as the largest constraint²⁸.

1311. With respect to business demand, the HBA identifies the key activities generating the need for additional business floor area between 2020 to 2047 lies in the demand for commercial, retail, government, health, education, training, and 'other business' floor area²⁹. This identifies an approximate total 30 year demand of 76,017m² of business floor space³⁰.

1312. In terms of business capacity, the HBA finds that:

- *Upper Hutt has a large amount of available business development capacity, with only 44.3% of its 894,451m² business floor area capacity currently occupied.*
- *Almost 80% of commercial business capacity is within the CBD, and that a significant proportion of this capacity lies in infill opportunities being taken up (upwards), with only limited opportunities for vacant land development.*

1313. Although I consider this does not provide a strong case for the need for additional business capacity in Upper Hutt, I consider that rezoning to enable mixed-use development would assist in meeting the Council's anticipated long-term housing demand while also providing additional opportunities for the establishment of complementary non-residential activities to support the additional residents within the site and from the surrounding area. I consider such an outcome would be consistent with policy (c) of the NPS-UD through enabling good accessibility for people between housing, jobs, and community services including by way of public transport.

1314. Further submitters who oppose submission S69.1 do so for the following reasons:

- a. Further submitter FS7 - Summerset Group Holdings: Concerns that rezoning of the site would allow for a range of development on the site in a manner that has the potential to adversely affect the amenity of residents within the Summerset site. The further submitter seeks that consideration be given to potential standards that would help maintain the amenity of the Summerset site, including a greater setback from the Summerset boundary than is currently provided for by standard MUZ-S3 - in tandem with the height in relation to boundary standard.
- b. Further submitter FS13 – New Zealand Defence Force: Concerns that rezoning of the site could potentially give rise to reverse sensitivity effects due to the proximity of the area to Trentham Military Camp. The further submitter requests the development of adequate controls to manage reverse sensitivity effects on Trentham Military Camp.

1315. The Summerset retirement village title "Summerset by the Course" is located to the east of the site, and also to the north of part of the area requested to be rezoned. The retirement village is also located within the Special Activity Zone, and as such, operates in accordance with a granted resource consents. The retirement village is an existing sensitive activity due to the presence of residential units, rest home care, hospital care, and short term & respite care³¹. When I consider the potential mix of non-residential activities, and the height of urban form that could be placed on the site under the MUZ provisions, I agree with the further submitter that it would be appropriate to manage potential adverse effects along the boundary with the retirement village.

1316. The MUZ provisions require the application of a height in relation to boundary standard and setback standard along boundaries that adjoin a residential zone. Despite the retirement village being located

²⁸ At page 8: <https://www.upperhuttcity.com/files/assets/public/districtplan/ipi/appendix-d-hba-update-2022.pdf>

²⁹ HBA, Figure 6.32, page 350: <https://www.upperhuttcity.com/files/assets/public/districtplan/ipi/appendix-c-hba-2019.pdf>

³⁰ HBA, Table 6.30, page 350.

³¹ Summerset website: <https://www.summerset.co.nz/find-a-village/wellington/summerset-at-the-course/>

on land zoned Special Activity Zone, based on the actual and potential effects from development with a MUZ, I consider it would be appropriate for development within the requested MUZ site to comply with these provisions. I consider this would be most effectively achieved via the application of a precinct to apply site-specific provisions that would override the Mixed Use Zone provisions. These provisions require a building setback of 1 metre, and a height in relation to boundary standard of 60 degrees measured at a point 4 metres vertically above ground level.

1317. With respect to further submitter FS13 – New Zealand Defence Force, I note that Trentham Military Camp is located to the west of the site requested to be rezoned, and is separated from the site by Hutt International Boys School. I consider the noise and ventilation standard that applies to residential units under MUZ-S4 – which requires internal sound insulation levels to mitigate external sound to be sufficient. I note further submitter FS13 has requested the imposition of a qualifying matter under their primary submission. Although I have recommended this request be rejected, I have suggested the submitter provides additional information at the hearing to enable the consideration of a specific qualifying matter. Therefore, based on the information I have available to me I do not consider any additional noise mitigation provisions are necessary within the site.

1318. I therefore recommend submission S69.1 - RACE Inc be accepted in part, and that the zoning of the site be rezoned from Special Activity Zone to Mixed Use Zone, with the incorporation of specific provisions via a precinct titled "Precinct 3 – Trentham Racecourse Precinct", as set out and described in the 'Recommended Amendments to IPI' section below.

1319. Submission S71.1 The Heretaunga Co Limited and The Heretaunga Co No2 Limited requests the New Zealand Campus of Innovation and Sport and Sports Hub be rezoned from Special Activity Zone to Mixed Use Zone.

1320. The site is located to the west of the Trentham Military Camp and the Trentham Racecourse. Although no plan is included with the submission, the two legal descriptions provided identify the site as that within the black and white dashed line in the image shown below:



1321. The submission describes the following activities are carried out from the site:

- a. The NZCIS and sports hub, including sports fields – a facility used for sports training and education;
- b. Substantial office space to a range of government, commercial and science tenants;
- c. Short term residential accommodation.

1322. The submitter considers the existing Special Activity Zone provisions does not reflect how the site is used and are therefore no longer fit for purpose. The submitter considers the MUZ provisions are an accurate reflection of the range of activities and development that is now established on the site, and are appropriate to manage the future use and development of the site.

1323. The Special Activity Zone provisions enables the same activities as those identified above for the Trentham Racecourse, with the addition of activities relating to educational functions such as the active and passive sports and activities operating from the site.
1324. Unlike the Trentham Racecourse site, I am unaware of any significant infrastructure funding to support a large mixed-use development for the site. Although I understand the submitter's desire to provide for a greater mix of activities on the site without the need for a resource consent, I do not consider there to be a clear identified need to rezone the site to Mixed Use Zone. I also note the requested rezoning is not based on a desire to link with the provisions of additional housing to meet the identified housing need in Upper Hutt.
1325. In my opinion, the potential rezoning of the site would be best considered alongside other similar potential rezonings via a non-IPI future plan change process. I consider this should be pursued following the preparation of the Council's Future Development Strategy that identifies potential areas for rezoning in response to identified housing and business demand in Upper Hutt.
1326. I therefore recommend submission S71.1 The Heretaunga Co Limited and The Heretaunga Co No2 Limited be rejected. The submitter may wish to provide additional information at the hearing to supplement the limited information provided with the submission, as this may enable the consideration of the requested rezoning with the benefit of more information.

37.3 Recommendations

1. I recommend submission S69.1 - RACE Inc be accepted in part.
2. I recommend the following submission be rejected:
 - S16.1 - Peri Zee
 - S29.1 - Farrah Breads Family Trust
 - S40.1 - Dean Spicer
 - S46.8 - Blue Mountains Campus Development Limited
 - S48.1 - Silver Stream Railway Incorporated
 - S49.1 - Logan McLean
 - S58.275 - Kāinga Ora: Homes and Communities
 - S58.324 - Kāinga Ora: Homes and Communities
 - S71.1 The Heretaunga Co Limited and The Heretaunga Co No2 Limited
3. My recommendations in relation to any relevant further submissions reflect the recommendations on the primary submissions as set out in Appendix 1.
4. I recommend the IPI be amended as set out or described in the 'Recommended Amendments to IPI section below.

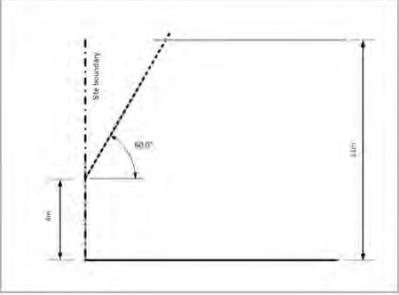
37.4 Recommended Amendments to IPI

1327. I recommend the following amendments to the IPI:

1. That the IPI maps are amended to rezone the site as shown in the submission by S69.1 - RACE Inc from Special Activity Zone to Mixed Use Zone;
2. That a precinct is applied and identified on the IPI maps to the rezoned site titled 'Precinct 3 – Trentham Racecourse Precinct'; and the following provisions amendments are made to the MUZ provisions:

MUZ-S2:

MUZ-S2	Height in Relation to Boundary
Where the side or rear boundary of a site adjoins a Residential Zone ₂	Matters of discretion are

<p>or Open Space and Recreation Zone, or where a boundary within Precinct 3 – Trentham Racecourse Precinct adjoins Lot 1 DP 569820, the following Height in Relation to Boundary standard applies:</p> <ol style="list-style-type: none"> 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.  <p>This standard does not apply to:</p> <ol style="list-style-type: none"> A boundary with a road. Existing or proposed internal boundaries within a site. Site boundaries where there is an existing common wall between 2 buildings on adjacent sites or where a common wall is proposed. Solar water heating components provided these do not exceed the height in relation to boundary by more than 1m. Chimney structures not exceeding 1.1m in width on any elevation and provided these do not exceed the height in relation to boundary by more than 1m. Antennas, aerials, satellite dishes (less than 1m in diameter), flues, and architectural features (e.g., finials, spires) provided these do not exceed the height in relation to boundary by more than 3m measured vertically. 	<p>restricted to:</p> <ol style="list-style-type: none"> Visual dominance, shading and loss of privacy for adjoining Residential or Open Space and Recreation zoned sites, or Precinct 3 – Trentham Racecourse Precinct. The location, design and appearance of the building or structure. Whether an increase in height in relation to boundary results from a response to natural hazard mitigation. Whether any architectural features or steps are proposed in the building façade to provide an attractive appearance when viewed from adjoining Residential or Open Space and Recreation zoned sites, or Precinct 3 – Trentham Racecourse Precinct.
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MUZ-S3:

<p>MUZ-S3</p>	<p>Setback</p>						
<p>Where the side or rear boundary of a site adjoins a Residential Zone, or Open Space and Recreation Zone, or where a boundary within Precinct 3 – Trentham Racecourse Precinct adjoins Lot 1 DP 569820, the following Setback standard applies:</p> <ol style="list-style-type: none"> Buildings must be set back from the relevant boundary by the minimum depth listed in the yards table below: <table border="1" data-bbox="363 1870 702 2004"> <thead> <tr> <th>Yard</th> <th>Minimum depth</th> </tr> </thead> <tbody> <tr> <td>Side</td> <td>1 metre</td> </tr> <tr> <td>Rear</td> <td>1 metre</td> </tr> </tbody> </table> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> The visual amenity of adjoining Residential and Open Space and Recreation sites, or Precinct 3 – Trentham Racecourse Precinct. The location, design and appearance of the 		Yard	Minimum depth	Side	1 metre	Rear	1 metre
Yard	Minimum depth						
Side	1 metre						
Rear	1 metre						

<p>2. This standard does not apply to site boundaries where there is an existing common wall between 2 buildings on adjacent sites or where a common wall is proposed.</p> <p>3. This standard does not apply to:</p> <ul style="list-style-type: none"> a. Accessory buildings less than 2m in height. b. Fences and standalone walls. 	<p>building or structure.</p> <p>3. Whether any architectural features or steps are proposed in the building façade to provide an attractive appearance when viewed from adjoining Residential or Open Space and Recreation sites, or Precinct 3 – <u>Trentham Racecourse Precinct</u>.</p> <p>4. Any benefits, including the extent to which the reduced setback will result in a more efficient, practical and better use of the balance of the site.</p>
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3. New MUZ Restricted Discretionary Rule: Insert as follows:

<u>MUZ-R19A</u>	<u>Any activity or combination of activities within Precinct 3 – Trentham Racecourse Precinct</u>
<p>1. <u>Activity status: Restricted Discretionary</u></p> <p><u>Where:</u></p> <ul style="list-style-type: none"> a. <u>the activity or activities will generate more than 100 vehicles per hour measured by passenger car units (PCU).</u> <p><u>Matters of discretion are restricted to:</u></p> <p><u>Methods to avoid, remedy or mitigate adverse effects on the transportation network as identified by an integrated transport assessment.</u></p>	

4. New definition for Passenger Car Units (PCU): Insert into definitions as follows:

Passenger Car Unit (PCU) means the conversion of different types of vehicles into their equivalent passenger cars in terms of operating characteristics. A car or other light vehicle is 1 PCU, while a heavy vehicle or bus is 2.0 PCU. A car entering and leaving a site generates 2 PCU, while a heavy vehicle or bus generates 4 PCU.

37.5 Section 32AA Evaluation – Recommended Amendments to Zoning

1328. In my opinion, the recommended amendments to the IPI in response to matters raised by submitters are more appropriate in achieving the objectives of the IPI than the notified provisions. In particular, I consider that:

1. The recommended rezoning of the site from Special Activity Zone to Mixed Use Zone will enable a mix of residential and complementary non-residential activities to be established on the site, therefore contributing towards well-functioning urban environments. The ability to

provide additional housing within the site (it is suggested up to 850 residential units) will enable a variety of homes that meet the needs of, in terms of type, price and location of different households. The Mixed Use Zoning will enable an additional site that is suitable for different business activities in terms of location and site size. The site is located in close proximity to Trentham Rail Station, a rapid transit stop that provides good accessibility for people between housing, jobs, and community services. It is considered the close proximity of the site to the rapid transit stop will support reductions in greenhouse gas emissions. For these reasons, the proposed rezoning of the site to Mixed Use Zone is consistent with NPS-UD objectives 1, 2 and 8, and policies 1 and 6. The amendment to the zoning is therefore more efficient and effective than the notified provisions in achieving the objectives of the IPI – such as Strategic Direction UFD-O1, CMU-O1, CMU-O2, and CMU-O5.

2. The recommended change in zoning from Special Activity Zone to Mixed Use Zone will result in a significant change to the social, economic, and environmental costs and benefits compared to the status quo as follows:

Effect	Costs	Benefits
Social	The site will be largely lost for activities enabled by the Special Activity Zone provisions such as active and passive recreation and ancillary activities and buildings. However, the site is privately owned and therefore the use of the site for these purposes is the decision of the landowner.	Rezoning to MUZ will enable a range of activities and development including residential activities and compatible non-residential activities such as retailing, healthcare, offices, and other business activities. Additional residential units will contribute towards the provision of housing to meet anticipated housing demand, while the additional opportunities for non-residential activities will enable the establishment of businesses and services that may service occupants of the site and the wider residential catchment. The upgrades to infrastructure as a result of the successful gaining of Infrastructure Investment Fund funding will support the future development of the site.
Environmental	With the exception of several identified notable trees that are protected within the Historic Heritage chapter of the District Plan, the site does not contain any identified significant environmental values.	The site does not contain any identified significant environmental values.
Economic	Activities and development under the SAZ provisions, and use of the site as part of the racecourse will be lost.	The development of the site under the MUZ provisions offers the opportunity for economic benefits through the development and use of the site for residential and business activities. Business activities on the site may result in the creation of new jobs, or the location of new businesses into Upper Hutt.
Cultural	There are no known cultural costs.	There are no known cultural benefits.

38 Conclusions and Closing Recommendations

38.1 Conclusions

1329. Submissions on the IPI include opposition, support and partial support. The submissions seek a wide range of outcomes – which are chiefly addressed in this report. Appendix 1 includes specific recommendations on all submissions and further submissions that are not specifically identified or discussed in this report.
1330. Having considered all submissions and further submissions and reviewed all relevant statutory and non-statutory documents, I recommend that the IPI should be amended as set out in Appendix 2 of this report.
1331. For the reasons set out in the Section 32AA evaluation included throughout this report and in Appendix 1 of this report, I consider that the proposed objectives and provisions, with the recommended amendments, will be the most appropriate method to:
- a. Achieve the purpose of the RMA where it is necessary to revert to Part 2;
 - b. Give effect to policies 3 and 4 of the National Policy Statement for Urban Development 2020 (NPS-UD);
 - c. Incorporate the Medium Density Residential Standards into all relevant residential zones;
 - d. Provide for existing qualifying matters;
 - e. Give effect to all other relevant higher level statutory planning documents, in respect to the proposed objectives (within the limitations of an IPI);
 - f. Achieve the relevant objectives of the Operative District Plan and the objectives of the IPI, in respect to the proposed provisions;

38.2 Recommendations

1. The Hearing Panel accepts the following late submissions:
 - a. S65 – Stephen Pattinson;
 - b. S69 – RACE Inc (Racing at Awapuni and Trentham Combined Enterprises Incorporated);
 - c. S70 – CBDI Limited and CBD Land Ltd;
 - d. S71 – The Heretaunga Co Limited and The Heretaunga Co No2 Limited; and
 - e. S72 - Te Rūnanga o Toa Rangitira Inc Rangitira.
2. The Hearing Panel accept, accept in part, or reject all submissions (and associated further submissions) as outlined in Appendix 1 of this report; and
3. The IPI is amended in accordance with the changes recommended in Appendix 2 of this report.

Signed:

Name and Title	Signature	Date
Matt Muspratt Consultant Planner		06.04.2023
Emily Thomson Planning Policy Manager – Upper Hutt City Council		06.04.2023

39 Appendix 1: Recommendations on all submissions and further submissions

40 Appendix 2: Recommended Amendments to IPI

41 Appendix 3: Urban Design Advice – Boffa Miskell Ltd

42 Appendix 4: Transport Evidence – Mr Don Wignall – Transport Futures Ltd.

43 Appendix 5: Comparison of Existing St Patrick's Estate Special Activity Zone Provisions with the Proposed Mixed Use Zone Provisions

The table below compares how different activities are provided for and managed by the Special Activity Zone provisions that apply within the St Patrick's Estate site compared to how they are provided for and managed by the IPI proposed Mixed Use Zone provisions. This analysis enables a policy and effects-based comparison of the status quo zoning for the site compared to the Mixed-Use zoning requested by the submitter.

A traffic-light system is used to highlight key differences in the activity status of activities between the two zones. This provides the basis for considering the appropriateness of the submitter's requested rezoning of the site to Mixed Use Zone. The analysis also supports the identification of activities that may result in reverse sensitivity effects within the site that may not be compatible with the importance of the site as a significant source of future housing.

Notes:

1. Where no standards are listed this means either:
 - a. No specific standards apply; or
 - b. There are standards that apply but they offer no added insight for the purposes of the analysis (e.g., standards that apply to all permitted and controlled activities such as landscaping, access etc.).
2. **Green** = the same or similar provision between the existing Special Activity Zone provisions and the proposed Mixed-Use Zone.
Orange = similar provision between the two zones, however there are differences in terms of the scale of the activities.
Red = significant differences between the two zones that may require specific management if the site is rezoned to Mixed Use Zone e.g., permitted activity status versus non-complying activity status.

Special Activity Zone Provisions (St Patrick's)			Mixed Use Zone Provisions			Comments
Activity	Standard(s)	Activity Status	Activity	Standard(s)	Activity Status	
Passive recreation	n/a	Permitted	Passive recreation (not specifically listed)	n/a	Discretionary	Space for passive recreation will be a key component of residential subdivision and development within the Precinct.
Education facilities, early childhood	n/a	Permitted	Educational facility	500m ² max GFA per facility.	Permitted	Similar provision within the SAZ and MUZ – but MUZ specifies a max GFA.

Special Activity Zone Provisions (St Patrick's)			Mixed Use Zone Provisions			Comments
Activity	Standard(s)	Activity Status	Activity	Standard(s)	Activity Status	
centres (College Area only)						
Residential units and visitor accommodation (College Area only)	n/a	Permitted	Visitor Accommodation	(a) 500m ² max GFA per tenancy. (b) Noise and ventilation standards.	Permitted	Similar provision within the SAZ and MUZ – but MUZ specifies a max GFA.
			Residential activity	(a) 6 residential units per site. (b) Noise and ventilation standards. (c) Outdoor living space standard.	Permitted	Similar provision within the SAZ and MUZ – but MUZ specifies a max number of residential units per site and requires compliance with other standards.
Residential units and visitor accommodation (Managed Development Area only)	n/a	Controlled	Visitor Accommodation	(a) 500m ² max GFA per tenancy. (b) Noise and ventilation standards.	Permitted	Similar provision, the MUZ includes max GFA requirement.
			Residential activity	(a) 6 residential units per site. (b) Noise and ventilation standards. (c) Outdoor living space standard.	Permitted	Similar provision, the MUZ includes max number of permitted residential units per site and requires compliance with other standards.
Minor structures	n/a	Permitted	Minor Structures	n/a	Permitted	Same for both zones.

Special Activity Zone Provisions (St Patrick's)			Mixed Use Zone Provisions			Comments
Activity	Standard(s)	Activity Status	Activity	Standard(s)	Activity Status	
Car parks (not including buildings)	n/a	Controlled	Car parks (not specifically listed)	n/a	Discretionary	Car parks are not an as-of-right activity within the MUZ.
Commercial development, excluding retailing	n/a	Controlled	Commercial development (not specifically listed)	n/a	Discretionary	Commercial development, (excluding retailing) is not an as-of-right activity in the MUZ.
Business and professional offices	n/a	Controlled	Commercial Service Activity	500m ² max GFA per tenancy.	Permitted	Similar provision, the MUZ includes max GFA requirement.
			Office Activity	250m ² max GFA per tenancy.	Permitted	Similar provision, the MUZ includes max GFA requirement.
Active recreation and places of entertainment.	n/a	Controlled	Entertainment facility	500m ² max GFA per tenancy.	Permitted	Similar provision, the MUZ includes max GFA requirement.
			Sport and Active Recreation	500m ² max GFA per tenancy (including outdoor areas).	Permitted	Similar provision, the MUZ includes max GFA requirement.
Places of assembly (including community facilities), and conference centres	n/a	Controlled	Community facility	500m ² max GFA per tenancy.	Permitted	Similar provision, the MUZ includes max GFA requirement.
Garden centres	n/a	Controlled	Garden centres (not specifically listed)	n/a	Discretionary	Garden centres are not an as-of-right activity in the MUZ.
Educational facilities, early childhood centres (Managed	n/a	Controlled	Educational facility	500m ² max GFA per facility.	Permitted	Similar provision, the MUZ includes max GFA requirement.

Special Activity Zone Provisions (St Patrick's)			Mixed Use Zone Provisions			Comments
Activity	Standard(s)	Activity Status	Activity	Standard(s)	Activity Status	
Development Area only)						
Medical facilities (Managed Development Area only)	n/a	Controlled	Medical activity	500m ² max GFA per tenancy.	Permitted	Similar provision, the MUZ includes max GFA requirement.
Retailing excluding garden centres	n/a	Non-complying	Retail Activity and Large Format Retailing	Landscaping and screening	Permitted	Retailing within St Patrick's Estate SAZ is not generally provided for.
Medical facilities (College Area only)	n/a	Non-complying	Medical facilities (not specifically listed)	n/a	Discretionary	Medical facilities in the SAZ (College Area) are not generally provided for.
Activities which do not comply with the permitted or controlled standards, or which are not listed e.g., industrial activities.	n/a	Non-complying	Food and beverage activity	500m ² max GFA per tenancy.	Permitted	Food and beverage activities in the St Patrick's Estate SAZ are not generally provided for.
			Retirement village	Noise and ventilation standards Landscaping and screening standard.	Restricted discretionary	Retirement villages in the St Patrick's Estate SAZ are not generally provided for.
			Light industrial activities	3500m ² max GFA.	Restricted discretionary	Light industrial activities in the St Patrick's Estate SAZ are not generally provided for.
			Emergency service facility	Landscaping and screening standard	Restricted discretionary	Emergency service facilities in the St Patrick's Estate SAZ are not generally provided for.

Special Activity Zone Provisions (St Patrick's)			Mixed Use Zone Provisions			Comments
Activity	Standard(s)	Activity Status	Activity	Standard(s)	Activity Status	
			Warehouses	n/a	Discretionary	Warehouses are not generally provided for in the St Patrick's Estate SAZ.
			Yard Based Activity / Trade Supplier	n/a	Discretionary	Yard Based Activity / Trade Supplier are not generally provided for in the St Patrick's Estate SAZ.
			Motorised Recreation	n/a	Discretionary	Motorised Recreation is not generally provided for in the St Patrick's Estate SAZ.
			Any other activity not listed	n/a	Discretionary	All other activities that are not specifically listed in the St Patrick's Estate SAZ are not generally provided for.
			Industrial activity (excluding light industrial and warehouses)	n/a	Non-complying	Industrial activities are discouraged within both the MUZ and St Patrick's Estate SAZ.
			Rural Industry and Primary Production	n/a	Non-complying	Rural Industry and Primary Production are discouraged within both the MUZ and St Patrick's Estate SAZ.
Drive-through activity (not specifically listed).	n/a	Non-complying	Drive-through activity	1500m ² max GFA of the activity including parking and manoeuvring.	Permitted	Drive through activities are not provided for in SAZ.
Subdivision	(a) 1000m ² minimum (b) 25m min shape factor	Controlled	Subdivision that creates one or more vacant allotments.	(a) Access standard (b) Three-waters standard.	Controlled	MUZ has no minimum allotment size or shape requirements.

Special Activity Zone Provisions (St Patrick's)			Mixed Use Zone Provisions			Comments
Activity	Standard(s)	Activity Status	Activity	Standard(s)	Activity Status	
	(c) Access standards					
Subdivision around existing residential unit or commercial activity building where no new undeveloped site is created.	n/a	Controlled	Subdivision around existing building where no new undeveloped allotment is created.	n/a	Controlled	Subdivision around existing buildings is provided for in the same way within the St Patrick's Estate SAZ and the MUZ.
Subdivision that does not comply with min. allotment size and shape requirements	n/a	Discretionary	n/a – there is no MUZ equivalent rule for this activity.	n/a	n/a	There is no equivalent in the MUZ for subdivision that does meet minimum size and shape requirements.

Key Findings

Please see the key findings within section 33 of the Council's evidence report.