

Before the Independent Hearings Panel
Upper Hutt City Council

Under: the Resource Management Act 1991 (*RMA*)

In the matter of: Submissions and further submissions in relation to the
Intensification Planning Instrument to the Upper Hutt
City Council's District Plan

and: **Retirement Villages Association of New Zealand
Incorporated**
(*Submitter 64; Further Submitter 14*)

and: **Ryman Healthcare Limited**
(*Submitter 57; Further Submitter 15*)

Statement of Evidence by **Philip Hunter Mitchell** on behalf of
the Retirement Villages Association of New Zealand Incorporated
and Ryman Healthcare Limited

Dated: 14 April 2023

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**STATEMENT OF EVIDENCE BY PHILIP HUNTER MITCHELL ON
BEHALF OF THE RETIREMENT VILLAGES ASSOCIATION OF NEW
ZEALAND INCORPORATED AND RYMAN HEALTHCARE LIMITED**

Introduction

- 1 My full name is Philip Hunter Mitchell.
- 2 I hold the degrees of Bachelor of Engineering (Hons) and Doctor of Philosophy, both from the University of Canterbury. I am a Partner in the consulting practice Mitchell Daysh Limited and am based in the firm's Auckland office. Mitchell Daysh Limited was formed through a merger between Environmental Management Services Limited and Mitchell Partnerships Limited, which I established in July 1997. Previously, I was the Managing Director of Kingett Mitchell & Associates Limited, a firm I co-founded in 1987.
- 3 I am a past president of the Resource Management Law Association and a full member of the New Zealand Planning Institute. I was a recipient of the New Zealand Planning Institute's Distinguished Service Award in 2015.
- 4 I have been engaged in the field of resource and environmental management for more than 35 years and I have had a role in many significant planning and consenting projects throughout New Zealand during that time. My specialist areas of practice include providing resource management advice to the private and public sectors, facilitating public consultation processes, undertaking planning analyses, managing resource consent acquisition projects, and developing resource consent conditions.
- 5 I am an accredited Hearings Commissioner (with a Chair's endorsement) and have acted as a Hearings Commissioner on numerous occasions, many in the role of Hearing Chair. Most recently I was the Chair of the Independent Hearings Panel for the Waikato Proposed District Plan.
- 6 I was an appointed mediator / facilitator for the hearings on the Proposed Auckland Unitary Plan (*PAUP*). I was also appointed jointly by the Minister for Canterbury Earthquake Recovery and the Christchurch City Council as a Hearings Commissioner for the replacement of the Christchurch City District Plan (the district plan that is intended to facilitate the rebuilding of Christchurch). Retirement village planning provisions were a key topic in those processes resulting in bespoke provisions being inserted into both of these plans.
- 7 My work regularly takes me all over New Zealand and I have significant experience in resource management issues associated with retirement villages.

- 8 I have prepared this statement of evidence at the request of the Retirement Villages Association (*RVA*) and Ryman Healthcare Limited (*Ryman*).
- 9 In preparing this statement of evidence, I have reviewed:
- 9.1 The National Policy Statement on Urban Development 2020 (*NPS-UD*);
 - 9.2 The Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (*Enabling Housing Act*);
 - 9.3 Upper Hutt City Council District Plan (*District Plan*);
 - 9.4 Intensification Planning Instrument (*IPI*) of the District Plan;
 - 9.5 The *RVA* and *Ryman*'s submissions and further submissions on the *IPI*;
 - 9.6 The relevant sections of the section 32 evaluation of the *IPI*;
 - 9.7 The section 42A reports of the *IPI*;
 - 9.8 The relevant supplementary statements of evidence prepared on behalf of the Upper Hutt City Council (*Council*);
 - 9.9 The Wellington Regional Policy Statement (*WRPS*); and
 - 9.10 The evidence of Mr John Collyns, Mr Matthew Brown, Professor Ngaire Kerse and Mr Greg Akehurst for the *RVA* and *Ryman*.

EXPERT WITNESS CODE OF CONDUCT

- 10 I have read the Environment Court's Code of Conduct for Expert Witnesses contained within the Environment Court Practice Note 2023 and I agree to comply with it. My qualifications as an expert are set out above. I am satisfied that the matters which I address in this brief of evidence are within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

SCOPE OF EVIDENCE

- 11 My evidence will:
- 11.1 For context, provide an overview of the submissions made by the *RVA* and *Ryman*;
 - 11.2 Comment on the overall planning framework that applies to the *IPI*, including the requirements under section 32 of the Resource Management Act 1991 (*RMA*) and the relevant

provisions of the NPS-UD, the Enabling Housing Act, the WRPS and the District Plan;

11.3 Comment on the specific planning matters raised in the submissions, and provide my response to the recommendations in the section 42A report; and

11.4 Set out my conclusions.

EXECUTIVE SUMMARY

12 In summary, the submissions by the RVA and Ryman seek to ensure that the IPI provides a planning regime that:

12.1 Recognises and responds to the needs of an ageing population within Upper Hutt; and

12.2 Adopts provisions that are fit for purpose for the functional and operational characteristics of retirement villages and their residents' housing care needs but which integrate with and rely on the other provisions of the Plan rather than fully 'standing alone.'

13 The submitters are seeking a consistent regime for planning to house an elderly population across New Zealand (including all the 'Tier 1' councils), including in Upper Hutt. Consistency between councils will better enable common approaches to consent applications to be developed over time and increase efficiency.

14 By way of summary, and because the section 42A report recommends that most of the relief sought be rejected, key aspects of the submissions by the RVA and Ryman which I address in my evidence, are as follows:

14.1 The proportion of New Zealanders moving into their retirement years is growing, including in Upper Hutt. Their accommodation and healthcare needs are therefore also growing. The demand for retirement villages is already outstripping supply and the population aged 75+ is forecasted to more than double up to 833,000 people nationally by 2048.¹ As identified below, the wider Wellington region is one of the fastest growing areas in the country. The ageing population in Upper Hutt and how the planning framework responds to that is therefore considered to be a key issue in this hearing process.

14.2 More specifically, the RVA and Ryman consider, and I agree, that the notified planning regime does not adequately provide for retirement villages. Although retirement villages are a

¹ Jones Lang LaSalle, NZ Retirement Villages and Aged Care Whitepaper, June 2021, page 7.

subset of multi-unit residential activity, and therefore generally fit under the Medium Density Residential Standards (MDRS) category of “four or more” residential units, the proposed provisions of the MDRS do not acknowledge or provide for the distinguishing features of retirement villages or the different specialist units and amenities within them, particularly well. Therefore, the RVA and Ryman have used the MDRS as a “base case” for the relief they seek but have adapted it to ensure it accounts for the unique needs and features of retirement villages and their residents.

- 15 In case there is any doubt, retirement villages are fundamentally a residential activity, as confirmed in the definition of retirement villages in the National Planning Standards 2019, which states:

“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. It may also include any of the following for residents within the complex: recreation, leisure, supported residential care, welfare and medical facilities (inclusive of hospital care) and other non-residential activities”.

- 16 However, as the definition implies, retirement villages are not “typical” residential developments (particularly with regards to design and layout), and it is important that the specific needs of elderly people that reside in these villages are recognised and provided for via a bespoke and nuanced planning regime.²
- 17 Further, I consider it appropriate that the objectives and policies of the IPI provide specific direction as to the different housing typologies that may be necessary to support different demographics – which includes retirement villages and an understanding of their functional and operational needs. These provisions would sit alongside and be read together with other objectives and policies which seek to manage effects.
- 18 Likewise, I consider that the land use component of a retirement village (the activity of retirement living) should be provided for as a permitted activity in the same manner as other residential activities in the IPI (e.g. rest homes and home occupations).³ This approach would avoid potential debate about whether retirement villages are an appropriate land use in residential areas of Upper Hutt. The development aspects (the physical built construction of retirement village buildings) should however, be assessed as a restricted discretionary activity consistent with other multi-unit residential proposals in order to ensure the external effects of the development are well managed and appropriate for the scale of development

² See also the statements of evidence of Professor Kerse, at [9] as well as Mr Collyns and Mr Brown (evidence to follow).

³ Rules GRZ-R4 and GRZ-R6 respectively, District Plan.

proposed. Making the distinction between the use of land and the effects of the built form associated with those activities, is standard planning practice.

- 19 The specific amendments that I consider necessary (noting that these provisions are in some cases specific to retirement villages but also have general application) are to:

- 19.1 Insert a new 'retirement unit' definition;

'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.

- 19.2 This definition closely models the definition of "residential unit", but does not require cooking, bathing, and toilet facilities, given not all retirement units have these facilities. I discuss this point later.

- 19.3 Include a new 'ageing population' objective within the GRZ and HRZ:

RESZ-OX Ageing population
Recognise and enable the housing and care needs of the ageing population.

- 19.4 I note that this provision would be applicable to all forms of housing for older people, not just retirement villages.

- 19.5 Insert four new policies within each of the General Residential Zone (GRZ) and High Density Residential Zone (HRZ) sections:

[Insert Zone]-PX: Provision of housing for an ageing population

Provide for a diverse range of housing and care options that are suitable for the particular needs and characteristics of older persons in the [Insert Zone], such as retirement villages.

Recognise the functional and operational needs of retirement villages, including that they:

- May require greater density than the planned urban built character to enable efficient provision of services.
- Have unique layout and internal amenity needs to cater for the requirements of residents as they age.

[Insert Zone]-PX: Larger sites

Recognise the intensification opportunities provided by larger sites within the General Residential Zone by providing for more efficient use of those sites.

- 19.6 I note that this provision would be applicable to all forms of development.

[Insert Zone]-PX: Role of density standards

Enable the density standards to be utilised as a baseline for the assessment of the effects of developments.

- 19.7 I note that this policy would be applicable to all forms of development. I comment further on the officer view on this policy further below.

[Insert Zone]-PX: 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.

- 19.8 Insert three new policies within the Neighbourhood Centre Zone (NCZ), the Local Centre Zone (LCZ), the Mixed Use Zone (MUZ), the Town Centre Zone (TCZ), and the City Centre Zone (CCZ) (together referred to as the "Commercial areas") – being the 'larger sites', 'role of density standards' and 'provision of housing for an ageing population' policies;
- 19.9 Insert a permitted activity for the use of land for a retirement village; and
- 19.10 Insert a restricted discretionary activity rule for the construction of retirement village buildings in the GRZ, HRZ, NCZ, LCZ, MUZ, TCZ and CCZ, with specific matters of discretion limited to managing the external effects of a village on the wider environment as follows (noting in bold an additional matter, and in strikethrough a matter to be deleted that I have included upon further reflection to better link the matters for discretion to the objectives and policies of the zone):
1. The effects arising from exceeding any of the following standards: [Insert as applicable];
 2. The effects of the retirement village on the safety of adjacent streets or public open spaces;

3. The extent to which articulation, modulation and materiality addresses adverse visual dominance effects associated with building length;
4. The effects arising from the quality of the interface between the retirement village and adjacent streets or public open spaces;
- ~~5. 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.~~

5. The matters in [GRZ P1A-E, P1, P2, P6, P7, P8, P9, P11 and PX (New policies)] and / or [HRZ P1 – P5, P7-P8 and PX (New policies)] (insert as required).

6. The positive effects of the construction, development and use of the retirement village.

For clarity, no other matters of discretion relating to the effects of density apply to buildings for a retirement village, **however plan provisions which address other effects of retirement villages still apply.**

- 20 The RVA and Ryman also seek a number of amendments to the notification clauses, matters of discretion (including the removal of any reference to the Medium Density and High Density Design Guides when in relation to retirement villages), and built form standards as set out in their original submissions.
- 21 The section 42A report acknowledges several of the RVA and Ryman submission points in principle, including suggesting amendments to objectives to make their intended outcomes clearer. However, the Report recommends rejecting the majority of the RVA and Ryman’s submission points. This is largely based on the premise that the IPI already appropriately provides for retirement villages.
- 22 The analysis in the section 32 report for the IPI contains very little detail on the housing needs and requirements of the ageing population; the local retirement village context; or costs, benefits and the effects of retirement villages. In that regard though, the evidence of Mr Collyns⁴ explains that the demand for retirement village accommodation is outstripping supply in many areas of the country, including Upper Hutt. Professor Kerse advises that suitable

⁴ See the statement of evidence of Mr Collyns (evidence to follow).

housing options for older people are undersupplied and more care beds are needed.⁵

- 23 Responding to the issues associated with the ageing population and provision of suitable housing and care for this demographic is critical to ensuring the wellbeing of people and communities in Upper Hutt in accordance with Objective 1 of the Enabling Housing Act. In that respect, I consider the section 32 report is misaligned with the NPS-UD, particularly Objective 1, which includes a clear directive for enabling more density in a way that provides for a mix of housing opportunities for all ages and stages.
- 24 The Reporting Officers also seem to misunderstand both the nature of retirement villages and the RVA's proposed planning regime. I understand the officers are concerned about the potential mix of residential and non-residential activities, the potential scale of retirement villages and the potential resulting adverse effects such as traffic effects, and the loss of land for other uses.
- 25 In that regard, the evidence of Professor Kerse has set out how older people have particular residential needs that differ from the general population, but that retirement villages are considered by residents as their homes. Mr Brown and Mr Collyns have also outlined the unique characteristics of retirement villages and how they are different from typical residential developments. They also confirm that retirement villages and related ancillary activities are fundamentally a residential use. The scale of retirement villages is proposed to be managed using a combination of the MDRS and bespoke assessment matters. Traffic effects are dealt with in other parts of the Plan. And, I do not understand the Officers' point as to loss of land, particularly in residential zones. I do not agree that other land uses should be prioritised over retirement villages, given the need to locate retirement villages in neighborhoods where people already live.
- 26 Overall, the submissions by the RVA and Ryman seek to ensure that the District Plan provides a consistent and enabling regulatory framework for the establishment of retirement villages within Upper Hutt, with proportionate management of potential adverse effects. They do this through acknowledgement that retirement villages are a legitimate residential use that can be developed in an appropriate manner within suitable residential, commercial and mixed-use zones.

BACKGROUND

- 27 As explained in the evidence of Mr Collyns for the RVA, Mr Brown for Ryman and Professor Kerse, rapidly changing demographics are resulting in major pressures on social and health services for older New Zealanders, including the provision of housing. The evidence

⁵ See the statement of evidence of Professor Kerse (evidence to follow).

explains in detail the wider Wellington region's ageing population. Put simply, the population of people living in Upper Hutt over the age of 65 is continuing to increase and is projected to continue to increase through to 2031 and beyond. As Mr Collyns' and Professor Kerse's evidence notes, the 75+ age bracket is a particularly vulnerable demographic due to relative frailty and the increase of heightened care needs. The demand for retirement living and a range of care options, including dementia care and assisted living options, is growing.

- 28 In my experience, there are a number of challenges in finding suitable sites for the development of new retirement villages. These challenges result from the size of the sites that are typically required (which generally need to provide a range of living and care options, as well as on-site amenities). And prospective residents wish to remain close to their families and existing communities. Mr Collyns and Mr Brown also note this issue in their evidence.⁶
- 29 A key overarching point raised in the submissions by the RVA and Ryman is that the IPI does not adequately provide for the needs of the retirement village sector in Upper Hutt. Both submissions seek that the Plan provides a more nuanced planning framework to enable the establishment of retirement villages, particularly in Upper Hutt's residential areas and in appropriate commercial and mixed-use areas. In this regard, the requested relief sought acknowledges that retirement villages are residential activities which contribute to a diversity of housing typologies in residential areas (this is consistent with Objective 1 of the NPS-UD, as set out further below). The submission also sought that the IPI enables a range of residential developments of varying scales.
- 30 In my opinion, responding to the specific issues associated with an ageing population and the provision of suitable housing to meet the needs of elderly residents is critical. Suitable provision for this specific type of housing needs to be made within residential and commercial areas within Upper Hutt. This outcome will also ensure the social, economic, and cultural wellbeing of people and communities in the wider Wellington region in accordance with Objective 1 of the Enabling Housing Act.⁷
- 31 The requirements of the NPS-UD and the Enabling Housing Act have, in my opinion, fundamentally altered the expectations for development in and around the residential and commercial zones, particularly in Tier 1 local authorities and the wider Wellington region. There are significantly greater expectations for bulk and density in residential zones, and an associated recognition of the consequential changes of neighbourhood character and private residential amenity. I explain this further below.

⁶ See the statements of evidence of Mr Collyns and Mr Brown (evidence to follow).

⁷ Schedule 3A, cl 6(1)(a), Objective 1, Enabling Housing Act.

THE PLANNING FRAMEWORK

National Policy Statement on Urban Development 2020 and the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021.

- 32 The NPS-UD directs local authorities to enable greater land supply for urban development. It also directs that planning is responsive to changes in demand, while also seeking to ensure that new development capacity enabled by local authorities is of a form and in locations that meet the diverse needs of communities and encourages well-functioning, livable urban environments. It also requires local authorities to remove overly restrictive rules that affect urban development outcomes in cities.⁸
- 33 In my opinion, the section 42A report has given insufficient consideration to the following explicit directives of the NPS-UD when assessing the merits of the submissions by the RVA and Ryman:
- 33.1 Planning decisions ensure that urban environments provide for the needs of all demographics in the community, including by enabling a variety of dwelling types and price points;⁹
 - 33.2 Planning decisions improve housing affordability by supporting competitive land and development markets;¹⁰
 - 33.3 Policy Statements and District Plans within Tier 1 urban environments enable intensification in areas where there is a high demand for housing, and with building heights of up to 6 storeys in certain circumstances;¹¹ and
 - 33.4 Urban environments, including their amenity values, will develop and change over time in response to the diverse and changing needs of people and communities, and future generations.¹²
- 34 The clear intent of the NPS-UD is to be enabling of both business and residential development in urban environments through the provision of opportunity, choice, variety and flexibility of land supply for housing, subject to maintaining an appropriate level of residential amenity.¹³ As I discuss later in my evidence, I consider the IPI needs to expressly recognise the diversity of housing stock that will be needed in residential and commercial areas of Upper Hutt in order to fulfil the intent of the NPS-UD.

⁸ Objectives 1, 3 and 6 and Policies 1, 2, 3 and 5 of the NPS-UD.

⁹ Objective 1 and Policy 1 of the NPS-UD.

¹⁰ Objective 2 of the NPS-UD.

¹¹ Objective 3 and Policy 3 of the NPS-UD.

¹² Objective 4 and Policy 6 of the NPS-UD.

¹³ Objective 3 and Policies 1 and 3 of the NPS-UD.

- 35 The Enabling Housing Act directs¹⁴ the incorporation of medium density residential standards for Tier 1 local authorities through Schedule 3A of the RMA. It also requires that a variety of housing types and sizes are provided for, which respond to housing needs and demand and the neighbourhood's planned urban built character (including 3-storey buildings).¹⁵
- 36 The Enabling Housing Act has also altered the scale / scope of residential development that can occur as a permitted activity in a medium density residential zone.¹⁶ These new provisions essentially narrow the consideration of density effects in relation to on-site amenity and effects on the surrounding environment (when compared to existing district plans).
- 37 From a planning perspective, the clear direction is that the built form of Upper Hutt will need to change in order to provide for the housing demands of a range of demographics. In my opinion, the IPI needs to be amended to clearly reflect this policy directive and in particular to have proper regard to the specific evolving housing needs of our ageing population.

Wellington Regional Policy Statement

- 38 The IPI is required to give effect to the WRPS.
- 39 The section 42A report¹⁷ notes that Wellington Regional Council notified Plan Change 1 (PC1) two working days after the IPI was publicly notified, with submissions by Greater Wellington Regional Council requesting that the IPI give effect to many proposed RPS Change 1 provisions.
- 40 The operative WRPS includes objectives and policies relating to maintaining and enhancing a compact, well designed and sustainable regional form¹⁸, identifying that housing design and quality of housing developments can have a significant role in improving housing choice and affordability.
- 41 PC1 introduces new objectives and policies to the WRPS to enable urban development (including housing and infrastructure) to ensure housing intensification and improve housing affordability and housing choice. As outlined in the PC1 section 32 report, the outcome sought is to enable greater flexibility and choice in housing which will better meet people's needs and lifestyle preferences in line with the MDRS provisions. This clearly aligns with the NPS-UD.

¹⁴ Section 77G, Enabling Housing Act.

¹⁵ Objective 4 and Policy 1 of the NPS-UD.

¹⁶ Schedule 3A, Enabling Housing Act.

¹⁷ Paragraph 39 - Council Officers' Section 42A Report.

¹⁸ Objective 22, WRPS.

- 42 In assessing the merits of submissions on the IPI, the Reporting Officers state that PC1 is at an early stage of the Schedule 1 process, and that many of the submissions received challenge the provisions of the proposed WRPS / PC1. The Reporting Officers therefore consider that the provisions of the proposed WRPS / PC1 should be given minimal weight until it has progressed further through the Schedule 1 process.
- 43 Given that the key aspects of PC1 are aligned with the requirements of the NPS-UD it is my view that some considerable guidance can in fact be taken from it, including its provision for:
- 43.1 A compact urban form including a range of housing;¹⁹ and
- 43.2 Addressing housing affordability, including the enabling of intensification.²⁰

Upper Hutt District Plan

- 44 The Operative District Plan provides for retirement villages as a 'discretionary' activity in relevant residential zones via a default rule for all development not specifically listed in the table.²¹ This planning approach has been carried through into the IPI.
- 45 Retirement village development has evolved considerably in recent years. The directives within the NPS-UD now require an even greater focus on residential intensification. In my opinion, the existing approach adopted within the District Plan with respect to retirement villages will not properly achieve the requirements of the NPS-UD and the Enabling Housing Act. Instead, I consider that a more nuanced planning framework for retirement villages is necessary, as summarised below.

SPECIFIC PROVISION FOR RETIREMENT VILLAGES IN THE IPI

- 46 As detailed in the RVA and Ryman submissions, retirement villages are different from typical residential dwellings (in terms of design and layout) and therefore do not necessarily fit in with the typical controls imposed on residential developments. In that regard, I agree with the RVA and Ryman submissions that the provision of fit for purpose consenting process for retirement villages is required and that process comprises:
- 46.1 Appropriate retirement village activity status;

¹⁹ Objective 22, Policy 31 and 55, WRPS.

²⁰ Objective 22, Policy 31 & 55 and Policy UD 3 PC1, WRPS.

²¹ Rule GRZ-R21 and Rule GRZ-R22, District Plan.

- 46.2 Identified matters of discretion (to manage the external effects of the development); and
 - 46.3 Clear, targeted and appropriate development standards to guide the notification and planning assessment of retirement village developments. I note that these standards are largely aligned with the MDRS provisions for multiunit residential developments (four or more residential units). There are some subtle changes to the MDRS to address internal amenity effects, supported by a new definition of "retirement unit". And, the proposed assessment matters are more targeted to the particular effects (positive and adverse) of retirement villages.
- 47 I acknowledge that there are some elements in common with medium density residential development (such as the bulk and scale of development). However, retirement villages are fundamentally different from typical medium density housing developments when it comes to the specific design and layout of these villages, for the following main reasons:
- 47.1 Retirement villages provide most, if not all, of the required resident amenities on-site without the need for external community infrastructure and open spaces;
 - 47.2 Retirement village buildings and layouts are carefully designed with resident needs in mind. In many modern retirement villages, there is often a central building that contains accommodation for people that need higher levels of care and a range of communal village amenities. Access to that building for other village residents must be convenient, safe and sheltered from the weather. This central building can often be bulkier and of a different height to surrounding residential activities which reflects these specific functional and operational requirements;
 - 47.3 Unit types vary from relatively typical independent townhouses or apartments, through to serviced care suites, hospital care beds and areas for people with dementia. The size and amenity requirements of these units vary substantially from more typical housing typologies (hence the need for a new "retirement unit" definition);
 - 47.4 Elderly residents have a lesser degree of interaction with the surrounding neighbourhood on a day-to-day basis compared to those of a conventional residential apartment or residential subdivision. This is because the majority of retirement village residents are generally far less mobile and therefore have

significantly reduced traffic generation requirements and access to public transport infrastructure and parking;²²

- 47.5 Because of the frailty and vulnerability of elderly people, retirement villages need to be safe and secure. In practice, that means having restricted access and, as a general proposition, not having public roads running through the sites; and
- 47.6 Data collected over many years shows that retirement villages place lesser demand on the water, wastewater and transport networks than typical housing, noting that these systems are always comprehensively designed on-site to cater for the required demand. Use of council facilities such as parks and libraries by residents is also very low.
- 48 The above factors combine to mean that retirement villages are generally large format activities that, while not dissimilar to the medium density residential developments in terms of scale, have a different look and feel to standard housing. Applying conventional planning approaches used for standard housing to retirement villages has, in my experience, led to substantial consenting issues.
- 49 I agree with the submissions made by the RVA and Ryman that retirement villages should be recognised as their own bespoke activity within the residential umbrella of 'four plus' residential activities. And, they should have an activity-specific policy and rule framework. I note that the regime does not fully 'standalone'. The existing objectives and policies which guide the assessment of effects from built form would still be relevant.
- 50 A key point raised in the section 42A Reporting Officer's report is that while retirement units are acknowledged as being residential activities, retirement villages themselves are not.²³ This assumption appears to be the significant driver for the section 42A report recommendations to reject many of the Ryman and RVA submission points. It also appears to be a key reason for the retention of the discretionary activity status for retirement villages in the IPI, rather than applying a restricted discretionary activity status as for other multi-unit developments. I observe that this approach to activity status for retirement villages is out of step with most other Tier 1 council IPIs that I have prepared evidence for. And in my opinion, it is inconsistent with the expectations of the MDRS.²⁴

²² See the statements of evidence of Professor Kerse for example at [48], and Mr Collyns (evidence to follow).

²³ Paragraph 165 – Council Officers' Section 42A Report.

²⁴ Clause 4, Schedule 3A Part 1, RMA.

51 As outlined in the evidence of Mr Collyns and Mr Brown²⁵ retirement villages are considered by the residents as their home and are part of the residential environment. In addition, in my experience, villages are developed with careful consideration of the relevant planning standards. Mr Brown highlights the design process used by Ryman to ensure that their villages fit in with the surrounding context.²⁶

52 In my opinion, there is no doubt that retirement villages are a residential activity. Retirement villages as a residential activity has been accepted by most other councils I have been involved with throughout New Zealand. Furthermore, it is clear to me, from the definition of retirement villages contained in the National Planning Standards 2019 that they are a residential activity [**emphasis added**]:

*"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. **It may also include any of the following for residents within the complex: recreation, leisure, supported residential care, welfare and medical facilities (inclusive of hospital care) and other non-residential activities**".*

53 In terms of the reference in the definition to various ancillary or complementary facilities and amenities, I consider, the important point being that these need to be "for the residents within the complex".²⁷ I am aware that the courts have confirmed that retirement villages are residential activities, including their ancillary activities. This caselaw will be addressed in legal submissions.

54 Furthermore, in the event that a retirement village incorporated an ancillary activity that was not "for the residents" and their guests (for example a café that was open to the public) that would likely trigger the need for consent for a commercial activity. The effects of this commercial activity would be managed and considered through the consenting process and is not considered a concern for this process.

55 From a planning perspective, I consider that the NPS-UD and Enabling Housing Act are not limited to residential zones. It is my understanding that councils are required to ensure district plans provide for intensification in urban non-residential zones. Policy 3 of the NPS-UD seeks to enable residential intensification in centre zones and walkable catchments within all Tier 1 urban environments, including the Upper Hutt District. As I discuss later in

²⁵ See the statements of evidence of Mr Collyns and Mr Brown (evidence to follow).

²⁶ Statement of evidence of Mr Brown (evidence to follow).

²⁷ See also paragraph 70 – Retirement Villages Association of New Zealand Submission on the IPI to the Upper Hutt City Council and the statement of evidence of Professor Kerse at 37.

my evidence, it is anticipated that the form and layout of retirement villages in the Commercial Zone would vary substantially to appropriately integrate into its location and context.

- 56 In my opinion, the IPI provides an opportunity for the Council to address matters to better enable all people and the community to provide for their social, economic and cultural wellbeing and in particular the health and safety of older people.²⁸ Moreover, it provides the opportunity to improve housing affordability,²⁹ including for older people. Suitably targeted Plan provisions will assist to enable older people to continue to reside in the communities they helped to build, close to family and established social contacts.
- 57 I will now set out the specific recommendations I consider necessary to give appropriate effect to the NPS-UD.

PART 1 – INTRODUCTIONS AND GENERAL PROVISIONS - DEFINITIONS

RVA / Ryman Submissions

- 58 As identified earlier, the RVA and Ryman sought the insertion of a new definition of 'retirement unit.' The proposed 'retirement unit' definition was developed as a subset of the "residential dwelling" definition in the MDRS. It is required to support or be consequential on the MDRS and acknowledges the differences from typical residential units in terms of layout and amenity needs in relation to how the built form standards are applied. The definition ensures efficient implementation of the MDRS for retirement villages is achieved by resolving potential interpretation issues on whether retirement villages fit within the MDRS, which I address further below. Mr Brown and Mr Collyns set out the features of retirement units that differ from typical dwellings, including that some units in retirement villages are designed for higher care and do not have the likes of kitchens.³⁰

Section 42A Report

- 59 The Reporting Officer has recommended rejecting the inclusion of this definition, stating "*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.*"³¹

²⁸ NPS-UD, Objective 1.

²⁹ Objective 2.

³⁰ Statements of evidence of Mr Collyns and Mr Brown (evidence to follow).

³¹ Page 440, submission point S64.1 – Appendix 1 – Recommendations on Submissions.

Response

- 60 I consider that the unique characteristics of a retirement unit need to be recognised through a separate definition. If such a definition is not provided, I anticipate consenting complexities will arise because 'retirement units' will be considered to be assessed as 'residential units' to which the residential unit standards will apply. My experience in other council jurisdictions has shown that this leads to considerable consenting complexity and inefficiency. Planning staff attempt to 'shoehorn' standard residential standards into a retirement village proposal. Many of these standards are not at all suited to the needs of the residents that will ultimately reside in the village. For example, some units in the villages are designed for higher care and therefore may not need individual outdoor living spaces or may not have kitchens.
- 61 Accordingly, I support the inclusion of the 'retirement unit' definition³² as proposed by the RVA and Ryman.

PART 2 – DISTRICT-WIDE MATTERS – STRATEGIC OBJECTIVES AND POLICIES

RVA / Ryman Submissions

- 62 The RVA and Ryman sought amendments to various district-wide objectives and the urban form and development policies.³³ In this regard, the objectives:
- 62.1 recognise that residential activities include a wide range of housing types that respond to housing needs and demands;
 - 62.2 recognise that residents should have access to a range of amenities; and
 - 62.3 seek to enable higher residential densities.
- 63 The submissions were generally supportive of the district-wide objectives and the urban form and development policies to the extent they reflect the MDRS.
- 64 Of note, the submissions sought an amendment to Objective CMU-04 to provide for residential activities within Neighbourhood Centre Zone (NCZ).
- 65 The submissions also sought amendments to Policy UFD-P1 to exclude retirement villages from being required to be consistent with the Council's Medium and High Density Design Guidelines. There are no specific references to retirement villages throughout the Guide, with no guidance as to why the requirements that are

³² Page 24 – Retirement Villages Association of New Zealand Submission on the IPI to the Upper Hutt City Council.

³³ Pages 24 - 27 – Retirement Villages Association of New Zealand Submission on the IPI to the Upper Hutt City Council.

applicable to non-retirement village activities apply in the same manner to retirement villages. I discuss this matter further, in Part 4 of my evidence.

- 66 The submissions also sought to include a new objective within the Strategic Directions that better recognises and provides for the unique characteristics of retirement village developments and their residents:

"Ageing population

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

Section 42A Report

- 67 The Reporting Officer has recommended accepting the submission point and has included a proposed amendment to CMU-04 which I agree with, to ensure consistency with how the centre zones provide for residential activities (Reporting Officer change shown in red).³⁴ This recommended provision now reads as follows:

CMU-04 Centre Zones Hierarchy

Upper Hutt establishes a hierarchy of centres 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 provisions for residential activities.*

- 68 Notwithstanding the above, the Reporting Officer recommends rejecting the majority of RVA and Ryman's submission points for the following reasons:

68.1 The suggested new objectives relating to an ageing population are not necessary to include as *"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."*³⁵ An ageing population specific objective being included *"may have unintended consequences elevating the needs of one group of the population over other groups"* and *"may result in the strategic directions focusing on one specific group."*³⁶

³⁴ Paragraph 228 – Council Officers' Section 42A Report.

³⁵ Paragraph 231 – Council Officers' Section 42A Report.

³⁶ Paragraph 233 – Council Officers' Section 42A Report.

68.2 "Policy UFD-01 is specific to medium and high density residential development, and as retirement villages are not classed as residential activities under the District Plan, these guides do not apply".³⁷

Response

- 69 I disagree with the Reporting Officer's reasoning. The proposed addition provides clear strategic direction to better recognise the growing need to provide for the housing and care needs of the ageing population. This need is highlighted in the evidence of Mr Collyns, Professor Kerse and Mr Brown. Their evidence is clear that demand for retirement accommodation and aged care is often outstripping supply³⁸ and that there are many social and physical constraints and needs that are unique to older people, which require the provision of specialist housing and care.
- 70 The provision for housing an ageing population should be a key feature of the District Plan, particularly in light of the requirements of the NPS-UD to provide for and enable housing for all populations. As a result, I hold the opinion that the suggested objective should be included within the strategic direction chapter of the plan as has been requested by the RVA and Ryman.
- 71 As stated above, there is no doubt that retirement villages are a residential activity. Therefore, whilst I agree with the Reporting Officer that the Medium and High Density Residential Design Guides should not apply to retirement village developments, I believe that making that explicit will provide greater certainty and clarity. Therefore, I agree with the submissions of the RVA and Ryman that this amendment be accepted.

PART 3 – AREA SPECIFIC MATTERS

RESIDENTIAL AND COMMERCIAL AREAS

Introductory Statements and Objectives and Policies

RVA / Ryman Submissions

- 72 The RVA and Ryman submissions sought changes to the introductory paragraphs, various objectives and policies within the GRZ, HRZ, and all commercial zones, to better recognise and provide for the functional and operational needs of retirement villages and to align these provisions with the NPS-UD and Enabling Housing Act. These provisions have been discussed further in **Appendix A**.

- 73 The submissions also sought to:

73.1 Insert four new policies into the GRZ and HRZ - being the 'Provision of housing for an ageing population', 'Larger sites',

³⁷ Paragraph 205 – Council Officers' Section 42A Report.

³⁸ Statements of evidence of Mr Collyns and Mr Brown (evidence to follow).

'Role of density standards', and 'changing communities' policies;³⁹ and

73.2 Insert three new policies within each of the commercial areas – being the 'Provision of housing for an ageing population', 'larger sites', and 'role of density standards' policies.

74 A tracked change version of the relevant District Plan chapters incorporating these changes has been included in **Appendix B**.

Section 42A Report

75 The Reporting Officer has recommended the rejection of the inclusion of retirement village specific policies within the District Plan for the following reasons:

75.1 Providing for the diverse and changing residential needs of communities is not considered to be necessary as provision for the changing needs of communities and changes to amenity values is already provided for via the "*Well-functioning Urban Environments*" and "*Housing Variety*" objectives⁴⁰ and policies GRZ-P1D, GRZ-P1, and GRZ-P2";⁴¹ and

75.2 Inclusion of the density policy is inappropriate "*is 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... and the Council receives its ability and discretion to consider a permitted baseline via the RMA, not via a policy in the District Plan*".⁴²

Response

76 I agree with the RVA and Ryman submissions and consider that as currently drafted, the objectives and policies within the IPI do not provide adequate flexibility and enablement of retirement villages. Nor do they recognise or address the unique features of these housing types. The specific reasoning for each relevant provision is included in **Appendix A**.

77 In my view, the proposed new policies are needed to recognise the functional and operational needs of retirement villages (through more enabling language such as 'provide for' and 'may require') and provide for a variety of housing types for all people.⁴³ Having reflected on the reasons for the recommendations in the section 42A report to reject the proposed new policies I have further considered

³⁹ Pages 32-33 and 42-43 respectively – Retirement Villages Association of New Zealand Submission on the IPI to the Upper Hutt City Council.

⁴⁰ Objective GRZ-O2 and GRZ-O3 of the IPI.

⁴¹ Paragraph 306 – Council Officers' Section 42A Report.

⁴² Paragraph 307 – Council Officers' Section 42A Report.

⁴³ Policy 1 of the NPS-UD.

how a standalone policy for retirement villages could provide for both the enabling of retirement villages and a clear link to the relevant matters of discretion in the restricted discretionary activity rule proposed.

78 That policy would read:

GRZ / HRZ – PX Retirement Villages

1. Enable retirement villages in the Residential Zones to:

- a. Provide for greater density than other forms of residential developments and enable shared spaces, services, amenities and / facilities, and affordability and the efficient provision of assisted living and care services;
- b. Provide good quality on site amenity, recognising the unique layout, internal amenity and other day-to-day needs of residents as they age;

2. Encourage the scale and design of the retirement village to:

- a. be of a high-quality and aligned with the planned urban character; and
- b. achieve attractive and safe streets and public open spaces, including by providing for passive surveillance;

79 I also consider that the inclusion of the proposed policies in the GRZ, HRZ and commercial areas including the 'larger sites' policy, would provide a much clearer and stronger policy framework (with greater vertical integration between plan provisions) for retirement villages in the District Plan. This will better enable the efficient use of the larger sites that the likes of Ryman and other members of the RVA often need to utilise. It will also assist to reduce complications at the consenting process (for example, in relation to standards prescribing the maximum number of dwellings permitted on a site, which are often infringed due to the larger retirement village sites when compared to typical residential development).

80 Likewise, I disagree with the section 42A report recommendations regarding the 'changing communities' policy. I consider the addition of the policy in the GRZ and HRZ would provide a useful and clear link to the NPS-UD requirements. Furthermore, I consider that the policies as notified do not align with the directives of Policy 6 of the NPS-UD and Policy 5 of the Enabling Housing Act (particularly as the policies as notified still make reference to maintaining and enhancing amenity values), being:

80.1 That housing intensification may detract from amenity values and are not of themselves an adverse effect;⁴⁴ and

80.2 Provide for development not meeting permitted activity status, while encouraging high quality development.⁴⁵

81 I wish to stress that the objectives and policies that have been proposed by the RVA and Ryman do not seek to exempt retirement villages from the remaining wider package of objectives and policies in the District Plan. Instead, they are designed to provide specific provision that recognize the specific requirements of retirement villages. Doing so aligns with the NPS-UD and Enabling Housing Act.

**Activity Status, Notification and Matters of Discretion
RVA / Ryman Submissions**

82 The submissions sought a number of amendments to the rules, notification clauses and matters for discretion within the GRZ, HRZ and commercial areas.

83 The key aspects of the submission points related to:

83.1 The establishment of a permitted activity for the use of land for a retirement village;

83.2 A restricted discretionary activity rule for the construction of retirement village buildings in residential zones;

83.3 The inclusion of specific matters of discretion limited to managing the external effects of a village on the wider environment;⁴⁶ and

83.4 A presumption of non-notification for retirement villages that meet the relevant building controls.

Section 42A Report

84 The section 42A Reporting Officers recommend rejecting a specific rule framework for retirement villages, including the permitted activity status for retirement villages as a land use and restricted discretionary activity status related to their construction.

85 The Reporting Officer states:

85.1 *"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*

⁴⁴ Policy 6 of the NPS-UD.

⁴⁵ Schedule 3A, cl 6(2)(e), Policy 5, Enabling Housing Act.

⁴⁶ Pages 34-35 – Retirement Villages Association of New Zealand Submission on the IPI to the Upper Hutt City Council.

*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;*⁴⁷ and

85.2 *"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".*⁴⁸

86 The Reporting Officer did not comment on the amendments to the notification clauses that were sought within the submissions specifically.

Response – GRZ and HRZ

87 The IPI already provides some rules for the GRZ that distinguish between land use activities (i.e. residential activities, home business, rest homes and community care housing), and the buildings comprising that activity as permitted activities.⁴⁹ In contrast, there are no specific rules within the IPI for retirement villages. Instead, the development of these activities will be considered as a discretionary activity status.⁵⁰

88 I consider the approach taken in the section 42A report does not sufficiently enable residential intensification and is inconsistent with the MDRS and Policy 3 of the NPS-UD. I agree with the RVA and Ryman submissions that retirement villages should be provided for as a bespoke residential activity, with a permitted land use activity status. In addition, I agree with the insertion of a new activity for the construction of retirement village buildings as a "restricted discretionary activity" with specific and tailored matters for discretion that ensure the scale, design and layout of the development can be appropriately managed. Overall, the key point I wish to stress is that there is a distinction to be made between the effects of the physical structures on the one hand and the effects thereof, and the subsequent use of them on the other.

89 By adopting this approach, consent applications would then focus on the effects of the built form through the restricted discretionary activity status for the construction of these buildings. The matters of discretion set out in my evidence are, in my opinion, appropriate for managing the potential effects of retirement village development on the wider environment.

90 In my view there is no effects-based RMA reason to support the default application of a full discretionary activity classification for the

⁴⁷ Paragraph 301 – Council Officers' Section 42A Report.

⁴⁸ Paragraph 304 – Council Officers' Section 42A Report.

⁴⁹ Rules GRZ-R3, GRZ-R4 and GRZ-R5A District Plan.

⁵⁰ Rule GRZ-R21 and GRZ-R22, District Plan.

land use activity of retirement villages. As noted, this approach is out of step with several other Tier 1 council approaches, which apply a restricted discretionary activity status in line with the expectations of the MDRS.⁵¹

91 I also strongly disagree with the section 42A report writers' position "that retirement villages potentially involve a range of 'non-residential activities' and should therefore not be provided for as permitted or restricted discretionary activities".⁵² As outlined above, and when considering the activity as a whole, there is no doubt in my mind that retirement villages are a subset of residential activities as:

91.1 Retirement villages are explicitly defined in the National Planning Standards 2019 as residential activities (which may contain other ancillary amenities solely for the residents within the retirement village) as follows [**emphasis added**];

*"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. **It may also include any of the following for residents within the complex: recreation, leisure, supported residential care, welfare and medical facilities (inclusive of hospital care) and other non-residential activities**".*

91.2 As explained by Mr Collyns, Mr Brown and Professor Kerse, their primary purpose is to provide living and care options to the ageing population (many of which are vulnerable);

91.3 They encompass a range of amenity activities for residents which:

- (a) often support the various living options available to residents; and
- (b) contribute to a high-quality living environment which enables the older population to age in place well.

91.4 They are residential activities, at a residential scale, comparable to what is enabled under the Enabling Housing Act and MDRS (typically comprised of townhouses or low-rise apartments). Whilst retirement villages may contain a larger central building (typically two to three storeys), any additional building height, bulk or shading effects on external properties is often mitigated by being more than sufficiently set back from adjoining property boundaries (due to the typical size of retirement village sites). I also note that the planning regime proposed by the RVA and Ryman does not

⁵¹ Clause 4, Schedule 3A Part 1, RMA.

⁵² Paragraph 165 – Council Officers' Section 42A Report.

seek more lenient density standards insofar as they relate to effects on the external environment; and

- 91.5 Objective 1 of the NPSUD seeks that New Zealand has “*well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future*”. As retirement villages provide a high-quality living environment for older people (with a design and layout that has the safety and security concerns of residents in mind), the provision of retirement villages as a permitted activity will enable the ageing population in the Upper Hutt District to provide for their social and economic wellbeing and health and safety.
- 92 With respect to the matter of limited notification, ultimately, if a proposed development is able to comply with the built form standards that apply to its boundary interface, there is no resource management reason for notifying neighbours of the application. This approach is inherent in the mandatory MDRS regime and also adopted in other district plans around New Zealand (including Christchurch and Auckland). As such, I consider the IPI should provide direction regarding the non-notification and limited notification of resource consent applications for retirement villages in the manner set out in the submissions by the RVA and Ryman.
- 93 Lastly, I consider it necessary to insert tailored matters of discretion for a bespoke retirement village rule, to better align with the directives of the NPSUD and Enabling Housing Act. The approach recommended by the Reporting Officer, in my opinion, has gone too far to restrict and control the built form of retirement villages by not allowing a set of matters of discretion. I support the amendments included within the RVA’s and Ryman’s submissions. It is my experience in the consenting of retirement villages that the consideration of internal amenity matters requires specialist knowledge and is best left to village operators.
- 94 As will be noted by Mr Collyns, one of the unique characteristics of retirement villages is that residents have access to a wide range of communal spaces, so their amenity is provided by the village as a whole rather than an individual space (meaning that many internal amenity standards do not have the same level of relevance to retirement villages).
- 95 I am also aware that peer reviewers engaged by councils sometimes seek to alter the design of assisted living / care suites, or dementia areas, to provide greater sunlight access or greater accessibility. However these recommendations are based on achieving supposed urban design outcomes, but are not cognisant of the functional considerations that go into the design of a retirement village. Overall, I consider that the assessment matters for retirement villages should be focused on the key external effects of the

proposal as well as the functional and operational reasons for differing housing typologies being required.

96 I note that the matters for discretion proposed broadly address the potential external effects of the development that need to be considered throughout the consenting process, without conflating notification issues with internal amenity standards, and therefore, I am of the view that they should be adopted fully in this case.

97 When preparing my evidence I have further considered the assessment matters included in the RVA and Ryman submissions. To better reflect the clear linkage between the policies and assessment criteria, I suggest the following amendments to the matters of discretion. This additional matter directly links the matters of discretion to the relevant policies for the zone to clarify that these apply for retirement village developments (shown in bold).

GRZ / HRZ - RX Retirement Villages

a. The effects arising from exceeding any of the relevant density standards.

b. The effects of the retirement village on the safety of adjacent streets or public open spaces;

c. The effects arising from the quality of the interface between the retirement village and adjacent streets or public open spaces;

d. The extent to which articulation, modulation and materiality addresses adverse visual dominance effects associated with building length;

e. The matters in [GRZ P1A-E, P1, P2, P4, P5, P6, P7, P8, P9, P11 and PX (New policies)] and / or [HRZ P1 – P8 and PX (New policies)] (insert as required).

f. 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.

98 In order to simplify the plan process with respect to retirement village development, and to better align with the directives of the NPS-UD and Enabling Housing Act, I consider it necessary to:

98.1 recognise and provide for retirement villages under their own activity status;

98.2 provide with tailored matters of discretion,

98.3 include presumptions for notification specifically related to these activities and aligned with the MDRS regime. I support the amendments included within the RVA's and Ryman's submissions.

Response – Commercial Activity Areas

99 The Reporting Officer also recommended rejecting the inclusion of a permitted activity rule within the various commercial areas, and on that basis, rejected the RVA and Ryman submissions on this matter.

100 I agree with the submissions of the RVA and Ryman that the Enabling Housing Act is not limited to residential zones. It is my understanding that councils are also required to ensure district plans provide for intensification within urban non-residential zones. More particularly, Policy 3 of the NPS-UD seeks to enable residential intensification in centre zones and walkable catchments within all Tier 1 urban environments. The NPS-UD therefore changes the way that centre and commercial zones are to provide for residential activities, by enabling housing for all people (including the ageing population) in both residential and centre / commercial zones to a far greater extent than previously provided for in the District Plan.

101 Given the directives of the NPS-UD, it can be reasonably expected that residential activity will occupy a larger proportion of centre and commercial zones compared to that experienced historically. I consider the RVA and Ryman proposed amendments provide a clear consenting pathway for retirement villages as residential activities with the proposed matters of discretion, which in my opinion is suitable for appropriately managing the potential effects of retirement village development on the wider environment. Of note, the restrictions that apply for residential activities at the ground floor will still apply, the framework proposed simply allows for the development to be considered on a case-by-case basis. In that respect, the suggested RVA and Ryman provisions are, in my opinion, more aligned with the Enabling Housing Act and the NPS-UD directives.

Development Standards

RVA / Ryman Submissions

102 The RVA and Ryman submitted on various development standards for the GRZ and HRZ as notified. The RVA and Ryman were generally in support of the notified standards where they reflect the MDRS, but sought to include consequential provisions for retirement villages throughout the standards as a result of the inclusion of the 'retirement unit' definition.

103 The RVA and Ryman submission considered that the notified matters of discretion relating to these development standards are not appropriate for retirement villages. In particular, this is because Council will be principally guided by its Medium Density Design Guide which relates to typical residential development and includes guidance which is inconsistent with the MDRS (refer **Appendix D**).

In that respect, the RVA and Ryman sought that the retirement village specific matters of discretion (as outlined in paragraph 97 of this statement of evidence) apply instead.

Section 42A Report

- 104 The Reporting Officers have recommended rejecting these amendments on the basis that these standards either do not apply to retirement villages⁵³ or retirement villages require resource consent, and any requests to infringe these standards can be considered on a case-by-case basis as part of this process.⁵⁴

Response

- 105 As I have set out earlier in this evidence, the evidence by Mr Brown and Mr Collyns highlights the unique characteristics of retirement villages and how they are different from typical residential developments. This consequently requires a slightly modified set of development standards for internal amenity from those of typical residential development (which I have discussed earlier in the context of the proposed new "retirement unit" definition). I therefore consider the amendments by the RVA and Ryman appropriately recognise that retirement villages have different functional and operational needs than conventional housing types, better enables the achievement of key objectives within the NPS-UD and should therefore be adopted in this case.
- 106 I agree with the Ryman and RVA submission that the design guides are not fit for purpose for retirement villages as they seek to restrict and control the built form including the location of garages, accesses on large sites and limiting design to fit within the local context, which are more suited to typical residential developments. Further, in my view, a better balance between enabling retirement village development and "encouraging" high quality, built form as required by policy 5 of the Enabling Housing Act, is more likely to be achieved with the regime proposed by the RVA and Ryman.
- 107 My section 32AA analysis is included in **Appendix C**.

FINANCIAL CONTRIBUTIONS

RVA / Ryman Submissions

- 108 The RVA and Ryman sought to amend the financial contribution provisions to provide a retirement village specific regime, taking into account the lower demand profile of retirement villages compared to standard residential developments, and seek clarity to ensure the dual financial and development contributions regimes will not result in 'double dipping.'

⁵³ Page 232, submission point S64.45 – Appendix 1 – Recommendations on Submissions.

⁵⁴ Page 110, submission point S64.44 – Appendix 1 – Recommendations on Submissions.

Section 42A Report

- 109 The section 42A report writer has recommended that the changes sought by the RVA and Ryman are rejected as they:
- 109.1 Consider there is no 'double dipping' or overlap between the development contributions and financial contribution regimes; and
- 109.2 Financial contributions are restricted to either money, land, or a combination of land under section 108(9) of the RMA. Therefore, the officers consider that works cannot be included as a financial contribution.⁵⁵
- 110 The Reporting Officer agrees in principle that some aspects of demand on infrastructure and services may be lower for retirement villages compared to a standard residential development, and indicated that the RVA and Ryman may wish to provide further evidence at the hearing regarding their recommended amendments to the financial contribution approach for retirement villages.⁵⁶

Response

- 111 I do not agree with the section 42A report writer, as the imposition of financial contributions as part of the IPI does not provide certainty on the financial contributions that will be required to be paid. In addition, the RVA and Ryman seek to ensure the calculation methodology within the IPI takes into account the cost of works undertaken as part of any development.
- 112 The RVA and Ryman also seek the provision of a retirement village-specific regime that takes into account their substantially lower demand profile compared to standard residential developments. As explained in more detail by Mr Akehurst there are compelling reasons for a different approach to calculating financial contributions for retirement villages because:
- 112.1 Many of the retirement village residents are significantly older than the general retired population and are mobility impaired. To ensure quality of life and access to appropriate amenities for this type of resident, retirement villages provide a wide range of social and recreational amenities within each village. The combination of these factors means very low demand for council recreation and community facilities and reserves. The demand is substantially lower than an average residential user. Independent residents may place some demand on community infrastructure but residents in care place little to no demand.
- 112.2 These reduced activity levels are reflected in significantly reduced traffic volumes generated by the villages overall and

⁵⁵ Paragraph 1102 – Council Officers' Section 42A Report.

⁵⁶ Paragraph 1103 – Council Officers' Section 42A Report.

on a per retirement unit basis. Residents are making far fewer trips to access; parks, reserves, sports fields, and recreational facilities of any sort than the average person. In addition, they make far fewer trips to eat out, to shop, to attend concerts, cinemas, and museums than the average person. Traffic movements are generally off peak.

112.3 Finally, due to the nature and age of the residents, their consumption of water and generation of wastewater is also significantly reduced on a per capita basis. Due to commercial kitchens and laundries in retirement villages, many of the residents do not cook their own meals or use their own washing machines.

113 Lastly, both the RVA and Ryman have been involved in the development contribution regime of local government under the Local Government Act 2002 for many years and I have provided independent advice in those processes. In my experience the potential for 'double dipping' has the very real potential to result in conflict, therefore adding further complexity to the consenting process for retirement villages.

114 For the reasons set out above, I agree with the RVA and Ryman submissions and consider the financial contribution provisions of the District Plan should be amended to provide a retirement village specific regime.

PART 4 – APPENDICES – DESIGN GUIDES

RVA / Ryman Submissions

115 The RVA and Ryman submissions sought to expressly exclude retirement villages from the requirement to be consistent with the Council's Medium and High Density Design Guide and the City Centre Design Guide.

Section 42A Report

116 The section 42A report writer rejects the submissions for the following reasons:

116.1 "*Policy UFD-01 is specific to medium and high density residential development, and as retirement villages are not classed as residential activities under the District Plan, these guides do not apply*"⁵⁷; and

116.2 "*Depending on the proposed design and layout of the retirement village and its interaction with public areas, the*

⁵⁷ Paragraph 205 – Council Officers' Section 42A Report.

design guide could be a relevant matter the Council wishes to consider".⁵⁸

Response

- 117 Whilst I agree with the Reporting Officer that the Medium and High Density Residential Design Guides should not apply to retirement village developments, as I have stated previously, I disagree with the reasoning of the Reporting Officer, primarily because retirement villages are clearly a residential activity. I believe that making that explicit by excluding retirement villages from these guides will provide greater certainty and clarity. Therefore, I agree with the submissions made that this amendment be accepted.
- 118 The evidence of Mr Collyns and Mr Brown clearly indicates why retirement villages are different to that of typical residential development, and therefore, do not necessarily fit in with the typical controls imposed on residential developments. Given this, I also agree with the RVA and Ryman submission that the Medium Density Design Guideline is not appropriate for retirement village development. These guidelines have been prepared in relation to more typical residential development and are at odds with many of the MDRS provisions, as indicated in **Appendix D**. I therefore agree that reference to these guidelines in relation to retirement villages should be deleted from the IPI.
- 119 Furthermore, the proposed matters of discretion include a specific provision for *"the effects of the retirement village on the safety of adjacent streets or public open spaces"* and *"the effects arising from the quality of the interface between the retirement village and adjacent streets or public open spaces"* which is considered appropriate to address the concerns raised by the Report Writer.

CONCLUSION

- 120 Upper Hutt's ageing population is increasing the demand for medium to high density housing options. This is particularly evident in the demand being experienced by Ryman for its retirement village developments (as well as other members of the RVA).
- 121 As noted within this evidence, the submissions by the RVA and Ryman on the IPI are seeking to ensure that the District Plan provides a consistent and enabling regulatory framework for the establishment of retirement villages within the GRZ, HRZ and the commercial and mixed use activity areas of Upper Hutt.
- 122 In my opinion, the relevant residential areas (GRZ and HRZ) and commercial areas, require amendments to acknowledge that retirement villages are a legitimate residential use that need to locate in such areas in order to ensure that the elderly population

⁵⁸ Page 231, submission point S64.134 and S64.135 – Appendix 1 – Recommendations on Submissions.

stay connected to their existing communities and social infrastructure. The rule framework proposed by the RVA and Ryman acknowledges that retirement villages are an appropriate and legitimate use of residentially and commercially zoned land, by including retirement villages (that is of the same or similar scale as other forms of residential development) as permitted activities with the construction of the villages being managed through a restricted discretionary activity. This framework would provide a consistent approach throughout the country to ensure efficient, clear and appropriately focused assessments of effects and consenting of retirement villages.

- 123 Overall, I agree with the submission by the RVA and Ryman that further amendments to the IPI are warranted in order to provide a planning framework that appropriately gives effect to the NPS-UD, responds to the retirement housing and care shortage, and is consistent with the approach adopted within neighbouring districts.

Dr Philip Mitchell

14 April 2023

APPENDIX A – AMENDMENTS TO OBJECTIVES AND POLICIES

In Appendix A only, text in black underline and strikethrough are Ryman’s and the RVA’s requested amendments. Red underlined and strikethrough is text that has been recommended by the Council Officer in Appendix 2: Recommended Provisions.

Provision	Original RVA / Ryman Submission	Section 42A Recommendation and Reasoning	Planning Response	Proposed Amendments
General Residential Zone (GRZ)				
Introductory Text	<p>The RVA seeks 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 	<p>Reject</p> <p>Within the General Residential Zone, retirement villages are provided for via catch-all discretionary rule GRZ-R21. Depending on the proposed design and layout of a retirement village and its interaction with public areas, the design guide could be a relevant matter the Council wishes to consider.⁵⁹</p>	<p>The proposed amendments better provide for retirement villages.</p>	<p>Retain paragraph 1-3 as notified.</p> <p>Insert the following as paragraph 4:</p> <p><u>Accommodation for the ageing population (such as retirement villages) is anticipated and provided for in the General Residential Zone.</u></p> <p>Retain paragraph 5 as notified.</p> <p>Amend paragraph 6 as follows:</p> <p>It is anticipated that the character, form and amenity of residential areas within the General</p>

⁵⁹ Page 228, submission point S64.20 - Appendix 1 – Recommendations on Submissions.

Provision	Original RVA / Ryman Submission	Section 42A Recommendation and Reasoning	Planning Response	Proposed Amendments
	General Residential Zone.			Residential Zone will change over time. These changes may be significant and may detract from amenity values appreciated by the community but may improve the amenity values appreciated by other people and future generations, including by providing for increased and varied housing densities and types. To help manage this change, the Medium and High Density Design Guide in Appendix 1 promotes a high standard of urban design are included in the District Plan. It is anticipated this will encourage new development to make a positive contribution toward the evolving character of the General Residential Zone.

Provision	Original RVA / Ryman Submission	Section 42A Recommendation and Reasoning	Planning Response	Proposed Amendments
				<p><u>However, Retirement villages are excluded from the applicability of both the Medium and High Density Design Guides.</u></p>
<p>GRZ-01</p> <p>The promotion of a high quality residential environment which acknowledges the physical character 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.</p>	<p>Delete GRZ-01 or amend for consistency with the MDRS.</p>	<p>Reject</p> <p>No comment within the report.</p>	<p>The RVA opposes GRZ-01, which covers matters addressed by the MDRS policies inserted into the Plan, and unnecessarily introduces new, undefined concepts such as “acknowledging” the physical character of residential areas. It is unclear how a ‘high quality residential environment’ differs from a well-functioning urban environment’.</p>	<p>The changes Council have recommended in line with Kāinga Ora’s submission point S58.97 are accepted.</p> <p>GRZ-01</p> <p>The promotion of a high quality residential environment which maintains and enhances <u>acknowledges the physical character that is consistent with the planned urban built form</u> of the residential areas, <u>and</u> provides a choice of living styles <u>and types</u> while recognising that <u>character and amenity values develop and change over time</u> and a</p>

Provision	Original RVA / Ryman Submission	Section 42A Recommendation and Reasoning	Planning Response	Proposed Amendments
				high level of residential amenity.
<p>GRZ-02 Well-functioning Urban Environments</p> <p>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, now and into the future.</p>	Support	Accept	N/A	N/A
<p>GRZ-03 Housing variety</p> <p>A relevant residential zone provides for a variety of housing types and sizes that respond to</p> <ul style="list-style-type: none"> a. housing needs and demand; and b. the neighbourhood's planned urban built 	Support	Accept	N/A	N/A

Provision	Original RVA / Ryman Submission	Section 42A Recommendation and Reasoning	Planning Response	Proposed Amendments
character, including 3-storey buildings.				
<p>GRZ-P1A</p> <p>Enable a variety of housing types with a mix of densities within the General Residential Zone, including 3-storey attached and detached dwellings, and low-rise apartments.</p>	Support	Accept	N/A	N/A
<p>GRZ-P1B</p> <p>Apply the MDRS across all relevant residential zones in the district plan except in circumstances where a qualifying matter is relevant (including matters of significance such as significant natural areas, historic heritage and the relationship of Māori and their culture and traditions with their ancestral lands, water,</p>	Support	Accept	N/A	N/A

Provision	Original RVA / Ryman Submission	Section 42A Recommendation and Reasoning	Planning Response	Proposed Amendments
sites, wāhi tapu, and other taonga).				
GRZ-P1C Encourage development to achieve attractive and safe streets and public open spaces, including by providing for passive surveillance.	Support	Accept	N/A	N/A
GRZ-P1D Enable housing to be designed to meet the day-to-day needs of residents.	Support	Accept	N/A	N/A
GRZ-P1E Provide for developments not meeting permitted activity status, while encouraging high-quality developments.	Support	Accept	N/A	N/A
GRZ-P1 To provide for a range of building densities within the residential areas that	Support in Part Amend GRZ-P1 as follows: To provide for a range of building densities	Reject "I consider the requested amendments	The linkage between building density and infrastructure capacity is of concern. The wording as notified does not	Amend GRZ-P1 as follows: To provide for a range of building densities within the residential areas that

Provision	Original RVA / Ryman Submission	Section 42A Recommendation and Reasoning	Planning Response	Proposed Amendments
<p>are compatible in form and scale with the neighbourhood's planned built form and character which takes into account the capacity of the infrastructure.</p>	<p>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.</p>	<p>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".⁶⁰</p>	<p>consider that infrastructure challenges can be overcome through innovative design and, in some cases, undertaking local works. It is not necessary to control density as a proxy for managing infrastructure constraints.</p>	<p><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.</p>
<p>GRZ-P2 To ensure that the scale, appearance and siting of buildings, structures and activities are compatible</p>	<p>Support in Part Amend GRZ-P2 as follows: To ensure that the scale, appearance and siting of buildings,</p>	<p>Reject (same reasoning as above). "I consider the requested amendments</p>	<p>The proposed amendment sought would be more in line with Objective 2 of the MDRS.</p>	<p>Amend GRZ-P2 as follows: To ensure that the scale, appearance and siting of buildings, structures and</p>

⁶⁰ Paragraph 278 – Council Officers' Section 42A Report.

Provision	Original RVA / Ryman Submission	Section 42A Recommendation and Reasoning	Planning Response	Proposed Amendments
<p>in form and scale with the neighbourhood's planned built form and character.</p>	<p>structures and activities respond to are compatible in form and scale with the neighbourhood's planned built form and character.</p>	<p>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".⁶¹</p>		<p>activities <u>respond to</u> are compatible in form and scale with the neighbourhood's planned built form and character.</p>
<p>GRZ-P4 To ensure that the location and design of buildings and earthworks do not significantly</p>	<p>Delete GRZ-P4</p>	<p>Reject "I consider that the NPS-UD does not require amenity values to be</p>	<p>Policy GRZ-P4 is insufficient to avoid conflict with the MDRS and NPS-UD Policy 6(b)(i). The policy</p>	<p>Delete GRZ-P4</p>

⁶¹ Paragraph 278 – Council Officers' Section 42A Report.

Provision	Original RVA / Ryman Submission	Section 42A Recommendation and Reasoning	Planning Response	Proposed Amendments
<p>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.</p>		<p>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</p>	<p>continues to refer to existing residential amenity and is therefore inconsistent with the expectation for significant change that may detract from amenity values.</p>	

Provision	Original RVA / Ryman Submission	Section 42A Recommendation and Reasoning	Planning Response	Proposed Amendments
		earthworks must be considered". ⁶²		
<p>GRZ-P5</p> <p>To encourage sites fronting streets to present a pleasant and coherent residential appearance.</p>	<p>Delete GRZ-P5</p>	<p>Reject</p> <p>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-P5.⁶³</p>	<p>The reference to a 'pleasant and coherent' residential appearance is vague and subjective. It is also not necessary given GRZ-P1C addresses attractive streets.</p>	<p>The changes Council have recommended in line with Kainga Ora's submission point S58.109 go some way to meeting the original submission however as previously stated GRZ-P1C addresses attractive streets and GRZ-P5 is not necessary.</p> <p>GRZ-P5</p> <p>To ensure that <u>encourage</u> sites fronting streets to present a pleasant and coherent residential appearance.</p>
<p>GRZ-P9</p> <p>To promote residential development with a high</p>	<p>Support in Part Amend GRZ-P9 as follows:</p>	<p>Reject</p>	<p>To recognise that amenity values may change over time to</p>	<p>Amend GRZ-P9 as follows:</p>

⁶² Paragraph 286 – Council Officers' Section 42A Report.

⁶³ Paragraph 287 – Council Officers' Section 42A Report.

Provision	Original RVA / Ryman Submission	Section 42A Recommendation and Reasoning	Planning Response	Proposed Amendments
<p>level of amenity and ensure that it has adequate access to infrastructural requirements, while recognising that amenity values develop and change over time.</p>	<p>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.</p>	<p>“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”.⁶⁴</p>	<p>reflect the neighbourhood’s planned built form is positive, however, the policy suggests the reference to a ‘high level of amenity’ is unclear and inconsistent with the MDRS.</p> <p>The incorporation of the term “high-quality” reflects the intent of Policy 5 of the MDRS.</p>	<p>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.</p> <p>Or</p> <p>The changes Council have recommended in line with Kainga Ora’s submission point S58.110 is accepted.</p> <p>GRZ-P9</p> <p>To promote residential development <u>that is consistent with the planned urban built form, appearance, and with a high level of amenity of the zone</u> and ensure that it has adequate access to infrastructural</p>

⁶⁴ Paragraph 283 – Council Officers’ Section 42A Report.

Provision	Original RVA / Ryman Submission	Section 42A Recommendation and Reasoning	Planning Response	Proposed Amendments
				requirements, <u>while recognising that amenity values develop and change over time.</u>
<p>GRZ-P11</p> <p>New buildings and development will be designed to achieve hydraulic neutrality.</p>	<p>Support in Part</p> <p>Amend GRZ-P11 as follows: New buildings and development <u>are encouraged to</u> will be designed to achieve hydraulic neutrality.</p>	<p>Reject</p> <p>The requested amendments to the policies listed by the submitter would be ineffective at achieving the relevant objectives, and would be inconsistent with the permitted activity standards for hydraulic neutrality. It is noted the relevant permitted standards require rather than encourage hydraulic neutrality, and it is not recommended to change this approach in response to other submission points.⁶⁵</p>	<p>Achievement of hydraulic neutrality should be encouraged rather than required, noting 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.</p>	<p>Amend GRZ-P11 as follows: New buildings and development <u>are encouraged to</u> will be designed to achieve hydraulic neutrality.</p>

⁶⁵ Page 372, submission point S64.17 - Appendix 1 – Recommendations on Submissions.

Provision	Original RVA / Ryman Submission	Section 42A Recommendation and Reasoning	Planning Response	Proposed Amendments
High Density Residential Zone (HRZ)				
Introductory Text	Support	Accept	N/A	N/A
HRZ-O1 Well-functioning Urban Environments 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, now and into the future.	Support	Accept	N/A	N/A
HRZ-O2 Housing Variety A relevant residential zone provides for a variety of housing types and sizes that respond to: <ul style="list-style-type: none"> a. housing needs and demand; and b. the neighbourhood's 	Support	Accept	N/A	N/A

Provision	Original RVA / Ryman Submission	Section 42A Recommendation and Reasoning	Planning Response	Proposed Amendments
planned urban built character, including 3-storey buildings.				
<p>HRZ-03 Hydraulic Neutrality</p> <p>There is no increase in the peak demand on stormwater management systems and increase in flooding from subdivision and development.</p>	<p>Oppose in Part The RVA considers that in some instances there may be sufficient capacity in the downstream stormwater system and / or the effects of increased water flows can be managed effectively without achieving hydraulic neutrality. Amend HRZ-03 to address submission.</p>	<p>Reject</p> <p>The requested amendment would enable downstream systems that currently have sufficient capacity for stormwater to become overwhelmed before hydraulic neutrality becomes necessary. Such an approach would be likely to result in adverse stormwater issues in the future, and would pass on the costs of addressing this to people who did not contribute to the problem.</p> <p>It is noted the case-by-case consideration via the resource consent</p>	<p>The achievement of hydraulic neutrality should be encouraged rather than required, noting 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.</p>	<p>Amend HRZ-03 as follows: There is no <u>Any</u> increase in the peak demand on stormwater management systems and increase in flooding from subdivision and development <u>is appropriately managed.</u></p>

Provision	Original RVA / Ryman Submission	Section 42A Recommendation and Reasoning	Planning Response	Proposed Amendments
		process is available for proposals that seek to not achieve hydraulic neutrality. This is considered to be the most appropriate method to achieve the relevant objectives. ⁶⁶		
<p>HRZ-O4 High Density Residential Zone</p> <p>The planned built urban form of the High Density Residential Zone includes high density residential development of heights and densities of urban form greater than that provided for in the General Residential Zone.</p>	Support	Accept	N/A	N/A
<p>HRZ-P1</p> <p>Apply the MDRS across all relevant residential zones in the district plan</p>	Support	Accept	N/A	N/A

⁶⁶ Page 373, submission point S64.50 - Appendix 1 – Recommendations on Submissions.

Provision	Original RVA / Ryman Submission	Section 42A Recommendation and Reasoning	Planning Response	Proposed Amendments
except in circumstances where a qualifying matter is relevant (including matters of significance such as historic heritage and the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga).				
<p>HRZ-P2</p> <p>Encourage development to achieve attractive and safe streets and public open spaces, including by providing for passive surveillance.</p>	Support	Accept	N/A	N/A
<p>HRZ-P3</p> <p>Enable housing to be designed to meet the day-to-day needs of residents.</p>	Support	Accept	N/A	N/A
<p>HRZ-P4</p>	Support	Accept	N/A	N/A

Provision	Original RVA / Ryman Submission	Section 42A Recommendation and Reasoning	Planning Response	Proposed Amendments
Provide for developments not meeting permitted activity status, while encouraging high-quality developments.				
<p>HRZ-P5</p> <p>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 character.</p>	<p>Support in Part</p> <p>Amend HRZ-P5 as follows: To provide for a range of building densities within the residential areas that respond to are compatible in form and scale with the neighbourhood's planned built character.</p>	<p>Reject</p> <p>The requested wording is not considered to provide a greater level of direction to decision makers than the existing wording, and in particular as recommended to be amended in response to submission point S58.149.⁶⁷</p>	<p>The proposed amendment sought would be more in line with Objective 2 of the MDRS.</p>	<p>Amend HRZ-P5 as follows: To provide for a range of building densities within the residential areas that <u>respond to are</u> compatible in form and scale with the neighbourhood's planned built character.</p>
<p>HRZ-P7</p> <p>Enable more people to live in the High Density Residential Zone by enabling residential</p>	<p>Support</p>	<p>Accept</p> <p>A consequential amendment is recommended to HRZ-P7 to correct the permitted</p>	<p>N/A</p>	<p>N/A</p>

⁶⁷ Page 157, submission point S64.56 - Appendix 1 - Recommendations on Submissions.

Provision	Original RVA / Ryman Submission	Section 42A Recommendation and Reasoning	Planning Response	Proposed Amendments
building heights up to 26 metres.		height in the HRZ in response to submission point S5.26 – Bob Anker.		
<p>HRZ-P8</p> <p>New buildings and development will be designed to achieve hydraulic neutrality.</p>	<p>Support in Part</p> <p>Amend HRZ-P8 as follows: New buildings and development <u>are encouraged to</u> will be designed to achieve hydraulic neutrality.</p>	<p>Reject</p> <p>The requested amendments to the policies listed by the submitter would be ineffective at achieving the relevant objectives, and would be inconsistent with the permitted activity standards for hydraulic neutrality. It is noted the relevant permitted standards require rather than encourage hydraulic neutrality, and it is not recommended to change this approach in</p>	<p>Achievement of hydraulic neutrality should be encouraged rather than required, noting 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.</p>	<p>Amend HRZ-P8 as follows: New buildings and development <u>are encouraged to</u> will be designed to achieve hydraulic neutrality.</p>

Provision	Original RVA / Ryman Submission	Section 42A Recommendation and Reasoning	Planning Response	Proposed Amendments
		response to other submission points. ⁶⁸		
Neighbourhood Centre Zone (NCZ)				
<p>Introductory Text</p> <p>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 provide a limited range of services, employment and living opportunities.</p> <p>Neighbourhood Centres are of a scale that aligns well with the medium density of the surrounding residential neighbourhoods. Most</p>	<p>Support in Part</p> <p>Amend the text to acknowledge that residential activities are anticipated / provided for at a level that is not "limited".</p>	<p>Reject</p> <ol style="list-style-type: none"> 1. Residential activities are adequately captured by the reference to 'living opportunities'. 2. 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 	<p>The Enabling Housing Act is not limited to residential zones and requires councils to ensure district plans provide for the intensification of urban non-residential zones, the RVA seeks that residential activities are provided for at a level that is not 'limited'.</p> <p>Residential activities at ground floor can be considered when appropriate and should be provided for on this basis.</p>	<p>Amend as follows:</p> <p>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 <u>residential activities</u>, and provide a limited range of services, <u>and</u> employment and living opportunities.</p> <p>...</p> <p>Residential <u>activities</u> units are located either above the ground floor or towards the rear of</p>

⁶⁸ Page 372, submission point S64.17 - Appendix 1 - Recommendations on Submissions.

Provision	Original RVA / Ryman Submission	Section 42A Recommendation and Reasoning	Planning Response	Proposed Amendments
<p>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.</p>		<p>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.⁶⁹</p>		<p>the site <u>or at ground floor where appropriate.</u></p>
<p>NCZ-01 Purpose of the Neighbourhood Centre Zone</p> <p>Neighbourhood Centres are small-scale commercial sites and centres that service the</p>	Support	Accept	N/A	N/A

⁶⁹ Page 305, submission point S64.66 - Appendix 1 – Recommendations on Submissions.

Provision	Original RVA / Ryman Submission	Section 42A Recommendation and Reasoning	Planning Response	Proposed Amendments
<p>day-to-day needs of surrounding residential neighbourhoods. They accommodate a range of small-scale commercial and community activities as well as residential activities.</p>				
<p>NCZ-O2 Character and Amenity Values of the Neighbourhood Centre Zone</p> <p>Built development in the Neighbourhood Centre Zone is of medium density and reflects the anticipated built character of the surrounding residential neighbourhood. It is well-designed and contributes positively to the residential environment.</p>	<p>Support in Part Amend NCZ-O2 as follows: Built development in the Neighbourhood Centre Zone is of medium density and reflects <u>responds to</u> the anticipated built character of the surrounding residential neighbourhood. It is well-designed and contributes positively to the residential environment.</p>	<p>Reject</p> <p>It is considered appropriate to retain the reference to reflects rather than replace this with responds. The planned urban built form (as per NPS-UD Policy 6(a)) is that which is enabled and provided for by the IPI. It is considered appropriate that built development reflects the planned urban built form.</p> <p>The proposed deletion of the sentence 'It is well-designed and contributes</p>	<p>The wording should be amended to reflect the MDRS as drafted in the Enabling Housing Act. It is also suggested that the reference to built development being 'well-designed' and 'contributing positively' introduces undefined concepts. It is not clear whether these concepts are additional requirements to a 'well-functioning' urban environment or what they would entail.</p>	<p>Amend NCZ-O2 as follows: Built development in the Neighbourhood Centre Zone is of medium density and reflects <u>responds to</u> the anticipated built character of the surrounding residential neighbourhood. It is well-designed and contributes positively to the residential environment.</p>

Provision	Original RVA / Ryman Submission	Section 42A Recommendation and Reasoning	Planning Response	Proposed Amendments
		positively to the residential environment', would result in a disconnect between NCZ-O2 and the direction of policies NCZ-P5 – Built Development, and NCZ-P7 – Interface with Residential Zones and Open Space and Recreation Zones. ⁷⁰		
<p>NCZ-O4 Hydraulic neutrality</p> <p>There is no increase in the peak demand on stormwater management systems and increase in flooding from subdivision and development.</p>	<p>Support in Part Amend so that hydraulic neutrality is not required (but encourage) where there is sufficient capacity in the downstream system and / or the effects of increased water flows can be managed effectively.</p>	<p>Reject</p> <p>Achieving hydraulic neutrality is an important component of addressing increased stormwater flooding effects that may result from the additional level of permitted activity development enabled by the IPI. This is recognised by Section 80E(2)(f) specifically</p>	<p>The achievement of hydraulic neutrality should be encouraged rather than required, noting 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.</p>	<p>Amend NCZ-O4 as follows: There is no <u>Any</u> increase in the peak demand on stormwater management systems and increase in flooding from subdivision and development <u>is appropriately managed</u>.</p>

⁷⁰ Page 307, submission point S64.68 - Appendix 1 – Recommendations on Submissions.

Provision	Original RVA / Ryman Submission	Section 42A Recommendation and Reasoning	Planning Response	Proposed Amendments
		<p>identifying hydraulic neutrality as a related provision that may be included in the IPI.</p> <p>The most appropriate method to achieve the relevant objectives is to require hydraulic neutrality for all new subdivision and development and enable the case-by-case consideration of proposals where this is not possible or necessary via the resource consent process.⁷¹</p>		
<p>NCZ-P2 Residential activity</p> <p>Provide for residential activity where:</p>	<p>Oppose in Part Amend NCZ-P2 as follows: Provide for residential activity where:</p>	<p>Reject</p> <p>The requested addition to policy NCZ-P2 regarding where residential activities are</p>	<p>Residential activities should be able to locate at the ground floor where appropriate, and consider that these situations need to be</p>	<p>Amend NCZ-P2 as follows: Provide for residential activity where:</p> <ol style="list-style-type: none"> 1. The residential units are located either

⁷¹ Page 372, submission point S64.18 - Appendix 1 - Recommendations on Submissions.

Provision	Original RVA / Ryman Submission	Section 42A Recommendation and Reasoning	Planning Response	Proposed Amendments
<ol style="list-style-type: none"> 1. The residential units are located either above ground floor or to the rear of a commercial activity; 2. It does not compromise an active commercial frontage that addresses the street. 3. Any residential units are designed to: <ol style="list-style-type: none"> a. Achieve adequate indoor noise and ventilation levels for occupants; and b. Provide appropriate amenity for occupants; and 4. Reverse sensitivity effects on commercial activities are minimised. 	<ol style="list-style-type: none"> 1. The residential units are located either above ground floor or to the rear of a commercial activity; <u>or above ground where appropriate</u> 2. ... 	<p>provided for within the NCZ is already captured by reference to 'or towards the rear of a commercial activity'.</p> <p>The provision of residential activities within the NCZ as described in NCZ-P2 is enabled by rule NCZ-R8 where compliance with NCZS5 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. On this basis the submission</p>	<p>determined on a case by case basis.</p>	<p>above ground floor or to the rear of a commercial activity <u>or at ground level where appropriate;</u></p> <ol style="list-style-type: none"> 2. ...

Provision	Original RVA / Ryman Submission	Section 42A Recommendation and Reasoning	Planning Response	Proposed Amendments
		point is recommended for rejection. ⁷²		
<p>NCZ-P4 Inappropriate Activities</p> <p>Avoid activities that are incompatible with the size, purpose and anticipated function of the Neighbourhood Centre Zone and the surrounding environment.</p>	<p>Oppose in Part</p> <p>Amend NCZ-P4 to clarify that activities covered by NCZ-P2 are compatible.</p>	<p>Reject</p> <p>The compatibility of activities is determined through a combination of the activity status of a proposed activity, its' actual and potential effects on the environment, and its consistency with the relevant objectives and policies of the District Plan and any other relevant higher-order statutory planning documents such as the RPS and National Policy Statements.</p> <p>It is not the role of Policy NCZ-P4 to attempt to specifically identify all</p>	<p>It is unclear what activities are incompatible within the zone and the policy should make this clear.</p>	<p>Amend NCZ-P4 to clarify that activities covered by NCZ-P2 are compatible.</p>

⁷² Page 308-309, submission point S64.69 - Appendix 1 – Recommendations on Submissions.

Provision	Original RVA / Ryman Submission	Section 42A Recommendation and Reasoning	Planning Response	Proposed Amendments
		activities that would be compatible within the Neighbourhood Centre Zone on all sites within the zone. ⁷³		
<p>NCZ-P8 Hydraulic neutrality</p> <p>New buildings and development will be designed to achieve hydraulic neutrality.</p>	<p>Support in Part</p> <p>Amend NCZ-P8 as follows:</p> <p>New buildings and development <u>are encouraged to</u> will be designed to achieve hydraulic neutrality.</p>	<p>Reject</p> <p>The requested amendments to the policies listed by the submitter would be ineffective at achieving the relevant objectives, and would be inconsistent with the permitted activity standards for hydraulic neutrality. It is noted the relevant permitted standards require rather than encourage hydraulic neutrality, and it is not recommended to change this approach in</p>	<p>The achievement of hydraulic neutrality should be encouraged rather than required, noting 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.</p>	<p>Amend NCZ-P8 as follows:</p> <p>New buildings and development <u>are encouraged to</u> will be designed to achieve hydraulic neutrality.</p>

⁷³ Page 311, submission point S64.70 - Appendix 1 – Recommendations on Submissions.

Provision	Original RVA / Ryman Submission	Section 42A Recommendation and Reasoning	Planning Response	Proposed Amendments
		response to other submission points. ⁷⁴		
Local Centre Zone (LCZ)				
Introductory Text	Support in Part The RVA seeks for the Local Centre Zone to provide for residential activities (including retirement villages) at the ground floor level if site characteristics / environmental circumstance is deemed to be appropriate (i.e. to be determined on a case-by-case basis).	Reject The consideration of individual site characteristics / circumstances for residential activities at ground level are already provided for via the matters of discretion under LCZ-R12.2. The matters of discretion link with the objectives and policies of the LCZ, and are considered appropriate for the consideration of all resource consent applications on a case-by-case basis that do not comply with the	Residential activities should not be limited to being located above ground floor on identified street frontages and should be considered on a case by case basis.	Amend the introductory text to provide for residential activities (including retirement villages) at the ground floor where appropriate.

⁷⁴ Page 372, submission point S64.17 - Appendix 1 – Recommendations on Submissions.

Provision	Original RVA / Ryman Submission	Section 42A Recommendation and Reasoning	Planning Response	Proposed Amendments
		location of residential units requirements of LCZ-S5. ⁷⁵		
<p>LCZ-O1 Purpose of the Local Centre Zone</p> <p>Local Centres are medium scale commercial centres that service the needs of the surrounding residential catchment and accommodate a range of medium scale commercial and community activities as well as residential activities.</p>	Support	Accept	N/A	N/A
<p>LCZ-O2 Character and Amenity Values of the Local Centre Zone</p> <p>Local Centres are safe and attractive urban environments. The built environment is of a scale</p>	Support in Part Amend LCZ-O2 as follows: Local Centres are <u>well-functioning</u> safe and attractive urban environments. The built environment is of a scale	Reject Reference to safety and attractiveness within an objective for the LCZ is not considered to be	It is not clear how a 'safe and attractive' urban environment is different from a 'well-functioning' urban environment as set out under the NPSUD.	Amend LCZ-O2 as follows: Local Centres are <u>well-functioning</u> safe and attractive urban environments. The built environment is of a scale that reflects the planned

⁷⁵ Page 282, submission point S64.127 - Appendix 1 – Recommendations on Submissions.

Provision	Original RVA / Ryman Submission	Section 42A Recommendation and Reasoning	Planning Response	Proposed Amendments
<p>that reflects the planned built form of the medium to high density surrounding residential environment and contributes positively to the surrounding streetscape and commercial and residential environment.</p>	<p>that reflects the planned built form of the medium to high density surrounding residential environment and contributes positively to the surrounding streetscape and commercial and residential environment.</p>	<p>inconsistent with the NPSUD.</p> <p>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 (NPSUD Objective 1).</p> <p>Although attractiveness is subjective, it is considered to link with the active street frontage provisions.</p> <p>Reference to 'well-functioning' is recommended for rejection on the basis it is without context i.e. it is the identification of the components of a well-functioning urban</p>		<p>built form of the medium to high density surrounding residential environment and contributes positively to the surrounding streetscape and commercial and residential environment.</p>

Provision	Original RVA / Ryman Submission	Section 42A Recommendation and Reasoning	Planning Response	Proposed Amendments
		environment that is important rather than simply referring to 'well-functioning' in the objective. ⁷⁶		
<p>LCZ-O4 Hydraulic neutrality</p> <p>There is no increase in the peak demand on stormwater management systems and increase in flooding from subdivision and development.</p>	<p>Support in Part Amend so that hydraulic neutrality is not required (but encourage) where there is sufficient capacity in the downstream system and / or the effects of increased water flows can be managed effectively.</p>	<p>Reject</p> <p>Achieving hydraulic neutrality is an important component of addressing increased stormwater flooding effects that may result from the additional level of permitted activity development enabled by the IPI. This is recognised by Section 80E(2)(f) specifically identifying hydraulic neutrality as a related provision that may be included in the IPI.</p>	<p>The achievement of hydraulic neutrality should be encouraged rather than required, noting 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.</p>	<p>Amend LCZ-O4 as follows: There is no <u>Any</u> increase in the peak demand on stormwater management systems and increase in flooding from subdivision and development <u>is appropriately managed</u>.</p>

⁷⁶ Page 284, submission point S64.80 - Appendix 1 - Recommendations on Submissions.

Provision	Original RVA / Ryman Submission	Section 42A Recommendation and Reasoning	Planning Response	Proposed Amendments
		<p>The most appropriate method to achieve the relevant objectives is to require hydraulic neutrality for all new subdivision and development and enable the case-by-case consideration of proposals where this is not possible or necessary via the resource consent process.⁷⁷</p>		
<p>LCZ-P2 Residential Activity</p> <p>Provide for residential activity and development where:</p> <ol style="list-style-type: none"> 1. The residential units are located above ground floor, where located along an active frontage 	<p>Oppose in Part Amend LCZ-P2 as follows: Provide for residential activity where:</p> <ol style="list-style-type: none"> 1. The residential units are located either above ground floor or to the rear of a commercial activity; 	<p>Reject</p> <p>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</p>	<p>Residential activities should be able to locate at the ground floor where appropriate and consider that these situations need to be determined on a case by case basis.</p>	<p>Amend LCZ-P2 as follows: Provide for residential activity where:</p> <ol style="list-style-type: none"> 1. The residential units are located either above ground floor or to the rear of a commercial activity <u>or at</u>

⁷⁷ Page 372, submission point S64.18 - Appendix 1 – Recommendations on Submissions.

Provision	Original RVA / Ryman Submission	Section 42A Recommendation and Reasoning	Planning Response	Proposed Amendments
<p>identified on the planning maps;</p> <p>2. It does not interrupt or preclude an attractive and active frontage that provides a positive interface with the public space;</p> <p>3. Residential units are designed to:</p> <p style="padding-left: 20px;">a. Achieve adequate indoor noise and ventilation levels for occupants; and</p> <p style="padding-left: 20px;">b. Provide appropriate amenity for occupants; and</p> <p>4. Reverse sensitivity effects on commercial activities are minimised</p>	<p><u>or above ground where appropriate</u></p> <p>2. ...</p>	<p>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.⁷⁸</p>		<p><u>ground level where appropriate;</u></p> <p>2. ...</p>

⁷⁸ Paragraph 768 – Council Officers’ Section 42A Report.

Provision	Original RVA / Ryman Submission	Section 42A Recommendation and Reasoning	Planning Response	Proposed Amendments
<p>LCZ-P4 Inappropriate Activities</p> <p>Avoid activities that are incompatible with the anticipated purpose, role and function of the Local Centre Zone and the surrounding environment.</p>	<p>Oppose in Part Amend LCZ-P4 to clarify that activities covered by LCZ-P2 are compatible.</p>	<p>Reject</p> <p>The compatibility of activities is determined through a combination of the activity status of a proposed activity, its' actual and potential effects on the environment, and its consistency with the relevant objectives and policies of the District Plan and any other relevant higher-order statutory planning documents such as the RPS and National Policy Statements.</p> <p>It is not the role of Policy LCZ-P4 to attempt to specifically identify all activities that would be compatible within the Local</p>	<p>It is unclear what activities are incompatible within the zone and the policy should make this clear.</p>	<p>Amend LCZ-P4 to clarify that activities covered by LCZ-P2 are compatible.</p>

Provision	Original RVA / Ryman Submission	Section 42A Recommendation and Reasoning	Planning Response	Proposed Amendments
		Centre Zone on all sites within the zone. ⁷⁹		
<p>LCZ-P5 Built Development</p> <p>Provide for medium to higher density development that:</p> <ol style="list-style-type: none"> 1. Is compatible with the planned built form and the anticipated role, character and density of the Local Centre Zone; 2. Is commensurate with the anticipated level of commercial activities and community services in the Local Centre Zone; 3. Reflects the anticipated medium to high density of the surrounding 	<p>Support in Part</p> <p>Amend LCZ-P5 as follows:</p> <ol style="list-style-type: none"> 1. ... 2. ... 3. ... 4. Is well designed and contributes to an attractive a well-functioning urban environment; and 5. ... 	<p>Accept in Part</p> <p>The reference to "attractive" links with objective LCZ-O2 – as addressed under submission S64.80 – Retirement Villages Association of New Zealand.</p> <p>It is considered appropriate to refer to 'well-functioning urban environment, as this links with Strategic Direction Objective CMU-O1. However, it is not considered necessary to delete reference to the LCZ being well designed, as good design within the LCZ will be</p>	<p>The requirement for development that contributes to an 'attractive urban environment'. Is not clear as to what this term means in relation to a 'well-functioning urban environment' and whether or not it adds additional requirements.</p>	<p>Amend LCZ-P5 as follows:</p> <ol style="list-style-type: none"> 1. ... 2. ... 3. ... 4. Is well designed and contributes to an <u>attractive a well-functioning urban environment;</u> and 5. ...

⁷⁹ Page 287, submission point S64.82 - Appendix 1 – Recommendations on Submissions.

Provision	Original RVA / Ryman Submission	Section 42A Recommendation and Reasoning	Planning Response	Proposed Amendments
<p>residential environment,</p> <p>4. Is well designed and contributes to an attractive urban environment; and</p> <p>5. Provides active and attractive street frontages.</p>		<p>necessary to achieve objective LCZ-02 – Character and Amenity Values of the Local Centre Zone, and LCZ-03 – Managing Effects at the Zone Interface.</p> <p>It is recommended to amend clause 4 of policy LCZ-P5 as follows:</p> <p>4. Is well designed and contributes to an attractive <u>well-functioning</u> urban environment; and</p>		
<p>LCZ-P8 Hydraulic neutrality</p> <p>New buildings and development will be designed to achieve hydraulic neutrality.</p>	<p>Support in Part</p> <p>Amend LCZ-P8 as follows: New buildings and development <u>are encouraged to</u> will be designed to achieve hydraulic neutrality.</p>	<p>Reject</p> <p>The requested amendments to the policies listed by the submitter would be ineffective at achieving the relevant objectives, and would be inconsistent with the</p>	<p>The achievement of hydraulic neutrality should be encouraged rather than required, noting that in some instances there may be sufficient capacity in the downstream system and / or the effects of increased water flows</p>	<p>Amend LCZ-P8 as follows: New buildings and development <u>are encouraged to</u> will be designed to achieve hydraulic neutrality.</p>

Provision	Original RVA / Ryman Submission	Section 42A Recommendation and Reasoning	Planning Response	Proposed Amendments
		permitted activity standards for hydraulic neutrality. It is noted the relevant permitted standards require rather than encourage hydraulic neutrality, and it is not recommended to change this approach in response to other submission points. ⁸⁰	can be managed effectively.	
Mixed Use Zone (MUZ)				
Introductory Text	Support in Part The RVA seeks 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 and to refer to a	Reject 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-	Residential activities should not be limited to being located “over” commercial activities and, specific mention should be given to the enabling of residential activities such as retirement villages.	Amend the introductory text to align better with the direction in the NPSUD. It is unclear what a ‘safe, vibrant, and attractive’ environment means, and that the definition of a ‘well-functioning urban environment’ as provided under the NPSUD covers those matters.

⁸⁰ Page 372, submission point S64.17 - Appendix 1 - Recommendations on Submissions.

Provision	Original RVA / Ryman Submission	Section 42A Recommendation and Reasoning	Planning Response	Proposed Amendments
	well-functioning urban environment.	<p>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.</p> <p>Regarding the request for a new definition for 'well-functioning urban environment', 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</p>		

Provision	Original RVA / Ryman Submission	Section 42A Recommendation and Reasoning	Planning Response	Proposed Amendments
		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. ⁸¹		
<p>MUZ-O1 Purpose of the Mixed Use Zone</p> <p>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</p>	<p>Support in Part</p> <p>Amend MUZ-O1 so that "compatible" applies to light industrial activities only and not to residential activities.</p>	<p>Reject</p> <p>The compatibility of activities within the MUZ may depend on the existing activities that are present when a new activity is proposed. This applies equally to light industrial activities and residential activities. Reverse sensitivity effects is a key issue in the consideration of the</p>	<p>The provision for residential activities should be provided for in the Mixed Use Zone, however the qualifier for "compatible" applying to residential activities is inappropriate and does not reflect the intent of the NPS-UD.</p>	<p>Amend MUZ-O1 as follows: The Mixed Use Zone accommodates a wide range of activities, including commercial, recreational, entertainment, <u>residential</u>, 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</p>

⁸¹ Paragraph 908 – Council Officers’ Section 42A Report.

Provision	Original RVA / Ryman Submission	Section 42A Recommendation and Reasoning	Planning Response	Proposed Amendments
surrounding residential catchments.		compatibility of activities. ⁸²		surrounding residential catchments.
<p>MUZ-O2 Character and Amenity Values of the Mixed Use Zone</p> <p>Mixed Use Zones are vibrant, attractive and safe urban environments. The built environment is well-designed, reflects the wide mix of activities and is generally of a medium to high scale and density.</p>	Support in Part	<p>Reject</p> <p>It is not necessary to amend MUZ-O2 to include 'well-functioning', as NPS-UD Policy 1 already requires that planning decisions contribute to well-functioning urban environments. It is noted that simply inserting 'well-functioning' into the objective would lack context as it is not clearly linked with NPS-UD Policy 1.</p> <p>It is considered the requested deletion of reference to 'vibrant' is not necessary. Although</p>	The policy should be amended to refer to "well-functioning" urban environments.	<p>Amend MUZ-O2 as follows: Mixed Use Zones are <u>well-functioning vibrant, attractive and safe</u> urban environments. The built environment is well-designed, reflects the wide mix of activities and is generally of a medium to high scale and density.</p>

⁸² Page 335, submission point S64.93 - Appendix 1 – Recommendations on Submissions.

Provision	Original RVA / Ryman Submission	Section 42A Recommendation and Reasoning	Planning Response	Proposed Amendments
		<p>this term is not used in any higher level statutory planning document with respect to mixed use zones, it is not considered to be contrary to any higher level direction. As an objective, it is considered appropriate as it reflects the diverse activities enabled and provided for within the Mixed Use Zone.⁸³</p>		
<p>MUZ-O4 Hydraulic neutrality</p> <p>There is no increase in the peak demand on stormwater management systems and increase in flooding from subdivision and development.</p>	<p>Support in Part Amend so that hydraulic neutrality is not required (but encourage) where there is sufficient capacity in the downstream system and / or the effects of increased water flows can be managed effectively.</p>	<p>Reject</p> <p>Achieving hydraulic neutrality is an important component of addressing increased stormwater flooding effects that may result from the additional level of permitted activity development enabled by</p>	<p>The achievement of hydraulic neutrality should be encouraged rather than required, noting that in some instances there may be sufficient capacity in the downstream system and / or the effects of increased water flows</p>	<p>Amend MUZ-O4 as follows: There is no <u>Any</u> increase in the peak demand on stormwater management systems and increase in flooding from subdivision and development <u>is appropriately managed.</u></p>

⁸³ Page 336, submission point S64.94 - Appendix 1 - Recommendations on Submissions.

Provision	Original RVA / Ryman Submission	Section 42A Recommendation and Reasoning	Planning Response	Proposed Amendments
		<p>the IPI. This is recognised by Section 80E(2)(f) specifically identifying hydraulic neutrality as a related provision that may be included in the IPI.</p> <p>The most appropriate method to achieve the relevant objectives is to require hydraulic neutrality for all new subdivision and development and enable the case-by-case consideration of proposals where this is not possible or necessary via the resource consent process.⁸⁴</p>	can be managed effectively.	
MUZ-P2 Residential Activities	Support in Part Amend as follows:	Reject	Unit types vary from relatively typical independent townhouses	Amend MUZ-P2 as follows:

⁸⁴ Page 372, submission point S64.18 - Appendix 1 - Recommendations on Submissions.

Provision	Original RVA / Ryman Submission	Section 42A Recommendation and Reasoning	Planning Response	Proposed Amendments
<p>Provide for residential activity where any residential units are designed to:</p> <ol style="list-style-type: none"> 1. Achieve adequate indoor noise and ventilation levels for occupants; 2. Provide a high level of amenity for occupants; and 3. Minimise reverse sensitivity effects on non-residential activities. 	<p>Provide for residential activity where any residential units <u>or retirement units</u> are designed to:</p> <ol style="list-style-type: none"> 1. Achieve adequate indoor noise and ventilation levels for occupants; 2. Provide a high level of amenity for occupants; and <p>Minimise reverse sensitivity effects on non-residential activities.</p>	<p>It is noted retirement villages require restricted discretionary resource consent within the Mixed Use Zone under rule MUZR17. It is also noted retirements 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 recommended for rejection on the basis</p> <p>MUZ-P2 will be a consideration under rule MUZ-R17 for proposed residential units within proposed retirement villages.</p>	<p>or apartments, through to serviced care suites, hospital care beds and areas for people with dementia. The size and amenity requirements of these units vary substantially from more typical housing typologies (hence the need for a new "retirement unit" definition);</p>	<p>Provide for residential activity where any residential units <u>or retirement units</u> are designed to:</p> <ol style="list-style-type: none"> 1. Achieve adequate indoor noise and ventilation levels for occupants; 2. Provide a high level of amenity for occupants; and <p>Minimise reverse sensitivity effects on non-residential activities.</p>
<p>MUZ-P4 Inappropriate Activities</p> <p>Avoid activities that area incompatible with the</p>	<p>Oppose in Part Amend MUZ-P4 to clarify that activities</p>	<p>Reject</p> <p>The determination of activities that may be</p>	<p>It is unclear what activities are incompatible within the</p>	<p>Amend MUZ-P4 to clarify that activities covered by MCZ-P2 are compatible.</p>

Provision	Original RVA / Ryman Submission	Section 42A Recommendation and Reasoning	Planning Response	Proposed Amendments
<p>anticipated scale and character of the Mixed Use Zone and the surrounding environment.</p>	<p>covered by MCZ-P2 are compatible.</p>	<p>incompatible with the MUZ requires a consideration of a proposed activity against the MUZ objectives, policies, rules and standards, and an assessment of actual and potential effects on the environment.</p> <p>Clearly activities that are listed as permitted activities, and where these activities comply with all relevant permitted standards would not be deemed inappropriate. All other activities require a case-by-case consideration via the resource consent process to determine their appropriateness on a specific site within the MUZ.</p>	<p>zone and the policy should make this clear.</p>	

Provision	Original RVA / Ryman Submission	Section 42A Recommendation and Reasoning	Planning Response	Proposed Amendments
<p>MUZ-P5 Built Development</p> <p>Provide for built development that:</p> <ol style="list-style-type: none"> 1. Is consistent with the anticipated role, character, planned built form and density of the Mixed Use Zone; 2. Is commensurate with the anticipated level of commercial activities and community services in the Mixed Use Zone; 3. Is well designed; and 4. Contributes to an attractive and safe urban environment. 	<p>Oppose in Part</p>	<p>Accept in Part</p> <p>Accepted to the extent to include the wording "well-functioning environment".</p>	<p>The requirement for development that contributes to an 'attractive and safe urban environment' and is 'well-designed' is opposed. It is also not clear what this term means in relation to a 'well-functioning urban environment' and whether or not it adds additional requirements.</p>	<p>Amend MUZ-P5 as follows: Provide for built development that:</p> <ol style="list-style-type: none"> 1. Is consistent with the anticipated role, character, planned built form and density of the Mixed Use Zone; 2. Is commensurate with the anticipated level of commercial activities and community services in the Mixed Use Zone; 3. Contributes to a well-functioning urban environment Is well designed; and 4. Contributes to an attractive and safe urban environment.
<p>MUZ-P8 Hydraulic neutrality</p>	<p>Support in Part Amend MUZ-P8 as follows:</p>	<p>Reject</p>	<p>The achievement of hydraulic neutrality should be encouraged</p>	<p>Amend MUZ-P8 as follows: New buildings and development <u>are</u></p>

Provision	Original RVA / Ryman Submission	Section 42A Recommendation and Reasoning	Planning Response	Proposed Amendments
New buildings and development will be designed to achieve hydraulic neutrality.	New buildings and development <u>are encouraged to will</u> be designed to achieve hydraulic neutrality.	The requested amendments to the policies listed by the submitter would be ineffective at achieving the relevant objectives, and would be inconsistent with the permitted activity standards for hydraulic neutrality. It is noted the relevant permitted standards require rather than encourage hydraulic neutrality, and it is not recommended to change this approach in response to other submission points. ⁸⁵	rather than required, noting 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.	<u>encouraged to will</u> be designed to achieve hydraulic neutrality.
Town Centre Zone (TCZ)				
Introductory Text	Support in Part The RVA seeks that the Town Centre Zone is amended to provide for residential activities at	Reject TCZ-S5 already provides for residential units at	Residential activities should not be limited to being located above ground floor on identified street	Amend the introductory text to provide for residential activities (including retirement

⁸⁵ Page 372, submission point S64.17 - Appendix 1 - Recommendations on Submissions.

Provision	Original RVA / Ryman Submission	Section 42A Recommendation and Reasoning	Planning Response	Proposed Amendments
	the ground level where appropriate (including retirement villages).	ground floor where not along active frontages identified on the Planning Maps. It is not recommended to amend the IPI to include any additional retirement village specific provisions to the Town Centre Zone. ⁸⁶	frontages and should be considered at the ground level where they are deemed appropriate.	villages) at the ground floor where appropriate.
<p>TCZ-O1 Purpose of the Town Centre Zone</p> <p>The Town Centre Zone is a medium to large scale commercial centre that services the needs of the immediate and neighbouring suburbs and accommodates a wide range of commercial and community activities as well as residential activities.</p>	Support	Accept	N/A	N/A

⁸⁶ Page 255, submission point S64.105 - Appendix 1 – Recommendations on Submissions.

Provision	Original RVA / Ryman Submission	Section 42A Recommendation and Reasoning	Planning Response	Proposed Amendments
<p>TCZ-02 Character and Amenity Values of the Town Centre Zone</p> <p>The Town Centre Zone is a vibrant, attractive and safe urban environment that is characterised by high-density urban development, well-designed buildings and high quality public spaces.</p>	<p>Support in Part Amend TCZ-02 as follows: The Town Centre Zone is a <u>well-functioning</u> vibrant, attractive and safe urban environment that is characterised by high-density urban development, well-designed buildings and high quality public spaces.</p>	<p>Reject</p> <p>It is noted all subdivision, use and development within the TCZ that requires a resource consent is subject to the objectives within the Strategic Direction chapter including CMU-01, which seeks as outcome that the Commercial and Mixed Use Zones are well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.</p> <p>Therefore, it is not considered necessary to refer to 'well-functioning' within objective TCZ-02, as this is already</p>	<p>TCZ-02 should be amended to refer to a 'well-functioning' urban environment.</p>	<p>Amend TCZ-02 as follows: The Town Centre Zone is a <u>well-functioning</u> vibrant, attractive and safe urban environment that is characterised by high-density urban development, well-designed buildings and high quality public spaces.</p>

Provision	Original RVA / Ryman Submission	Section 42A Recommendation and Reasoning	Planning Response	Proposed Amendments
		addressed by CMU-O1. The existing wording is considered to appropriately link with the TCZ policies, rules and standards. ⁸⁷		
<p>TCZ-O4 Hydraulic neutrality</p> <p>There is no increase in the peak demand on stormwater management systems and increase in flooding from subdivision and development.</p>	<p>Support in Part Amend so that hydraulic neutrality is not required (but encourage) where there is sufficient capacity in the downstream system and / or the effects of increased water flows can be managed effectively.</p>	<p>Reject</p> <p>Achieving hydraulic neutrality is an important component of addressing increased stormwater flooding effects that may result from the additional level of permitted activity development enabled by the IPI. This is recognised by Section 80E(2)(f) specifically identifying hydraulic neutrality as a related provision that may be included in the IPI.</p>	<p>The achievement of hydraulic neutrality should be encouraged rather than required, noting 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.</p>	<p>Amend TCZ-O4 as follows: There is no <u>Any</u> increase in the peak demand on stormwater management systems and increase in flooding from subdivision and development <u>is</u> <u>appropriately managed</u>.</p>

⁸⁷ Page 257, submission point S64.107 - Appendix 1 – Recommendations on Submissions.

Provision	Original RVA / Ryman Submission	Section 42A Recommendation and Reasoning	Planning Response	Proposed Amendments
		<p>The most appropriate method to achieve the relevant objectives is to require hydraulic neutrality for all new subdivision and development and enable the case-by-case consideration of proposals where this is not possible or necessary via the resource consent process.⁸⁸</p>		
<p>TCZ-P2 Residential Activity</p> <p>Provide for medium to high density residential development and activity where:</p> <ol style="list-style-type: none"> 1. The residential units are located above ground floor, where located along an active frontage 	<p>Oppose in Part Amend TCZ-P2 as follows: Provide for medium to high density residential development and activity where:</p> <ol style="list-style-type: none"> 1. The residential units are located above ground floor, where located along an active frontage 	<p>Reject</p> <p>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</p>	<p>Restrictions on ground level residential activities should be proportionate and determined on a case by case basis.</p>	<p>Amend TCZ-P2 as follows: Provide for medium to high density residential development and activity where:</p> <ol style="list-style-type: none"> 1. The residential units are located above ground floor, where located along an active frontage identified on the

⁸⁸ Page 372, submission point S64.18 - Appendix 1 - Recommendations on Submissions.

Provision	Original RVA / Ryman Submission	Section 42A Recommendation and Reasoning	Planning Response	Proposed Amendments
<p>identified on the planning maps;</p> <p>2. It does not interrupt or preclude an attractive frontage that provides a positive interface with the public space;</p> <p>3. Any residential units are designed to:</p> <p style="padding-left: 20px;">a. Achieve adequate indoor noise and ventilation levels for occupants; and</p> <p style="padding-left: 20px;">b. Provide appropriate amenity for occupants; and</p> <p>4. Reverse sensitivity effects on commercial activities are minimised.</p>	<p>identified on the planning maps <u>or at ground floor where assessed as appropriate on a case by case basis</u>;</p> <p>2. ...</p>	<p>restricted discretionary resource consent process itself.⁸⁹</p>		<p>planning maps <u>or at ground floor where assessed as appropriate on a case by case basis</u>;</p> <p>2. ...</p>

⁸⁹ Paragraph 678 – Council Officers’ Section 42A Report.

Provision	Original RVA / Ryman Submission	Section 42A Recommendation and Reasoning	Planning Response	Proposed Amendments
<p>TCZ-P4 Inappropriate Activities</p> <p>Avoid activities that are incompatible with the anticipated purpose, character and amenity values of the Town Centre Zone and the surrounding environment.</p>	<p>Oppose in Part Amend TCZ-P4 to clarify that activities covered by TCZ-P2 are compatible.</p>	<p>Reject</p> <p>The compatibility of activities is determined through a combination of the activity status of a proposed activity, its' actual and potential effects on the environment, and its consistency with the relevant objectives and policies of the District Plan and any other relevant higher-order statutory planning documents such as the RPS and National Policy Statements.</p> <p>It is not the role of Policy TCZ-P4 to attempt to specifically identify all activities that would be compatible within the</p>	<p>It is unclear what activities are incompatible within the zone and the policy should make this clear.</p>	<p>Amend TCZ-P4 to clarify that activities covered by TCZ-P2 are compatible.</p>

Provision	Original RVA / Ryman Submission	Section 42A Recommendation and Reasoning	Planning Response	Proposed Amendments
		Town Centre Zone on all sites within the zone. ⁹⁰		
<p>TCZ-P5 Built Development</p> <p>Provide for high-density development that:</p> <ol style="list-style-type: none"> 1. Is compatible with the anticipated role, character and function of the Town Centre Zone; 2. Is commensurate with the anticipated level of commercial activities and community services in the Town Centre Zone; 3. Reflects the anticipated high-density built environment of the Town Centre Zone; 	<p>Oppose in Part Amend TCZ-P5 as follows: Provide for high-density development that:</p> <ol style="list-style-type: none"> 1. Is compatible with the anticipated role, character and function of the Town Centre Zone; 2. Is commensurate with the anticipated level of commercial activities and community services in the Town Centre Zone; 3. Reflects the anticipated high-density built environment of the Town Centre Zone; 	<p>Accept in Part</p> <p>Amend as follows:</p> <ol style="list-style-type: none"> 4. Is well designed and contributes towards an attractive <u>well-functioning</u> urban environment; and 	<p>Amendments are required to TCZ-P5 to more accurately reflect the wording of the NPSUD. It opposes the requirement for development that contributes to an 'attractive and safe urban environment' and is 'well-designed'. It is not clear what this term means in relation to a 'well-functioning urban environment' and whether or not it adds additional requirements.</p>	<p>Accepted.</p>

⁹⁰ Page 259, submission point S64.109 - Appendix 1 – Recommendations on Submissions.

Provision	Original RVA / Ryman Submission	Section 42A Recommendation and Reasoning	Planning Response	Proposed Amendments
<p>4. Is well designed and contributes to an attractive urban environment; and</p> <p>5. Provides active and attractive street frontages.</p>	<p>4. Is well designed and contributes to an <u>well-functioning an</u> attractive urban environment; and</p> <p>5. Provides active and attractive street frontages.</p>			
<p>TCZ-P8 Hydraulic neutrality</p> <p>New buildings and development will be designed to achieve hydraulic neutrality.</p>	<p>Support in Part Amend TCZ-P8 as follows: New buildings and development <u>are encouraged to</u> will be designed to achieve hydraulic neutrality.</p>	<p>Reject</p> <p>The requested amendments to the policies listed by the submitter would be ineffective at achieving the relevant objectives, and would be inconsistent with the permitted activity standards for hydraulic neutrality. It is noted the relevant permitted standards require rather than encourage hydraulic neutrality, and it is not recommended to change this approach in</p>	<p>The achievement of hydraulic neutrality should be encouraged rather than required, noting 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.</p>	<p>Amend TCZ-P8 as follows: New buildings and development <u>are encouraged to</u> will be designed to achieve hydraulic neutrality.</p>

Provision	Original RVA / Ryman Submission	Section 42A Recommendation and Reasoning	Planning Response	Proposed Amendments
		response to other submission points. ⁹¹		
City Centre Zone (CCZ)				
Introductory Text	Support in Part The RVA seeks that the City Centre Zone is amended to provide for residential activities at the ground level where appropriate (including retirement villages:	Accept in Part Paragraph 1 retained High-density development and intensification is enabled and encouraged while maintaining and improving <u>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.</u> There is opportunity for redevelopment and intensification as many sites within the City Centre Zone are currently not being used as intensively as they could be.	Residential activities at the ground level where appropriate (including retirement villages).	Proposed changes recommended by Council are accepted. Further amendments are also sought as below. Amend the introductory text as follows: The City Centre Zone is the primary commercial centre of the city. It offers vibrant, attractive and high-quality public spaces and provides for a wide variety and diverse range of commercial, community, recreational, employment and residential opportunities. High-density development and intensification is enabled and encouraged <u>recognising that the</u>

⁹¹ Page 372, submission point S64.17 - Appendix 1 - Recommendations on Submissions.

Provision	Original RVA / Ryman Submission	Section 42A Recommendation and Reasoning	Planning Response	Proposed Amendments
		<p>There are specific requirements along identified street frontages to create attractive frontages that contribute a vibrant and active streetscape and improve the quality and appeal of City Centre Zone. New buildings and development are well designed and reflect the high quality urban environment planned urban built form of the City Centre Zone. While all new buildings require resource consent as a restricted discretionary activity, the relevant standards send a clear signal that maximum building heights and density of urban form are anticipated and encouraged. At the same time the restricted discretionary activity status for new buildings and substantial additions and alterations to existing buildings will</p>		<p>urban environment while maintaining and improving including amenity values will develop and change over time in response to the diverse and changing needs of people and communities. especially in the public realm. There is opportunity for redevelopment and intensification as many sites within the City Centre Zone are currently not being used as intensively as they could be. There are specific requirements along identified street frontages to create attractive frontages that contribute a vibrant and active streetscape and improve the quality and appeal of City Centre Zone. New buildings and development are well designed and reflect the well-functioning-high quality urban</p>

Provision	Original RVA / Ryman Submission	Section 42A Recommendation and Reasoning	Planning Response	Proposed Amendments
		<p>allow for an assessment of the proposal to ensure that any new development is well designed, of high quality and consistent with the City Centre Design Guide.</p> <p>The City Centre Zone also encourages high-density residential developments such as apartments, to provide wider housing choices and increase vibrancy of the City Centre Zone. Residential units need to be located above ground floor along identified active frontages.</p>		<p>environment of the City Centre Zone. While all new buildings require resource consent as a restricted discretionary activity, the relevant standards send a clear signal that maximum building heights and density of urban form are anticipated and encouraged. At the same time the restricted discretionary activity status for new buildings and substantial additions and alterations to existing buildings will allow for an assessment of the proposal to ensure that any new development is well designed, and of high quality and consistent with the City Centre Design Guide.</p> <p>The City Centre Zone also encourages high-density residential developments such as apartments, to provide wider housing choices</p>

Provision	Original RVA / Ryman Submission	Section 42A Recommendation and Reasoning	Planning Response	Proposed Amendments
				and increase vibrancy of the City Centre Zone. Residential units need to be located above ground floor along identified active frontages <u>unless residential activity at ground floor is appropriately assessed on a case by case basis.</u>
<p>CCZ-01 Purpose of the CCZ- City Centre Zone</p> <p>The City Centre is Upper Hutt’s principal commercial, civic and cultural centre. It is vibrant and attractive and accommodates a wide range of commercial, community, recreational and residential activities.</p>	<p>Support in Part Amend CCZ-01 as follows: The City Centre is Upper Hutt’s principal commercial, civic and cultural centre. It is <u>a well-functioning urban environment</u> vibrant and attractive and accommodates a wide range of commercial, community, recreational and residential activities.</p>	<p>Reject</p> <p>The notified wording of CCZ-01 is considered to be appropriate for the City Centre Zone, and it is noted it does not conflict with the NPS-UD objectives or policies as it does not refer to the retention or enhancement of amenity values.⁹²</p>	<p>The wording should be amended to include reference to “well-functioning” urban environment.</p>	<p>Amend CCZ-01 as follows: The City Centre is Upper Hutt’s principal commercial, civic and cultural centre. It is <u>a well-functioning urban environment</u> vibrant and attractive and accommodates a wide range of commercial, community, recreational and residential activities.</p>

⁹² Page 236, submission point S64.120 - Appendix 1 – Recommendations on Submissions.

Provision	Original RVA / Ryman Submission	Section 42A Recommendation and Reasoning	Planning Response	Proposed Amendments
<p>CCZ-02 Character and Qualities of the CCZ-City Centre Zone</p> <p>The City Centre is characterised by a compact built form that reflects the high-density urban environment. Buildings and open spaces are of high quality, well-designed and create an attractive place to visit, work or live. Active and attractive street frontages create a lively environment with a strong pedestrian focus.</p>	Support	Accept	N/A	N/A
<p>CCZ-04 Hydraulic neutrality</p> <p>There is no increase in the peak demand on stormwater management systems and increase in flooding from subdivision and development.</p>	Support in Part Amend so that hydraulic neutrality is not required (but encourage) where there is sufficient capacity in the downstream system and / or the effects of increased water flows can be managed effectively.	Reject Achieving hydraulic neutrality is an important component of addressing increased stormwater flooding effects that may result from the additional level of permitted activity development enabled by	The achievement of hydraulic neutrality should be encouraged rather than required, noting 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.	Amend CCZ-04 as follows: There is no <u>Any</u> increase in the peak demand on stormwater management systems and increase in flooding from subdivision and development <u>is appropriately managed.</u>

Provision	Original RVA / Ryman Submission	Section 42A Recommendation and Reasoning	Planning Response	Proposed Amendments
		<p>the IPI. This is recognised by Section 80E(2)(f) specifically identifying hydraulic neutrality as a related provision that may be included in the IPI.</p> <p>The most appropriate method to achieve the relevant objectives is to require hydraulic neutrality for all new subdivision and development and enable the case-by-case consideration of proposals where this is not possible or necessary via the resource consent process.⁹³</p>		
CCZ-P1 Appropriate Activities	Oppose in Part Amend CCZ-P1 as follows:			Amend CCZ-P1 as follows:

⁹³ Page 372, submission point S64.18 - Appendix 1 – Recommendations on Submissions.

Provision	Original RVA / Ryman Submission	Section 42A Recommendation and Reasoning	Planning Response	Proposed Amendments
<ol style="list-style-type: none"> 1. Enable a wide range of activities that are compatible with the anticipated purpose, character and amenity values of the CCZ- City Centre Zone. 2. Encourage activities with a strong pedestrian focus to locate along roads with active street frontage requirements to create a vibrant interface and active public spaces. 	<ol style="list-style-type: none"> 1. Enable a wide range of activities that are compatible with the anticipated purpose, <u>and</u> character and amenity values of the CCZ- City Centre Zone. 			<ol style="list-style-type: none"> 1. Enable a wide range of activities that are compatible with the anticipated purpose, <u>and</u> character and amenity values of the CCZ- City Centre Zone.
<p>CCZ-P2 Residential Activity</p> <ol style="list-style-type: none"> 1. Provide for high-density residential activity and development where: <ol style="list-style-type: none"> a. Residential units are located above ground floor; 	<p>Oppose in Part Amend CCZ-P2 in line with submission point.</p>	<p>Reject</p> <p>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</p>	<p>Ground level residential activities should be considered on a case by case basis.</p> <p>Furthermore, it is not appropriate for high density residential activity and development (including retirement villages) to only be provided where</p>	<p>Amend CCZ-P2 as follows:</p> <ol style="list-style-type: none"> 1. Provide for high-density residential activity and development where: <ol style="list-style-type: none"> a. Residential units are located above ground floor, <u>unless ground floor residential</u>

Provision	Original RVA / Ryman Submission	Section 42A Recommendation and Reasoning	Planning Response	Proposed Amendments
<p>b. Residential units are designed to:</p> <ul style="list-style-type: none"> i. Ensure appropriate indoor noise and ventilation levels; and ii. Provide amenity values for occupants; <p>c. Reverse sensitivity effects on commercial activities are minimised; and</p> <p>d. It is consistent with the City Centre Design Guide.</p> <p>2. Only allow for the location of residential units on the ground floor where:</p>		<p>during the consideration of discretionary resource consent applications for residential units at ground floor level under rule CCZ-R21.</p> <p>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. The requested deletion of reference to the design guide would fail to achieve these objectives.</p> <p>Retirement units are already provided for – either as a residential activity, or as part of a retirement village under</p>	<p>it is consistent with the City Centre Design Guide. The City Centre 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 (despite retirement villages being a unique activity with substantially differing functional and operational needs).</p>	<p><u>activity is assessed to be appropriate on a case by case basis;</u></p> <p>b. Residential units <u>and / or retirement units</u> are designed to:</p> <ul style="list-style-type: none"> i. Ensure appropriate indoor noise and ventilation levels; and ii. Provide amenity values for occupants. <p>c. Reverse sensitivity effects on commercial activities are minimised; and</p> <p>d. It is consistent with the City Centre Design Guide.</p>

Provision	Original RVA / Ryman Submission	Section 42A Recommendation and Reasoning	Planning Response	Proposed Amendments
<ul style="list-style-type: none"> 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 		<p>restricted discretionary rule CCZ-R19. There is no reasonable justification or need for policy CCZ-P2 to specifically refer to retirement units.</p> <p>The requested insertion of a clause into clause 2 of the policy stating ground floor residential units or retirement units are appropriate is 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.⁹⁴</p>		<ul style="list-style-type: none"> 2. Only allow for the location of residential units <u>and / or retirement units</u> on the ground floor where: <ul style="list-style-type: none"> 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. ... e. ... f. <u>When taking into account individual site characteristics</u>

⁹⁴ Paragraph 621 – Council Officers’ Section 42A Report.

Provision	Original RVA / Ryman Submission	Section 42A Recommendation and Reasoning	Planning Response	Proposed Amendments
<p>e. It will not compromise the function and role of the City Centre Zone.</p> <p>3. Avoid the location of residential units on the ground floor along Active Street Frontages identified on the planning maps.</p>				<p><u>and environments it is considered that residential units and / or retirement units are appropriate on the ground floor.</u></p> <p>3. Avoid the location of residential units on the ground floor along Active Street Frontages identified on the planning maps.</p>
<p>CCZ-P4 Built Development</p> <p>Provide for and encourage high-density and high quality built development that:</p> <p>1. Acknowledges and reflects the purpose of the City Centre Zone as being the main commercial centre and focal point for Upper Hutt;</p>	<p>Oppose in Part Amend CCZ-P4 as follows:</p> <ol style="list-style-type: none"> 1. ... 2. ... 3. ... 4. ... 5. ... 6. Is consistent with the City Centre Design Guide. 	<p>Reject</p> <p>No comment provided</p>	<p>The City Centre Design Guide makes no specific reference to retirement villages, and there is no guidance as to why the requirements that are applicable to non-retirement village activities apply in the same manner to retirement villages (despite retirement villages being a unique activity with</p>	<p>Oppose in Part Amend CCZ-P4 as follows:</p> <ol style="list-style-type: none"> 1. ... 2. ... 3. ... 4. ... 5. ... 6. Is consistent with the City Centre Design Guide.

Provision	Original RVA / Ryman Submission	Section 42A Recommendation and Reasoning	Planning Response	Proposed Amendments
<p>2. Realises as much development capacity as possible, to maximise the benefits of intensification;</p> <p>3. Reflects the anticipated compact, high-density built environment of the City Centre Zone;</p> <p>4. Is well designed and contributes to creating safe and vibrant public spaces;</p> <p>5. Provides active and attractive street frontages; and</p> <p>6. Is consistent with the City Centre Design Guide.</p>			substantially differing functional and operational needs).	
<p>CCZ-P5 Public Space Interface and Active Street Frontages</p> <p>Require new development to create a positive interface with the public space through</p>	<p>Oppose in Part Amend CCZ-P5 as follows: ... Where located along identified active frontages, require new</p>	<p>Reject</p> <p>No comment provided</p>	<p>New built development and activities (including retirement villages) should not be required to be consistent with the City Centre Design Guide.</p>	<p>Oppose in Part Amend CCZ-P5 as follows: ... Where located along identified active frontages, require new</p>

Provision	Original RVA / Ryman Submission	Section 42A Recommendation and Reasoning	Planning Response	Proposed Amendments
<p>high quality building design.</p> <p>Encourage parking, storage and servicing areas to be visually unobtrusive and located preferably within or to the rear of buildings.</p> <p>Where located along identified active frontages, require new built development and activities to:</p> <ol style="list-style-type: none"> 1. Provide a positive interface with the public space through: <ol style="list-style-type: none"> a. Being built up to and oriented towards the front boundary of the site; b. Providing verandahs or other adequate forms of pedestrian shelter; 	<p>built development and activities to:</p> <ol style="list-style-type: none"> 1. ... 2. Be consistent with the City Centre Design Guide <u>Avoid new built development and activities that prevent or interrupt a continuous active street frontage along identified active frontages. 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>Furthermore, as detailed in the response to TCZ-S4, the RVA consider that active frontage requirements need to be determined on a case-by-case basis, with consideration given to individual site characteristics and environments. An 'avoid' requirement is contrary to the purpose of the NPSUD to enable intensification in this Zone.</p>	<p>built development and activities to:</p> <ol style="list-style-type: none"> 1. ... 2. Be consistent with the City Centre Design Guide <u>Avoid new built development and activities that prevent or interrupt a continuous active street frontage along identified active frontages. 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>

Provision	Original RVA / Ryman Submission	Section 42A Recommendation and Reasoning	Planning Response	Proposed Amendments
<p>c. Providing display windows and obvious public entrances; and</p> <p>d. Requiring parking, storage and servicing areas to be visually unobtrusive and located within or to the rear of buildings.</p> <p>2. Be consistent with the City Centre Design Guide</p> <p>Avoid new built development and activities that prevent or interrupt a continuous active street frontage along identified active frontages.</p>				
<p>CCZ-P6 Inappropriate Activities</p> <p>Avoid activities that are incompatible with the anticipated purpose, character and amenity</p>	<p>Oppose in Part</p> <p>Amend CCZ-P4 to clarify that activities covered by CCZ-P2 are compatible.</p>	<p>Reject</p> <p>The compatibility of activities is determined through a combination of the activity status of a</p>	<p>It is unclear what activities are incompatible within the zone and the policy should make this clear.</p>	<p>Amend CCZ-P4 to clarify that activities covered by CCZ-P2 are compatible.</p>

Provision	Original RVA / Ryman Submission	Section 42A Recommendation and Reasoning	Planning Response	Proposed Amendments
values of the City Centre Zone.		<p>proposed activity, its' actual and potential effects on the environment, and its consistency with the relevant objectives and policies of the District Plan and any other relevant higher-order statutory planning documents such as the RPS and National Policy Statements.</p> <p>It is not the role of Policy CCZ-P6 to attempt to specifically identify all activities that would be compatible within the City Centre Zone on all sites within the zone.⁹⁵</p>		
<p>CCZ-P8 Hydraulic neutrality</p> <p>New buildings and development will be</p>	<p>Support in Part</p> <p>Amend CCZ-P8 as follows:</p>	<p>Reject</p> <p>The requested amendments to the</p>	<p>The achievement of hydraulic neutrality should be encouraged rather than required,</p>	<p>Amend CCZ-P8 as follows: New buildings and development <u>are</u></p>

⁹⁵ Page 240-241, submission point S64.126 - Appendix 1 - Recommendations on Submissions.

Provision	Original RVA / Ryman Submission	Section 42A Recommendation and Reasoning	Planning Response	Proposed Amendments
designed to achieve hydraulic neutrality.	New buildings and development <u>are encouraged to will</u> be designed to achieve hydraulic neutrality.	policies listed by the submitter would be ineffective at achieving the relevant objectives, and would be inconsistent with the permitted activity standards for hydraulic neutrality. It is noted the relevant permitted standards require rather than encourage hydraulic neutrality, and it is not recommended to change this approach in response to other submission points. ⁹⁶	noting 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.	<u>encouraged to will</u> be designed to achieve hydraulic neutrality.

⁹⁶ Page 372, submission point S64.17 - Appendix 1 - Recommendations on Submissions.

APPENDIX B – REPLACEMENT PROVISIONS: GENERAL RESIDENTIAL ZONE AND HIGH DENSITY RESIDENTIAL ZONE

PART 3 – AREA SPECIFIC MATTERS – Residential Replacement Plan Provisions sought by the RVA and Ryman

The following sets out the provisions sought by the RVA and Ryman within the General Residential Zone and High Density Residential Zone Chapters as part of the Intensification Planning Instrument of the Upper Hutt District Plan.

Text highlighted with underlining represents the RVA and Rymans proposed insertions. Text highlighted with ~~strikethrough~~ represents the RVA and Rymans proposed deletions.

GRZ – General Residential Zone

Background

The residential areas within the City are characterised by mainly low rise residential units sited on individual allotments. Past architectural styles, settlement patterns and geographical factors have resulted in diverse residential characteristics and form, resulting in a range of individual neighbourhoods. 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.

Demand for higher density residential development is increasing in the City. Higher density residential development is becoming more desirable to certain sectors of the community and it is also desirable in establishing a variety of housing types and styles, thereby providing a greater variety to the housing stock of the City.

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. The development of papakāinga is also provided for within the Zone.

Accommodation for the ageing population (such as retirement villages) is anticipated and provided for in the General Residential Zone.

Within the General Residential Zone the Indigenous Biodiversity Precinct reflects the significant indigenous vegetation and habitats that have been identified in the area. The Precinct encourage the protection and retention of indigenous biodiversity values.

It is anticipated that the character, form and amenity of residential areas within the General Residential Zone will change over time. These changes may be significant and may detract from amenity values appreciated by the community but may improve the amenity values appreciated by other people and future generations, including by providing for increased and varied housing densities and types.

To help manage this change, the Medium and High Density Design Guide in Appendix 1 promotes a high standard of urban design are included in the District Plan. It is anticipated this will encourage new development to make a positive contribution toward the evolving character of the General Residential Zone. However, Retirement villages are excluded from the applicability of both the Medium and High Density Design Guides.

The City’s residential areas are also characterised by the presence of non-residential activities and community facilities. These activities tend to provide essential community services, including shops, churches, schools, doctors’ surgeries, day care centres and halls. In some areas motels and hotels have been established. Many non-residential activities and community facilities are generally accepted within residential areas provided they do not give rise to significant adverse effects.

GRZ - Objectives

GRZ-Objectives	
GRZ-01	The promotion of a high quality residential environment which acknowledges the physical character 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-02	<p>Well-functioning Urban Environments</p> <p>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, now and into the future.</p>
GRZ-03	<p>Housing Variety</p> <p>A relevant residential zone provides for a variety of housing types and sizes that respond to:</p> <ul style="list-style-type: none"> a. housing needs and demand; and b. the neighbourhood’s planned urban built character, including 3-storey buildings.
GRZ-04	<u>Any There is no increase in the peak demand on stormwater management systems and increase in flooding from new buildings and development is appropriately managed.</u>

GRZ – Policies

GRZ-Policies	
GRZ-P1A	Enable a variety of housing types with a mix of densities within the General Residential Zone, including 3-storey attached and detached dwellings, and low-rise apartments.
GRZ-P1B	Apply the MDRS across all relevant residential zones in the district plan except in circumstances where a qualifying matter is relevant (including matters of significance such as significant natural areas, historic heritage and the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga).
GRZ-P1C	Encourage development to achieve attractive and safe streets and public open spaces, including by providing for passive surveillance.
GRZ-P1D	Enable housing to be designed to meet the day-to-day needs of residents.
GRZ-P1E	Provide for developments not meeting permitted activity status, while encouraging high-quality developments.
GRZ-P1	To provide for a range of building densities within the residential areas that respond to are compatible in form and scale with the neighbourhood’s planned built form and character which takes into account the capacity of the infrastructure.
GRZ-P2	To ensure that the scale, appearance and siting of buildings, structures and activities respond to are compatible in form and scale with the neighbourhood’s planned built form and character.
GRZ-P3	To ensure that non-residential activities within residential areas do not cause significant adverse environmental effects.
	<i>Some business activities service or benefit the local community. Changing technology and business practices mean that some non-residential activities can occur without adversely affecting the character or amenity values of the residential environment.</i>

	<p><i>Similarly, many people now work from home, and this creates social and economic advantages. This policy provides the opportunity for home business and non-residential activities to establish, provided any adverse effects are avoided, remedied, or mitigated, and the character of residential areas is maintained.</i></p> <p><i>Certain activities such as early childhood centres, can be appropriately located within residential areas provided the adverse environmental effects caused by these activities, primarily noise and traffic effects, are appropriately managed.</i></p> <p><i>To control the adverse effects of such uses on residential amenity, the Plan includes standards on the scale and location of buildings, noise, car parking and use of hazardous substances.</i></p>
GRZ-P4	<p>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.</p> <p>There are a number of matters that influence residential amenity. These include:</p> <ol style="list-style-type: none"> 1. The density and topography of sites. 2. The closeness of residential units to boundaries and other buildings. 3. The height and orientation of buildings. 4. The height or existence of fences, trees or other vegetation. 5. The size, location and appearance of earthworks, retaining walls and fill batters.
GRZ-P5	<p>To encourage sites fronting streets to present a pleasant and coherent residential appearance.</p>
GRZ-P6	<p>To mitigate the adverse effects of noise within residential areas to a level consistent with a predominantly residential environment.</p> <p><i>Noise is a particularly important amenity consideration in residential areas as people are living in close proximity to each other. This policy aims to ensure that noise levels experienced are reasonable for a Residential Zone.</i></p>
GRZ-P7	<p>To promote a safe and efficient roading network which avoids, remedies or mitigates the adverse effects of road traffic on residential areas.</p> <p><i>Traffic on roads, whether mobile or stationary, can have major impacts on the amenity values of residential areas.</i></p>

	<i>An efficient residential roading network of a high standard will meet the mobility needs of the City's residents, give access to available transport services, provide safety for those using the network and mitigate the adverse effects of traffic on the environment.</i>
GRZ-P8	To provide for new residential development within the City in a sustainable manner. <i>The edge of the urban area is defined primarily by a rural interface. Council generally intends to contain new residential development within the existing zoned urban area. Continuous expansion at the City's edge, while large parts of the urban areas remain undeveloped, does not constitute sustainable management.</i> <i>Greenfield subdivision, for urban residential development outside Residential Zones should be considered by way of a District Plan change to extend the urban area. This enables the full effects of the potential development to be assessed.</i>
GRZ-P9	To promote high-quality 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.
GRZ-P11	New buildings and development will are encouraged to be designed to achieve hydraulic neutrality.
<u>GRZ-Px</u>	<u>Retirement Villages</u> 1. <u>Enable retirement villages that:</u> <ul style="list-style-type: none"> a. <u>Provide for greater density than other forms of residential developments to enable shared spaces, services, amenities and / facilities, and affordability and the efficient provision of assisted living and care services.</u> b. <u>Provide good quality on site amenity, recognising the unique layout, internal amenity and other day-to-day needs of residents as they age.</u>
<u>GRZ-Px</u>	<u>Changing communities</u>

	<u>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>
<u>GRZ-Px</u>	<u>Larger sites</u> <u>Recognise the intensification opportunities provided by larger sites within all residential zones by providing for more efficient use of those sites.</u>
<u>GRZ-Px</u>	<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>
<u>GRZ-Px</u>	<u>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>

GRZ - Rules

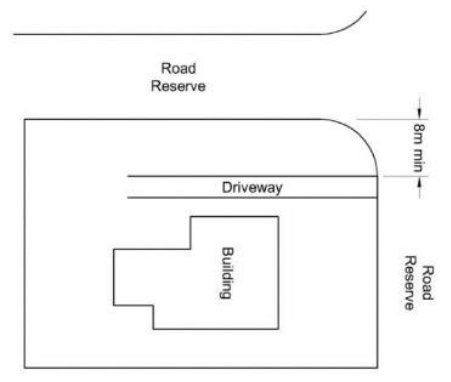
District-wide matters		
<i>Retain as notified</i>		
Activities Tables		
Permitted Activities		
Residential Activities		
GRZ-R1	Minor Structures	PER

GRZ-R2	Three residential units per site	PER
GRZ-R3	Buildings.	PER
GRZ-R4	Rest homes and community care housing	PER
GRZ-R5	Removal of a building from a site	PER
GRZ-R5A	Residential activities	PER
<u>GRZ-X</u>	<u>Retirement Villages</u>	<u>PER</u>
Non-Residential Activities		
GRZ-R6	Home business ancillary to residential activities carried out on the site	PER
GRZ-R7	Passive Recreation	PER
Controlled Activities		
GRZ-R10	Marae	CON
<i>Policies</i>	Council may impose conditions over the following matters:	
<i>GRZ-P3</i>	1. Bulk, location, appearance and design of the buildings.	
<i>GRZ-P6</i>	2. Design and layout of car parking, loading, manoeuvring and access areas.	
	3. Provision of and effects on utilities and/or services.	
	4. Landscaping, including the retention of existing trees.	
	5. Hours of operation.	
	6. Financial contributions.	
Controlled activities – restrictions on notification		

Subject to sections 95A(2)(b), 95A(2)(c), 95A(4) and 95C of the Act, a resource consent application for a controlled activity is precluded from public notification under section 95A and, subject to section 95B(3), is precluded from limited notification under section 95B(2) of the Act.

GRZ – Standards for Permitted and Controlled Activities

Standards for Permitted and Controlled Activities	
GRZ-S1	<p>Access standards for land use activities</p> <ol style="list-style-type: none"> 1. Where vehicle access points are shared by three or more residential units, for all rear allotments and for all sites fronting arterial, or distributor/collector streets (identified in the Transport and Parking (TP) Chapter) there must be provision for turning a vehicle on site in order that vehicles do not reverse into the street. 2. All accessways and manoeuvring areas shall be formed and surfaced in accordance with the Code of Practice for Civil Engineering Works. The required surfacing must be completed prior to certification of the survey plan. 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. 3. Sites shall have practical vehicle access to car parking and loading spaces, in accordance with the Code of Practice for Civil Engineering Works. 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. 4. 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 (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.



5. Where a corner allotment is located at an intersection of a national, primary or secondary arterial traffic route, as identified in the Transport and Parking (TP) Chapter, no building, fence or other structure is to be erected and no vegetation allowed to grow so as to obstruct a traffic sight line.
6. At the intersection of a road or rail level crossing, no building, fence or other obstructions which block sight lines for trains shall be erected, placed or grown in the hatched area marked in TP-Diagram 1 in the Transport and Parking (TP) Chapter.
7. Land use activities with direct access to a State Highway shall comply with the access and visibility standards set out in TP-Diagrams 2 to 9 in the Transport and Parking (TP) Chapter.

GRZ-S3

Building coverage

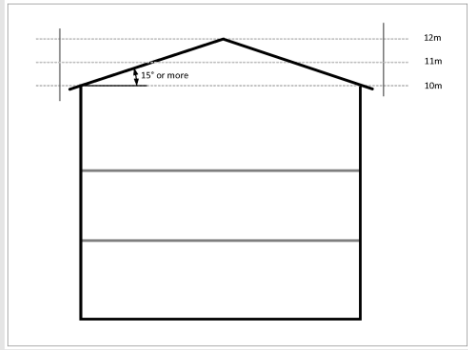
1. The maximum building coverage must not exceed 50% of the net site area.

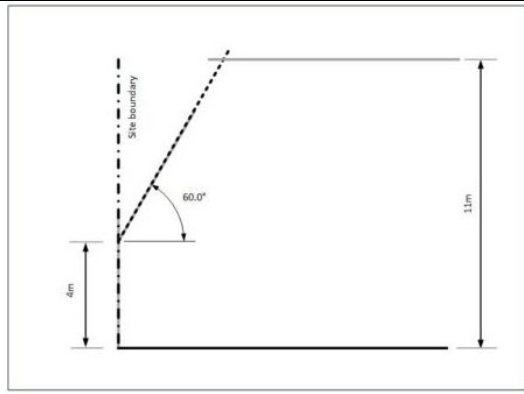
GRZ-S4

Setbacks

1. Buildings must be set back from the relevant boundary by the minimum depth listed in the yards table below:

	Yard	Minimum depth	
	Front	1.5 metres	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.
	Side	1 metre	
	Rear	1 metre (excluding corner sites)	
GRZ-S5	Outdoor living space (per residential unit)		
	<p>1. A 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>2. A residential unit located above ground floor level must have an outdoor living space in the form of a balcony, patio, or roof terrace that—</p> <ul style="list-style-type: none"> 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— <ul style="list-style-type: none"> 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. <p>3. <u>For retirement units, clauses 1 and 2 apply with the following modifications:</u></p>		

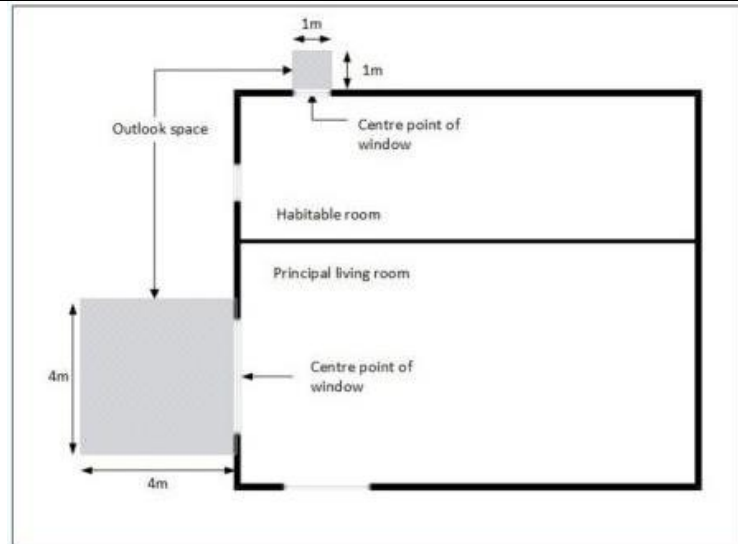
	<p>a. <u>the outdoor living space may be in whole or in part grouped cumulatively in 1 or more communally accessible location(s) and/or located directly adjacent to each retirement unit; and</u></p> <p>b. <u>a retirement village may provide indoor living spaces in one or more communally accessible locations in lieu of up to 50% of the required outdoor living space.</u></p>
<p>GRZ-S7</p>	<p>Building height</p> <p>Buildings must not exceed 11 metres in height, except that 50% of a building's roof in elevation, measured vertically from the junction between wall and roof, may exceed this height by 1 metre, where the entire roof slopes 15° or more, as shown on the following diagram:</p> 
<p>GRZ-S8</p>	<p>Height in relation to boundary</p> <p>1. 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>



2. This standard does not apply to—
 - a. a boundary with a road:
 - b. existing or proposed internal boundaries within a site:
 - c. site boundaries where there is an existing common wall between 2 buildings on adjacent sites or where a common wall is proposed.
 - d. Boundaries adjoining open space and recreation zones, rural zones, commercial and mixed use zones, industrial zones and special purpose zones.

GRZ-S9	<p>Hydraulic neutrality</p> <p>New buildings and development must be designed to 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 <u>(whilst recognising 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).</u></p>
GRZ-S10	<p>Water supply, stormwater and wastewater</p> <p>1. All activities shall comply with the water supply, stormwater and wastewater standards in the Code of Practice for Civil Engineering Works.</p>
GRZ-S11	Screening

	<ol style="list-style-type: none"> 1. Outdoor storage areas shall be screened by a close-boarded fence, a solid wall or dense planting of vegetation. The screening shall: <ol style="list-style-type: none"> a. Be no less than 1.8m in height
GRZ-S12	<p>Home business ancillary to residential activities carried out on the site</p> <ol style="list-style-type: none"> 1. At least one of the persons engaged in the home business shall live on the site as their principal place of residence. 2. No more than three non-resident persons may be engaged in the home business at any one time. 3. The repair or maintenance of vehicles or engines, other than those belonging to the residents, is not permitted. 4. The site shall not be used as a depot for any heavy vehicle associated with a trade. 5. Only goods produced or grown on the site may be sold from the site, provided that no retailing activity shall take place where access is to the State Highway. 6. Homestay activities, where accommodation and meals are provided in a family type environment, are permitted provided the total number of persons accommodated on the site at any one time, including persons normally resident on the site, does not exceed twelve. 7. Equipment used shall not interfere with radio and television reception.
GRZ-S13	<p>Number of residential units per site</p> <p>There must be no more than 3 residential units per site.</p>
GRZ-S14	<p>Outlook space (per residential unit)</p> <ol style="list-style-type: none"> 1. An outlook space must be provided for each residential unit as specified in this clause. 2. An outlook space must be provided from habitable room windows as shown in the diagram below.



3. The minimum dimensions for a required outlook space are as follows:
 - a. a principal living room must have an outlook space with a minimum dimension of 4m in depth and 4m in width; and
 - b. all other habitable rooms must have an outlook space with a minimum dimension of 1m in depth and 1m in width.
4. The width of the outlook space is measured from the centre point of the largest window on the building face to which it applies.
5. Outlook spaces may be over driveways and footpaths within the site or over a public street or other public open space.
6. Outlook spaces may overlap where they are on the same wall plane in the case of a multi-storey building.
7. Outlook spaces may be under or over a balcony.
8. Outlook spaces required from different rooms within the same building may overlap.
9. Outlook spaces must:
 - a. be clear and unobstructed by buildings and structures, including fences; and

	<p>b. not extend over an outlook space or outdoor living space required by another dwelling.</p> <p>10. <u>For retirement units, clauses 1 – 9 apply with the following modification: The minimum dimensions for a required outlook space are 1 metre in depth and 1 metre in width for a principal living room and all other habitable rooms.</u></p>
GRZ-S15	<p>Windows to street</p> <p>Any residential unit <u>or retirement unit</u> facing <u>the a public</u> street must have a minimum of 20% of the street-facing façade in glazing. This can be in the form of windows or doors.</p>
GRZ-S16	<p>Landscaped area</p> <ol style="list-style-type: none"> 1. A residential unit <u>or retirement unit</u> at ground floor level must have a landscaped area of a minimum of 20% of a developed site with grass or plants, and can include the canopy of trees regardless of the ground treatment below them. 2. The landscaped area may be located on any part of the development site, and does not need to be associated with each residential unit <u>or retirement unit</u>.

GRZ – Restricted Discretionary Activities

Restricted Discretionary Activities		
Residential Activities		
GRZ-R11	<p>Buildings which do not comply with permitted activity standards</p> <p>a) Council will restrict its discretion to, and may impose conditions on:</p> <ol style="list-style-type: none"> 1. Height and sunlight access. 2. Setbacks and coverage. 3. Landscaping and screening. 4. Provision of and effects on utilities and/or services. 5. Standard, construction and layout of vehicular access, manoeuvring and traffic safety. 6. Streetscape effects. 	RDIS

	<p>7. Effects on amenity.</p> <p>8. Financial contributions.</p> <p>9. The matters contained in the Medium and High Density Design Guide in Appendix 1.</p> <p>10. measures to avoid, remedy or mitigate adverse effects.</p> <p>11. Cumulative effects.</p> <p>This rule does not apply to residential units.</p> <p>b) <u>For the construction of buildings associated with a retirement village, council will restrict its discretion to, and may impose conditions on:</u></p> <ol style="list-style-type: none"> 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 GRZ-S16.</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>The matters in GRZ-P1A – P1E,-P1, P2, P6, P7, P8, P9 – P11 and GRZ-Px (new policies);</u> 6. <u>The positive effects of the construction, development and use of the retirement village.</u> <p><u>For clarity, no other rules or matters of discretion relating to the effects of density apply to buildings for a retirement village, however plan provisions which address other effects of retirement villages still apply.</u></p> <p><u>Notification status:</u></p> <p><u>An application for resource consent for a restricted discretionary activity under this rule is precluded from being publicly notified.</u></p> <p><u>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></p>	
GRZ-R12	<p>The construction and use of 1, 2 or 3 residential units that do not comply with one or more of the following permitted standards:</p> <ol style="list-style-type: none"> i. GRZ-S3 – Building coverage. 	RDIS

	<ul style="list-style-type: none"> ii. {Link,8212,GRZ-S4} – Setbacks. iii. GRZ-S5 - Outdoor living space. iv. GRZ-S7 – Building height. v. GRS-S8 – Height in relation to boundary. vi. GRZ-S9 – Hydraulic neutrality. vii. GRZ-S14 – Outlook space (per unit). viii. GRZ-S15 – Windows to street. ix. GRZ-S16 – Landscaped area. <p>Council will restrict its discretion to, and may impose conditions on:</p> <ul style="list-style-type: none"> 1. The matters contained in the Medium and High Density Design Guide in Appendix 1. 2. Site layout and design. 3. Consideration of the effects of the standard not met. 4. Cumulative effects. 5. The matters contained in the Code of Practice for Civil Engineering Works. 6. The imposition of financial contributions. <p>Restriction on notification: Public notification of an application is precluded under this rule.</p>	
GRZ-R12A	<p>The construction and use of 4 or more residential units that comply with the following permitted standards:</p> <ul style="list-style-type: none"> i. GRZ-S3 – Building coverage. ii. {Link,8212,GRZ-S4} – Setbacks. iii. GRZ-S5 Outdoor living space. iv. GRZ-S7 – Building height. v. GRS-S8 – Height in relation to boundary. vi. GRZ-S9 – Hydraulic neutrality. 	RDIS

	<ul style="list-style-type: none"> vii. GRZ-S14 – Outlook space (per unit). viii. GRZ-S15 – Windows to street. ix. GRZ-S16 – Landscaped area. <p>Council will restrict its discretion to, and may impose conditions on:</p> <ul style="list-style-type: none"> 1. The matters contained in the Medium and High Density Design Guide in Appendix 1. 2. Site layout. 3. The matters contained in the Code of Practice for Civil Engineering Works. 4. Transport effects. 5. Cumulative effects. <p>Restriction on notification: Public and limited notification of an application under this rule is precluded.</p>	
GRZ-R12B	<p>The construction and use of a residential unit(s) that is not a permitted activity, and do not fall under rules GRZ-R12 or GRZ-R12A.</p> <p>Council will restrict its discretion to, and may impose conditions on:</p> <ul style="list-style-type: none"> 1. The matters contained in the Medium and High Density Design Guide in Appendix 1. 2. Site layout and design. 3. The matters contained in the Code of Practice for Civil Engineering Works. 4. Consideration of the effects of the standard not met. 5. Transport effects. 6. Methods to avoid, remedy, or mitigate adverse effects. 7. Cumulative effects. <p>Restriction on notification: Public notification of an application under this rule is precluded.</p>	RDIS

Non-Residential Activities		
GRZ-R13	<p>Home business ancillary to residential activities carried out on the site, which do not comply with permitted activity standards</p> <p>Council will restrict its discretion to, and may impose conditions on:</p> <ol style="list-style-type: none"> 1. External storage. 2. The number of non-resident workers employed on the site. 3. The creation of dust, light, noise, vibration or other nuisance. 4. Appearance of buildings. 5. Size, number of location and appearance of signs. 6. Car parking, traffic and pedestrian safety and the efficient functioning of the roading network. 7. Financial contributions. 	RDIS
GRZ-R15	<p>Early childhood centre(s)</p> <p>Council will restrict its discretion to, and may impose conditions on:</p> <ol style="list-style-type: none"> 1. Location of the proposed early childhood centre. 2. Bulk, location, appearance and design of the buildings. 3. The extent to which the proposal will adversely affect traffic and pedestrian safety, and the efficient functioning of the roading network. 4. Design and layout of car parking, loading, manoeuvring and access areas. 5. Provision of and utilities and/or services. 6. Landscaping, including the retention of existing trees. 7. Hours of operation. 8. Financial contributions. <p>Restriction on notification</p>	RDIS

	Subject to sections 95A(2)(b), 95A(2)(c), 95A(4) and 95C of the Act, a resource consent application for an early childhood centre will be precluded from public notification under section 95A, but limited notification of an application will be determined in accordance with section 95B.	
GRZ-R16	<p>Buildings or structures within 12-20m of high voltage (110kV or greater) electricity transmission lines as shown on the Planning Maps *(refer to the definition of transmission line)</p> <p>Council will restrict its discretion to, and may impose conditions on:</p> <ol style="list-style-type: none"> 1. Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances 2001 (NZECP 34:2001). 2. The location, height, scale, orientation and use of buildings and structures to ensure the following are addressed: <ol style="list-style-type: none"> a. The risk to the structural integrity of the transmission line. b. The effects on the ability of the transmission line owner to operate, maintain and upgrade the transmission network. c. The risk of electrical hazards affecting public or individual safety, and risk of property damage. d. The extent of earthworks required, and use of mobile machinery near the transmission line which may put the line at risk. e. Minimising the visual effects of the transmission line. f. The outcome of any consultation with the affected utility operator. <p>Restriction on notification</p> <p>Subject to sections 95A(2)(b), 95A(2)(c), 95A(4) and 95C of the Act, a resource consent application under this rule will be precluded from public notification under section 95A, and limited notification will be served on Transpower New Zealand Limited as the only affected party under section 95B.</p>	RDIS
GRZ-R17	<p>Activities listed as permitted or controlled which do not comply with the access standards in GRZ-S1</p> <p>Council will restrict its discretion to, and may impose conditions on:</p> <ol style="list-style-type: none"> 1. The extent to which the activity will adversely affect traffic and pedestrian safety. 	RDIS

	2. The extent to which the activity will adversely affect the efficient functioning of the roading network.	
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GRZ – Discretionary Activities

Discretionary Activities		
Non-Residential Activities		
GRZ-R18	Veterinarian, medical and health clinics	DIS
GRZ-R19	Places of assembly (including places of worship, educational facilities)	DIS
GRZ-R20	Visitor accommodation including hotels and motels, other than as part of any home business	DIS
GRZ-R21	Activities which are not listed in this Table unless otherwise covered in the district-wide matters of the Plan	DIS
GRZ-R22	Activities listed as permitted or controlled which do not comply with the relevant standards in this chapter, unless specifically provided for under other rules.	DIS

GRZ – Non-Complying Activities

Non-Complying Activities		
Non-Residential Activities		
GRZ-R23	Buildings or structures within 12m of high voltage (110kV or greater) electricity transmission lines as shown on the Planning Maps *(refer to the definition of transmission line)	NC

GRZ – Matters for Consideration

Matters for Consideration	
Matters that may be relevant in the consideration of any resource consent, other than for a restricted discretionary activity, may include the following:	
GRZ-MC1	<p>Site layout, area and Building coverage</p> <ol style="list-style-type: none"> 1. The arrangement of buildings, car parking and vehicle movements on site. 2. The extent of landscaping and screening. 3. Whether the topography of the site has been taken into account. 4. Whether a better standard of development can be achieved by varying the design standards. 5. The ability to provide adequate outdoor living areas. 6. The extent to which increased building coverage is compatible in form and scale with the neighbourhood's planned built character.
GRZ-MC2	<p>Bulk and location of buildings</p> <ol style="list-style-type: none"> 1. Whether the buildings will cause a loss of privacy, interfere with sunlight access or create shadows on surrounding allotments. 2. Whether the building location, design, appearance and scale is compatible in form and scale with the neighbourhood's planned built character.
GRZ-MC3	<p>Traffic generation and access</p> <ol style="list-style-type: none"> 1. Accessibility for public transport, cyclists and pedestrians. 2. Whether activities which generate significant traffic flows have the necessary access, do not adversely impact upon the street environment, and maintain public safety.
GRZ-MC4	<p>On-site soakage</p>

	<ol style="list-style-type: none"> Whether there are any factors that limit or preclude the provision of on-site soakage, and the extent to which any reasonable alternatives to providing on-site soakage have been explored.
GRZ-MC5	<p>Sunlight access</p> <ol style="list-style-type: none"> Whether the building will adversely interfere with sunlight access or create adverse shading on surrounding sites. Whether the topography of the site or the location of any built features on the site or other requirements, such as easements, impose constraints that make compliance impracticable.
GRZ-MC6	<p>Non-residential activities</p> <ol style="list-style-type: none"> Whether the buildings, structures or other works are of a compatible scale having regard to the local environment and the nature of the surrounding development. The extent to which the amenity values and the quality of the residential environment can be maintained and enhanced.
GRZ-MC7	<p>Hours of operation</p> <ol style="list-style-type: none"> The nature, extent and duration of noise and traffic effects from active recreation.
GRZ-MC8	<p>Nuisance</p> <ol style="list-style-type: none"> The potential impacts of noise, dust, glare, vibration, fumes, smoke, other discharges or pollutants or the excavation or deposition of earth.
GRZ-MC9	<p>Infrastructure</p> <ol style="list-style-type: none"> The capacity of the infrastructure.
GRZ-MC10	<p>Cumulative effects</p> <ol style="list-style-type: none"> Whether cumulative effects such as pollution, risk to public safety and nuisances have been assessed.

HRZ - High Density Residential Zone

Background

The High Density Residential Zone is to be used predominantly for residential activities with high concentration and bulk of buildings, such as apartments, and other compatible activities.

The High Density Residential Zone is located adjacent to and within a walkable catchment of the following train stations and centre zones:

- i. Silverstream Station
- ii. Heretaunga Station
- iii. Trentham Station
- iv. Wallaceville Station
- v. Upper Hutt Station
- vi. City Centre Zone
- vii. Town Centre Zone
- viii. Local Centre Zone

The High Density Residential Zone provides for heights and densities of residential units and buildings greater than those provided for by the Medium Density Residential Standards that apply in the General Residential Zone. The High Density Residential Zone gives effect to policy 3(c) and (d) of the National Policy Statement on Urban Development (2020).

Within the High Density Residential Zone, development within the St Patrick's Estate Precinct will maintain and enhance linkages to the Hutt River walkway and Silverstream Railway Station.

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.

HRZ - Objectives

HRZ-Objectives	
HRZ-O1	<p>Well-functioning Urban Environments</p> <p>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, now and into the future.</p>
HRZ-O2	<p>Housing Variety</p> <p>A relevant residential zone provides for a variety of housing types and sizes that respond to:</p> <ul style="list-style-type: none"> a. housing needs and demand; and b. the neighbourhood’s planned urban built character, including 3-storey buildings.
HRZ-O3	<p>Hydraulic Neutrality</p> <p>There is no <u>Any</u> increase in the peak demand on stormwater management systems and increase in flooding from subdivision and development <u>is appropriately managed.</u></p>
HRZ-O4	<p>High Density Residential Zone</p> <p>The planned built urban form of the High Density Residential Zone includes high density residential development of heights and densities of urban form greater than that provided for in the General Residential Zone.</p>

HRZ – Policies

HRZ-Policies	
HRZ-P1	<p>Apply the MDRS across all relevant residential zones in the district plan except in circumstances where a qualifying matter is relevant (including matters of significance such as significant natural areas, historic heritage and the</p>

	relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga).
HRZ-P2	Encourage development to achieve attractive and safe streets and public open spaces, including by providing for passive surveillance.
HRZ-P3	Enable housing to be designed to meet the day-to-day needs of residents.
HRZ-P4	Provide for developments not meeting permitted activity status, while encouraging high-quality developments.
HRZ-P5	To provide for a range of building densities within the residential areas that respond to are compatible in form and scale with the neighbourhood's planned built form and character.
HRZ-P6	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 (with exception to retirement villages).
HRZ-P7	Enable more people to live in the High Density Residential Zone by enabling residential building heights up to 26 metres.
HRZ-P8	New buildings and development are encouraged to will be designed to achieve hydraulic neutrality.
<u>HRZ-Px</u>	<p><u>Retirement Villages</u></p> <ol style="list-style-type: none"> 1. <u>Enable retirement villages that:</u> <ol style="list-style-type: none"> a. <u>Provide for greater density than other forms of residential developments to enable shared spaces, services, amenities and / facilities, and affordability and the efficient provision of assisted living and care services.</u> b. <u>Provide good quality on site amenity, recognising the unique layout, internal amenity and other day-to-day needs of residents as they age.</u> 2. <u>Encourage the scale and design of retirement villages to:</u> <ol style="list-style-type: none"> a. <u>be of a high-quality and be aligned with the planned urban character of the zone; and</u> b. <u>achieve attractive and safe streets and public open spaces, including by providing for passive surveillance.</u>

<u>HRZ-Px</u>	<p><u>Changing communities</u></p> <p><u>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></p>
<u>HRZ-Px</u>	<p><u>Larger sites</u></p> <p><u>Recognise the intensification opportunities provided by larger sites within all residential zones by providing for more efficient use of those sites.</u></p>
<u>HRZ-Px</u>	<p><u>Provision of housing for an ageing population</u></p> <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>
<u>HRZ-Px</u>	<p><u>Role of density standards</u></p> <p><u>Enable the density standards to be utilised as a baseline for the assessment of the effects of developments.</u></p>

HRZ – Rules

District-wide matters	
<i>Retain as notified</i>	
HRZ-R1	Residential Activity
1. Activity Status: Permitted	
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).

2. Activity Status: **Restricted discretionary**

- a. Compliance is not achieved with one or more of the permitted activity standards that apply to the General Residential Zone (excluding building height, height in relation to boundary, and building coverage). See the General Residential Zone for relevant rules, standards, matters, and information requirements.

Restriction on notification:

See the General Residential Zone provisions for specific restrictions on notification.

HRZ-R2 Building

1. Activity Status: Permitted

Where:

- a. Compliance is achieved with:
 - i. HRZ-S2 – Building height.
 - ii. HRZ-S3 – Height in relation to boundary.
 - iii. HRZ-S4 – Building coverage.
 - iv. HRZ-S5 – Number of Residential units per site.

2. Activity Status: Restricted discretionary

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

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.

Matters of discretion are restricted to:

- 1) The effects arising from exceeding any of the relevant density standards.
- 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) The extent to which articulation, modulation and materiality addresses adverse visual dominance effects associated with building length;
- 5) The matters in HRZ-P1 - P5, P7 - P8 and HRZ-Px (new policies);
- 6) 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, however plan provisions which address other effects of retirement villages still apply.

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.

HRZ-R3 All controlled activity rules, standards, matters, and information requirements in the General Residential Zone apply unless specifically stated in this table.

HRZ-R4 All restricted discretionary activity rules, standards, matters, and information requirements in the General Residential Zone apply unless specifically stated in this table.

HRZ-R5	All discretionary activity rules in the General Residential Zone apply unless specifically stated in this table.
HRZ-R6	All non-complying rules in the General Residential Zone apply unless specifically stated in this table.
HRZ-R7	All prohibited activity rules in the General Residential Zone apply unless specifically stated in this table.

HRZ - Standards for Permitted Activities

Standards for Permitted Activities		Matters of Discretion where Permitted Activity Standard(s) are not met
HRZ-S1	The standards for permitted activities within the General Residential Zone apply except as specifically provided for in this table.	The matters of discretion within the General Residential Zone apply except as specifically provided for in this table.
HRZ-S2	<p>Building height</p> <p>1. Buildings within the High Density Residential Zone must not exceed 20 metres in height.</p>	<p>Matters of Discretion where Permitted Activity Standard(s) are not met</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. Height and sunlight access. 2. Effects on public spaces 3. Setbacks and coverage. 4. Landscaping and screening. 5. Privacy effects. 6. The matters contained in the Medium and High Density Design Guide in Appendix 1.

		<p>7. Whether the building location, design, appearance, and scale is compatible in form and scale with the neighbourhood's planned built character.</p> <p><u>For retirement villages, the matters of discretion under HRZ-R2(3)(a)(1)-(7) apply.</u></p>
HRZ-S3	<p>Height in relation to boundary</p> <p>1. Buildings must not project beyond a 60° recession plane measured from a point 5 metres vertically above ground level along all boundaries. Where the boundary forms part of a legal right of way, entrance strip, access site, or pedestrian access way, the height in relation to boundary applies from the farthest boundary of that legal right of way, entrance strip, access site, or pedestrian access way.</p>	<p>Matters of Discretion where Permitted Activity Standard(s) are not met</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. Height and sunlight access. 2. Setbacks. 3. Landscaping and screening. 4. Privacy effects. 5. The matters contained in the Medium and High Density Design Guide in Appendix 1. 6. Whether the building location, design, appearance, and scale is compatible in form and scale with the neighbourhood's planned built character. <p><u>For retirement villages, the matters of discretion under HRZ-R2(3)(a)(1)-(7) apply.</u></p>
HRZ-S4	<p>Building coverage</p> <p>1. The maximum building coverage on an allotment must not exceed 70% of the net site area.</p>	<p>Matters of Discretion where Permitted Activity Standard(s) are not met</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. Height and sunlight access. 2. Setbacks and coverage. 3. Landscaping and screening. 4. Privacy effects.

		<p>5. The matters contained in the Medium and High Density Design Guide in Appendix 1.</p> <p>6. Whether the building location, design, appearance, and scale is compatible in form and scale with the neighbourhood's planned built character.</p> <p><u>For retirement villages, the matters of discretion under HRZ-R2(3)(a)(1)-(7) apply.</u></p>
HRZ-S5	<p>Number of Residential units per site.</p> <p>1. There must be no more than 6 residential units per site.</p>	<p>Matters of Discretion where Permitted Activity Standard(s) are not met</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. Height and sunlight access. 2. Setbacks and coverage. 3. Landscaping and screening. 4. Privacy effects. 5. The matters contained in the Medium and High Density Design Guide in Appendix 1. 6. Whether the building location, design, appearance, and scale is compatible in form and scale with the neighbourhood's planned built character. <p><u>For retirement villages, the matters of discretion under HRZ-R2(3)(a)(1)-(7) apply.</u></p>
HRZ-R8	<p>Buildings within the High Density Residential Zone that exceed 20 metres in height.</p>	<p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. Height and sunlight access. 2. Effects on public spaces. 3. Setbacks and coverage. 4. Landscaping and screening.

		<p>5. Privacy effects.</p> <p>6. The matters contained in the Medium and High Density Design Guide in Appendix 1.</p> <p>7. Whether the building location, design, appearance, and scale is compatible in form and scale with the neighbourhood's planned built character.</p> <p><u>For retirement villages, the matters of discretion under HRZ-R2(3)(a)(1)-(7) apply.</u></p>
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APPENDIX C – SECTION 32AA EVALUATION

Section 32AA Evaluation

The s32AA evaluation is to be undertaken at a scale and degree that is commensurate with the anticipated effects of the amendments.

Having regard to Section 32AA, the following is noted:

<p>The specific provisions recommended to be amended are:</p> <ul style="list-style-type: none"> • Insert a new definition for 'retirement unit'; • Insert a new objective into the Strategic Direction objectives for Urban Form and Development (UFD-Ox Ageing population); • Insert four new policies into the General Residential and High Density Residential Zones (being the 'Provision of housing for an ageing population', 'Changing communities', 'Larger sites' and 'Role of density standards' policies); and • Insert three new policies into the Neighbourhood Centre, Local Centre, Mixed Use, Town Centre and City Centre Zones (being the 'Provision of housing for an ageing population', 'Larger Sites' and 'Role of density standards' policies). <p>'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.</p> <p>UFD-Ox Ageing population <u>Recognise and enable the housing and care needs of the ageing population.</u></p> <p>[Insert Zone]: Provision of housing for an ageing population</p>	<p>Effectiveness and Efficiency</p> <p>The recommended new definition, objective within the Strategic Direction chapter, policies within the General Residential and High Density Residential Zones and policies within the Neighbourhood Centre, Local Centre, Mixed Use, Town Centre and City Centre Zones fill a critical gap in the policy regime of the Intensification Planning Instrument (IPI) associated with actively providing support for the ageing population, and the provision for retirement villages, in the city of Upper Hutt.</p> <p>Including the retirement unit definition, the new objective and the four new policies is considered to suitably recognise the acute needs for the ageing population and will more appropriately achieve the efficient use of land and patterns of development which are compatible with the role, function and predominant planned character of each particular zone.</p> <p>Costs/Benefits</p> <p>The recommended amendments enable retirement village development to occur within the General Residential and High Density Residential Zones and the Neighbourhood Centre, Local Centre, Mixed Use, Town Centre and City Centre Zones in line with the direction of the NPS-UD and Enabling Housing Act. This will have benefit in encouraging residential redevelopment and intensification to support the outcomes expressed in both the IPI for the Upper Hutt City District Plan and the NPS-UD. In addition, the recommended amendments will encourage quality design</p>
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- 1 Provide for a diverse range of housing and care options that are suitable for the particular needs and characteristics of older persons in the [Insert Zone], such as retirement villages.
- 2 Recognise the functional and operational needs of retirement villages, including that they:
 - (a) May require greater density than the planned urban built character to enable efficient provision of services.
 - (b) Have unique layout and internal amenity needs to cater for the requirements of residents as they age.

[Insert Zone]: Larger sites

Recognise the intensification opportunities provided by larger sites within all residential zones by providing for more efficient use of those sites.

[Insert Zone]: 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.

[Insert Zone]: Role of density standards

Enable the density standards to be utilised as a baseline for the assessment of the effects of developments.

outcomes for retirement villages, provide additional population within residential zones and provide employment opportunities, thereby providing significant economic contributions to the city of Upper Hutt.

Risk of acting or not acting

I consider that the appropriateness of adopting the relief sought must be considered in the context of the direction set out in the higher order policy documents, and in particular the NPS-UD and the Housing Enabling Act, which provide a significant step change in meeting the needs of communities, including providing a variety of homes for a range of households.

The NPS-UD seeks to enable growth by requiring local authorities to provide development capacity to meet the demands of communities, address overly restrictive rules, and encourage quality, liveable urban environments. It also aims to provide growth that is strategically planned and results in vibrant urban areas. In my opinion, the relief sought by the RVA and Ryman will more greatly align with the outcomes expressed in the NPS-UD.

The risk of not acting and council not giving effect to the changes sought by the RVA and Ryman, is that intensification or redevelopment options are not taken up or are unnecessarily prevented from occurring.

APPENDIX D – URBAN DESIGN GUIDE

Examples of overly restrictive provisions/guidance in light of the permissive and enabling NPS-UD and Enabling House Act context and/or which are not applicable in the context of a retirement village development	
Urban Design Guide Residential	Comments
<p>Design Principal - Provide Amenity</p> <p>Contribute to creating positive living environments that enrich residents wellbeing</p>	<p>It is unclear how this design principle would be applied in the consenting process.</p>
<p>Site Layout</p> <p>Setback & Frontage</p> <p>1. Where possible, buildings should be orientated with the front of the dwelling(s) facing the street or public space.</p> <p>2. Where possible, dwellings should be configured so that there are habitable spaces located at the front of the building, with ground and upper storey windows or balconies providing an outlook that enables passive surveillance.</p>	<p>This guideline includes a diagram demonstrating how the guidance can be achieved. It is overly prescriptive and imposes greater restrictions than the MDRS. The guidance, particularly when combined with the diagram, will be open to interpretation by parties.</p>
<p>Access & Parking</p> <p>13. Multi-unit developments on large or deep sites should preferably be accessed from new streets and lanes, rather than long driveways. The frontage of dwellings along internal streets should be treated in a similar fashion to frontage onto a public street.</p> <p>14. Large building blocks should create pedestrian connections between streets where possible. A fine grained block pattern encourages more intensive</p>	<p>This guidance is overly restrictive and not suitable for the unique retirement village context, where the village is managed as an overall complex rather than having internal streets and lanes.</p>

<p>pedestrian use and enables the development of comfortable and sheltered public open spaces or walking routes.</p>	
<p>Outdoor Living (communal) open space</p> <p>17. Where possible, provide good direct access from primary habitable living spaces (such as lounge or dining areas) to private or communal outdoor spaces (or outlook in the case of upper floor apartments). This adds to internal amenity and sense of space and encourages the use of available outdoor areas.</p> <p>18. Consider using decks or balconies as outdoor living space where access to ground floor private open space is not possible. Taller developments are encouraged to consider use of the roof as communal outdoor open space, enabling increased access to available sunlight and views.</p> <p>22. The size of any communal space should correspond to the number of residents it is intended to serve, be equally accessible to use by all units. It should also encourage opportunities for social interactions between users by incorporating seating, barbecue, sporting or play equipment into the design.</p>	<p>The guidance is overly prescriptive and inconsistent with the MDRS. The guidance may not be suitable in the retirement village context. Retirement villages provide a broad mix of living options ranging from independent living units to care units so not all will have access to independent outdoor living spaces.</p>
<p>Stormwater Management</p> <p>23. Minimise the use of impermeable surfaces to manage and dispose of on-site stormwater. The use of permeable paving in locations such as parking spaces/areas is encouraged. 24. Where possible, consider the use of swales, green roofs or rain gardens to collect, treat or reduce stormwater.</p>	<p>Stormwater is not a requirement of the MDRS. In addition, retirement villages have lower stormwater requirements (per capita) compared to single residential developments, with stormwater attenuation developed on a case by case basis. The guidance provided is overly prescriptive.</p>
<p>Building Form & Design</p> <p>35. A varied roof form that is integrated with the design of the upper storey can further reduce the bulk and visual impact of the building and can provide a visually diverse building silhouette.</p>	<p>The guidance is overly prescriptive and inconsistent with the MDRS.</p>

<p>37. Increasing building height on corner sites emphasises the corner and creates a focal point, providing visual interest that supports legibility and wayfinding without unduly affecting adjacent buildings.</p>	
<p>Building Entrances & balconies</p> <p>38. Where there are multiple dwellings on a site consider subtle variation to entrances (e.g. colour, design), or enable occupants to personalise in order to differentiate units and increase legibility</p> <p>43. Provide screening where unit balconies adjoin to increase privacy.</p>	<p>The guidance is overly prescriptive and inconsistent with the MDRS. The guidance may not be suitable in the retirement village context.</p>
<p>Garages</p> <p>47. Garages and carports should be set back from the front façade of any dwelling to minimise visual dominance and increase visibility of main pedestrian entries. Designing garaging that is narrow and visually recessive can also help to reduce the extent to which it dominates the associated dwelling.</p>	<p>The guidance is overly prescriptive and not suitable for the unique retirement village context, where many residents do not require carparking or garaging.</p>
<p>Building Design & materials</p> <p>49. The design, type and location of the building on a site, as well as the choice of materials used, should recognise and reflect the level of intensification planned for the surrounding area. In relation to the surrounding environment, consideration should be given to:</p> <ul style="list-style-type: none"> a. setback from the street; b. scale and bulk; c. roofline; d. complementary materials and colours; 	<p>This guidance along with the diagrams is overly prescriptive and not in line with the MDRS.</p>

<p>e. planting; and f. presence of heritage.</p> <p>55. Rooflines can have a significant impact on the composition of a building and can provide variety and a sense of identity when applied to a row of dwellings. The roof form (pitched, flat or a combination) should complement the existing or emerging character of the surrounding area.</p>	
<p>Building Diversity</p> <p>57. Dwelling and unit sizes should be carefully considered and suit the context. Where possible, a range of dwelling or unit sizes should be considered (providing a variety in number of rooms or housing typologies) to cater for a variety of financial, demographic or accommodation needs.</p> <p>58. Consider developing buildings that are adaptable and that can be flexibly used or reconfigured over time without the need for major change.</p>	<p>Again these guidelines do not reflect the unique characteristics of retirement villages.</p>
<p>Amenity & Sustainability</p> <p>Landscape Treatment</p> <p>59. Where possible, existing mature and healthy vegetation should be retained and integrated into the site development.</p> <p>64. Use of hard landscape elements such as low walls, kerbs or raised beds is encouraged as these can provide protection to plants and, where integrated into the site design, can add to the visual amenity of outdoor spaces.</p>	<p>The guidance is overly prescriptive and inconsistent with the MDRS and does not reflect the unique requirement of a retirement village where landscaping is an integral component of the overall site development and specifically designed for the village and its location.</p>
<p>Sunlight access</p>	<p>The guidance and diagrams are overly prescriptive and inconsistent with the MDRS</p>

<p>66. Buildings that are relatively deep and narrow, or that have limited north facing frontage, benefit from larger floor-to-ceiling heights; where this occurs consider the use of taller windows to ensure deeper sunlight penetration.</p> <p>67. On narrow sites place balconies and windows in habitable spaces to the front or the rear of the building to allow for daylight access, outlook and privacy.</p>	
<p>Privacy and safety</p> <p>81. Clearly delineate boundaries between M H private, communal and public spaces as this increases user perceptions of safety and helps to identify intruders.</p> <p>80. Use soft landscape elements and visually permeable materials to achieve an appropriate balance between maintaining privacy and enabling passive surveillance.</p>	<p>This guidance is overly prescriptive particularly in relation to the unique characteristics of retirement villages.</p>