

**BEFORE INDEPENDENT HEARING COMMISSIONERS
AT UPPER HUTT**

**I MUA NGĀ KAİKŌMIHANA WHAKAWĀ MOTUHAKE
TE AWA KAIRANGI KI UTA**

**IN THE MATTER of the Resource Management Act 1991
AND
IN THE MATTER of the hearing of submissions on the Upper
Hutt City Council’s Intensification Planning
Instrument Plan Change**

**HEARING TOPIC: Upper Hutt City Council’s Intensification Planning
Instrument Plan Change**

**STATEMENT OF PRIMARY EVIDENCE OF ALICE JANE BLACKWELL
ON BEHALF OF KĀINGA ORA – HOMES AND COMMUNITIES**

PLANNING

14 APRIL 2023

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1. EXECUTIVE SUMMARY

- 1.1 My name is Alice Jane Blackwell, and I am Senior Planner at The Property Group Limited. I have been engaged by Kāinga Ora– Homes and Communities (“**Kāinga Ora**”) to provide evidence in support of its primary and further submissions to Upper Hutt City Council’s (“**the Council**”) Intensification Planning Instrument Plan Change (“**Upper Hutt IPI**” or “**IPI**”) to its Operative District Plan (“**District Plan**”).
- 1.2 My evidence addresses the strategic approach to spatial and regulatory planning taken by Kāinga Ora in the context of the National Policy Statement: Urban Development 2020 (updated May 2022) (“**NPS-UD**”) and Resource Management Act 1991 (“**RMA**”), as amended by the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (“**RMA-EHS**”), including residential intensification, relationship between centres and residential capacity enabled in the Upper Hutt context and seeking to achieve a measure of residential consistency where appropriate.
- 1.3 My evidence addresses:
- (a) areas where, in my opinion, the Kāinga Ora submission will achieve greater alignment with the National Planning Standards, including a separate standalone chapter in the District Plan for the High Density Residential Zone (“**HRZ**”) that the General Residential Zone (“**GRZ**”) is renamed the Medium Density Residential Zone (“**MRZ**”) and the Indigenous Biodiversity Precinct is instead provided for as an overlay;
 - (b) the spatial extent of centres and walkable catchments enabling residential intensification reflects the centres hierarchy and the greatest building height is enabled within close proximity to the City Centre Zone (“**CCZ**”);
 - (c) in relation to the residential zones, the zoning framework and amendments to the Height in Relation to Boundary (“**HIRB**”)

and site coverage standards to provide more flexibility to deliver intensification outcomes.

- (d) other amendments to the Residential and Commercial Zone provisions to better achieve the efficient and effective use of land and patterns of development which are compatible with the role, function and planned urban form; and
- (e) design guides as non-statutory tools and design outcomes are clearly articulated in policies and matters of discretion of relevant rules;

1.4 Recommended wording changes to the objectives, policies, rules and standards of the GRZ, are set out in **Appendix A** of my evidence. A section 32AA assessment as set out in **Appendix B** of my evidence I have prepared a HRZ chapter based on the Upper Hutt IPI and recommendations in my evidence at **Appendix C**.

1.5 Where relevant, my evidence refers to evidence and advice from:

- (a) Michael Cullen - Centres and Urban Economics;
- (b) Nicholas Rae – Urban Design; and
- (c) Gurvinderpal Singh – Corporate.

1.6 I note that Kāinga Ora sought, and were granted, an extension to the timeframe to lodge Mr Rae's expert evidence. While I have a good understanding of Mr Rae's position, I have not had the opportunity to review Mr Rae's written evidence in full prior to completion of my evidence. As such, I reserve the right to confirm my position as part of my oral presentation at the hearing once I have been able to review his evidence.

1.7 In my opinion, the proposed changes sought in the Kāinga Ora submission and discussed within my evidence, provide an efficient, enabling and user-friendly planning framework with greater alignment to regional and national direction than the notified IPI. I consider that, with respect to the changes sought by Kāinga Ora and supported in my

evidence, these changes will achieve the objectives of the NPS-UD and the purpose of the RMA.

2. INTRODUCTION

- 2.1 My name is Alice Jane Blackwell, and I am Senior Planner at The Property Group Limited. I have held this position since November 2019.
- 2.2 I hold the qualifications of a Bachelor of Arts in Geography and Economics and a Master of Regional and Resource Planning from the University of Otago. I have 14 years' experience in working with resource management and planning matters under the Resource Management Act 1991. I am an Intermediate member of the New Zealand Planning Institute.
- 2.3 I have worked for local and central government and in private consultancy. My experience includes the preparation and processing of applications for resource consents as well as policy and implementation advice on national direction under the RMA.
- 2.4 I worked at the Ministry for the Environment from 2010 to 2018 in teams focused on resource management practice and implementation of RMA national direction and resource management reforms. I worked for two years in the Resource Management Urban and Infrastructure Team where my focus was on monitoring the effectiveness of the National Policy Statement on Urban Development Capacity 2016 (NPS-UDC) and supporting councils with high-growth urban areas to effectively implement the NPS-UDC.
- 2.5 With respect to Upper Hutt, I worked as the Ministry for the Environment's Relationship Manager for councils in the Wellington Region, including Upper Hutt City Council. I also provided planning advice to Kāinga Ora – Homes and Communities (Kāinga Ora) on draft Plan Change 50 – Rural and Residential Chapters Review to the Upper Hutt District Plan.

Involvement with Kāinga Ora Submission

- 2.6 I have been engaged by Kāinga to provide planning advice and supporting evidence relating to the Upper Hutt IPI.
- 2.7 I am familiar with the various IPI plan review processes occurring simultaneously throughout the region as each council gives effect to national direction. In this regard, I have played a supporting role in preparing planning advice for Kāinga Ora on IPIs in the Wellington Region. I have also provided support in the preparation of the Kāinga Ora further submission on the Greater Wellington Regional Council's Regional Policy Statement Change 1.
- 2.8 My evidence is primarily in relation to the Residential and Commercial topics, with some recommendations in regard to the subdivision chapters.
- 2.9 I am familiar with the national, regional and district planning documents relevant to the Upper Hutt planning context.

Code of Conduct

- 2.10 Although this is a Council hearing, I confirm that I have read the Expert Witness Code of Conduct set out in the Environment Court's Practice Note 2023. I have complied with the Code of Conduct in preparing this evidence and agree to comply with it while giving evidence. My qualifications as an expert are set out above. Except where I state that I am relying on the evidence of another person, this written evidence is within my area of expertise.

Scope of Evidence

- 2.11 The scope of the Upper Hutt IPI is limited to incorporating the MDRS and NPS-UD intensification policies into the District Plan¹. The Council has prepared a s42A report to consider submissions and further submissions. I have read the Council's s42A report and s32 evaluation report.

¹ As outlined in section 80E of the RMA and page 4 of the section 32 Evaluation Report

- 2.12 My evidence will address the following matters:
- (a) The strategic approach to spatial planning taken by Kāinga Ora in the context of the NPS-UD and RMA
 - (b) Enabling Intensification – NPS-UD Policy 3(c) and Policy 3(d):
 - (i) intensification of at least 6-storeys within 800m of all Rapid Transit Stops within a relevant residential zone on the Upper Hutt commuter train network.
 - (ii) HRZ providing for six storeys (22m) within an 800m walkable catchment of the edge of the CCZ and building heights of 36m (10 storeys) within 400m
 - (iii) HRZ on the northern side of Fergusson Drive.
 - (c) For residential zones I recommend:
 - (i) A separate chapter for the GRZ and HRZ.
 - (ii) The General Residential Zone being renamed the Medium Density Residential Zone.
 - (iii) Amendments to the HIRB standard in the HRZ to provide design flexibility with a companion 50% site coverage standard.
 - (iv) The HRZ chapter of the IPI is redrafted (see **Appendix C**).
 - (v) Commercial Activities in the HRZ being Restricted Discretionary Activities subject to a 200m² floor area, restricted hours of operation, and being located on the ground floor of apartment buildings.
 - (d) For commercial and mixed use zones, I recommend:
 - (i) CCZ – retention of spatial extent of the zone from the Operative District Plan with two additional sites included.

- (ii) Local Centre Zone (“**LCZ**”) - small increases in the spatial extent at Trentham Train Station, Fergusson Drive (north of Nicolaus Street) and Wallaceville.
 - (iii) Silverstream Town Centre Zone (“**TCZ**”) – spatial expansion of the TCZ.
 - (iv) The Blue Mountains Campus LCZ at Wallaceville is rezoned to Mixed Use Zone (“**MUZ**”).
- (e) Design Guides are non-statutory tools to support the design outcomes articulated in the District Plan and policies contain clear design outcomes with associated rules including matters of discretion over design.
 - (f) New qualifying matters in relation to reverse sensitivity are not introduced to the Plan.
 - (g) Various amendments to rules and matters of discretion.
 - (h) Greater use of notification preclusion clauses.
 - (i) The minimum vacant lot size control within SUB-RES-R1 being removed, and the shape factor being adjusted to 8m x 15m.
 - (j) Replacing the Indigenous Biodiversity Precinct in the GRZ with an overlay in the ‘ECO’ chapter.
- 2.13 My recommended wording changes to the objectives, policies, rules and standards are set out in **Appendix A** of my evidence.
- 2.14 I have prepared a section 32AA assessment as set out in **Appendix B** of my evidence.
- 2.15 I have provided a set of standalone HRZ provisions at **Appendix C** of my evidence.

3. STATUTORY CONTEXT AND KĀINGA ORA STRATEGIC DIRECTION

- 3.1 As outlined in its original submission, and in the evidence of Mr Singh, Kāinga Ora sought changes to the Upper Hutt IPI to achieve a planning framework that successfully implements national direction under the RMA and meets the requirements of the RMA-EHS.
- 3.2 The Kāinga Ora submission sought amendments to the Upper Hutt IPI to ensure that development and intensification opportunities are appropriately enabled in locations which are close to public transport and/or employment opportunities and retail and community services. In this way, well-functioning environments are formed to provide for the whole communities social, economic and cultural well-being.
- 3.3 Key focus areas of the Kāinga Ora submission are:
- (a) the spatial extents of, and building heights proposed within a walkable catchment of the CCZ;
 - (b) the proposed amendments to zone provisions in the urban environment to meaningfully enable intensification; and
 - (c) the integration of design principles and outcomes into the guiding provisions to achieve a quality, liveable urban environment.
- 3.4 Kāinga Ora made submissions on all IPIs in the Wellington region. Kāinga Ora has provided detailed submissions to multiple IPI processes encouraging a regionally consistent approach to implementing the NPS-UD. I accept local context and communities will influence the way in which the requirements of the RMA-EHS and NPS-UD are implemented. Despite appropriate local variation, I consider a consistent region-wide approach to implementation of national direction under the RMA will make district plan provisions more understandable and accessible to plan users. I consider that the regional consistency lens, especially between Upper Hutt City and Hutt City, but also in the Wellington region in general, provided through the Kāinga Ora

submissions, encourages more effective implementation of the NPS-UD.

National Policy Statement on Urban Development 2020

- 3.5 I interpret the broad policy intent of the NPS-UD as enabling growth by directing local authorities to provide development capacity to meet the diverse needs of communities, preclude overly restrictive rules, and encourage a quality urban built form.
- 3.6 The relevant intensification policies of the NPS-UD (Policies 3 and 4) seek to enable intensification and provide for higher-density development in appropriate locations within existing tier 1 urban environments.
- 3.7 In my opinion enabling planning provisions for targeted (that is, within defined walkable catchments around centres and rapid transit stops) residential development and intensification is a critical component in achieving the urban form outcomes envisaged in the NPS-UD. I consider the NPS-UD directs a fundamental shift in spatial planning within New Zealand that will lead to transformational change in New Zealand's Tier 1 urban environments. Effective implementation of the NPS-UD will result in a shift away from greenfield development / urban expansion towards the redevelopment of brownfield areas within existing and established urban locations that are focused around centres and transport corridors.
- 3.8 In order for the NPS-UD to deliver on its objective of 'well-functioning urban environments', transformational change is also required in how people perceive intensification and infill development. On this matter, I draw attention to Policy 6(b) of the NPS-UD, which specifically recognises that changes will occur existing urban environments resulting from the greater enablement of development envisaged by the NPS-UD:

Policy 6:

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

3.9 I acknowledge that the Upper Hutt IPI proposes a notable shift with respect to the planned urban built form and consenting environment for residential development in the City. I also acknowledge that the resulting changes to the existing levels of residential amenity may change the amenity values appreciated by existing residents. However, the NPS-UD, in combination with the Resource Management Act², sets very clear and directive legislative requirements around both the application of the MDRS and the requirement for territorial authorities to give effect to the requirements of the NPS-UD.

3.10 I consider that acceptance of the relief sought in the Kāinga Ora submission, including where I recommended refinement within my evidence, will:

- (a) Encourage residential growth and development opportunities particularly in proximity to the primary centre (the CCZ) and along Fergusson Drive³;
- (b) Enable greater opportunities for communities to access amenities, goods and services and employment opportunities within their local neighbourhoods, particularly by providing for ground floor commercial activities in the HRZ; and

² As amended by the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (**EHS-Act**)

³ Classified as a "National Route" in the Operative District Plan roading hierarchy – Chapter 37

- (c) Provide a rule framework that minimises uncertainty for appropriate development while still providing for quality design outcomes through a framework that provides flexibility for development.

4. ENABLING INTENSIFICATION – NPS-UD POLICY 3(c) AND POLICY 3(d)

- 4.1 The NPS-UD requires intensification outcomes (of *at least* 6 storey buildings) within walkable catchments of the City Centre Zone (CCZ), Metropolitan Centre Zone (MCZ) and Rapid Transit Stops⁴. In lower order centres, Policy 3(d) of the NPS-UD requires building heights and densities of urban form commensurate with the level of commercial activity and community services.
- 4.2 Across New Zealand, Kāinga Ora has sought intensification based on walkable catchments from centres using a consistent set of principles. Consistent with the objectives and policies of the NPS-UD, Kāinga Ora submissions on IPIs across the Wellington Region sought intensification reflecting the role and function of centres. The walkable catchment methodology as it has been applied by Kāinga Ora in the Upper Hutt context is to be discussed in the evidence of Mr Rae.

Centres Commercial Hierarchy

- 4.3 In the case of the Upper Hutt IPI, four centre zones are proposed⁵ with the CBD of Upper Hutt being located within a City Centre Zone (**CCZ**). The National Planning Standards describe the CCZ as “the main centre for the district or region”⁶.
- 4.4 The Kāinga Ora submission supported the CCZ zoning and sought walkable catchments⁷ and levels of intensification reflecting this status, consistent with its national zoning principles. Kāinga Ora has subsequently reflected on the CCZ zoning in the context of the

⁴ NPS-UD Policy 3(c)

⁵ City Centre Zone (CCZ), Town Centre Zone (TCZ), Local Centre Zone (LCZ) and Neighbourhood Centre Zone (NCZ).

⁶ Ministry for the Environment, National Planning Standards, ‘Table 13: Zone names and descriptions’, page 37.

⁷ Submission point S58.2

Wellington Region and its submission on Proposed Change 1 to Wellington Regional Policy Statement⁸. Kāinga Ora is now of the view that Upper Hutt's CBD operates and has a role and function more commensurate with a Metropolitan Centre⁹ in the wider region, and as such, has sought similar intensification within a walkable catchment of the CCZ similar to that sought for other metropolitan zones in the region. I agree with this revised position and consider that it is appropriate for the residential intensification from the edge of from the CCZ¹⁰ to reflect the function of Upper Hutt's CBD operating as a Metropolitan Centre, to ensure consistency with the intensification outcomes sought elsewhere across the region.

- 4.5 For clarity, with the exception of the Blue Mountains Campus at Wallaceville, I note that Kāinga Ora is not pursuing the reclassification of centres to one that Kāinga Ora considers more appropriate within the regional context. Rather, Kāinga Ora seeks consistency in the degree to which residential intensification is enabled around these centres by applying a regional lens to the role and function that these centres operate within.
- 4.6 It follows therefore that Kāinga Ora has also refined its position in relation to the centre adjacent to the Trentham Train Station and agrees with the Council that the centre has a role and function more akin to a local centre (as opposed to the TCZ sought in its primary submission). While some spatial expansion of this centre continues to be sought, Kāinga Ora is no longer seeking the same degree of expansion that it considers would be required to support a town centre¹¹. Similarly, Kāinga Ora has refined its position on the scale of intensification that should be enabled around the centre of Silverstream. I note that Kāinga Ora is still seeking considerable spatial expansion of the Silverstream centre itself compared to that proposed in the IPI.

⁸ See submission point S158.025 to Proposed Change 1 to the Wellington Regional Policy Statement where Kāinga Ora seeks that Johnsonville, Kilbirnie, Upper Hutt Centre, Lower Hutt Centre, Petone, Porirua, Paraparaumu and Masterton are recognised as Metropolitan Centres.

⁹ Supported in the evidence of Michael Cullen.

¹⁰ NPD-UD Policy 3(c).

¹¹ Updated maps will be attached to Mr Rae's evidence.

- 4.7 I support the revised position of Kāinga Ora in relation to the centres hierarchy and that residential intensification should reflect the role and function of each centre in the centres hierarchy. From an economics and urban design perspective, I accept the evidence and advice of Mr Cullen Mr Rae respectively. I consider that the revised position of Kāinga Ora appropriately reflects the zone descriptions¹² as outlined in the National Planning Standards.
- 4.8 An updated set of maps outlining the changes sought by Kāinga Ora will be attached to Mr Rae's evidence.

Residential Intensification

- 4.9 I support the revised position of Kāinga Ora in relation to the role and function of centres in Upper Hutt and the associated residential intensification that hangs off these centres. In doing so, I note that this will achieve a more regionally consistent approach to enabling intensification in and around key centres in Upper Hutt City and alignment with how this has been applied across the region.
- 4.10 With regard to the spatial application of the HRZ to give effect to Policy 3(c) of the NPS-UD, it is unclear from my reading of the s32 report what methodology the Council has used to identify the walkable catchments, except that they are "*real-world walkability times based on approximate 10-minute walkable distance*"¹³. Ministry for the Environment guidance¹⁴ on walkable catchments indicates that an 800-metre walkable catchment is typically associated with a 10-minute walk.
- 4.11 I note that the s42A reporting officer commented in response to a submission from Waka Kotahi¹⁵ that the Upper Hutt IPI has "*taken a more refined approach than simply applying an arbitrary distance*"¹⁶ and considers that taking such an approach "*would result in some high density residential development being enabled within areas that are*

¹² National Planning Standards, "Table 13: Zone names and descriptions", page 37.

¹³ S32 report "Appendix A: Summary of Feedback Received from Consultation".

¹⁴ Ministry for the Environment, "Understanding and implementing intensification provisions for the National Policy Statement on Urban Development", page 20.

¹⁵ Waka Kotahi Submission Point S50.26

¹⁶ Paragraph 563 of s42 overview report.

less suitable due to their difficulty in reaching the City Centre Zone or rapid transit stops via walking”.

- 4.12 It remains unclear to me what methodology has been used to refine the walkable catchments, as discussed by s42A reporting officer, except that they tested these on Google Maps from a number of “random residential sites from the outer extent of the 1.2km catchment”¹⁷. I note that only three sites were included in the s42A officer’s testing, and no comment has been made on the nature of the walk in terms of amenities and topography. As outlined in the evidence of Mr Cullen, the walkability experience, in terms of passing local commercial activities and amenities, can increase the spatial extent of a walkable catchment.
- 4.13 I highlight the explicit terminology used in the NPD-UD, requiring *at least* 6 storeys within *at least* a walkable catchment of the MCZ and Rapid Transit Stops. In my opinion, the walkable catchments as proposed by Kāinga Ora, and as I understand will be discussed in the evidence of Mr Rae, deliver a more effective implementation of the outcomes sought by the NPS-UD than those proposed by the Upper Hutt IPI.
- 4.14 In summary, based on the advice of Mr Rae and evidence of Mr Cullen, I support the revised position of Kāinga Ora in relation to applying Policy 3 of the NPS-UD in the following respects:
- (a) City Centre Zone (CCZ), although applying walkable catchments based on MCZ principles:
 - (i) Fringe expansion to the CCZ (essentially retaining the existing CCZ from the Operative District Plan)
 - (ii) HRZ with a 36m Height Variation Control within 400m walkable catchment of CCZ
 - (iii) HRZ within an 800m walkable catchment of CCZ
 - (b) HRZ within 800m of Rapid Transit Stops
 - (c) HRZ across from Fergusson Drive LCZ (Trentham).

¹⁷ Section 42A Report Para. 566.

Enabling additional height in the HRZ

- 4.15 Based on the role and function that Kāinga Ora considers the Upper Hutt CBD to play regionally (i.e. a Metropolitan Centre) Kāinga Ora is seeking refined heights as follows:
- (a) 36 metre building heights delivered with a Height Variation Control in the HRZ within 400m of the CCZ; and
 - (b) 22 metre building height throughout the rest of the HRZ.
- 4.16 This revised position seeks a reduced level of intensification to that sought in the primary submission by Kāinga Ora. In relation to the 36 metre (10 storey) building height within 400m of the CCZ, I draw attention to the NPS-UD requirement for district plans to enable development of *at least* 6 storeys around City and Metropolitan Centres¹⁸. This is not a maximum, but a minimum, and the NPS-UD anticipates that additional building height may be appropriate.
- 4.17 The Upper Hutt IPI is proposing unlimited height in the CCZ and 20m height limits in the adjoining HRZ. Based on the advice of Mr Rae and evidence of Mr Cullen, I consider it appropriate to provide for a clearer transition in height from the CCZ to the HRZ, with the greatest intensification enabled closest to the city centre. I consider this is consistent with the intent of the NPS-UD.
- 4.18 In this regard, I support an increase in the height limit to the HRZ to 36m (10 storeys) within a moderate 400m walkable catchment of the Upper Hutt CCZ. In my opinion, it is appropriate that building heights transition from the unlimited heights within the city centre to an intermediate height of 36m, before integrating with the 22m sought by Kāinga Ora elsewhere throughout the HRZ.
- 4.19 Enabling building heights of approximately 10 storeys within a 400m catchment of these the Upper Hutt CBD provides for a clear 'stepping down' in the scale and intensity of the planned urban built form from the centre out to the residential environment.

¹⁸ NPS-UD Policy 3(c)

- 4.20 In relation to the HRZ underlying maximum building height, Kāinga Ora sought¹⁹ a building height of 22 metres, an increase from 20 metre proposed in the IPI.
- 4.21 Informed by the advice of Mr Rae, I acknowledge that a six storey building can be accommodated within 20 metres. However, as advised by Mr Rae, 20 metres does not provide the same level of flexibility to ensure a high quality design response. It also does not provide the same opportunities to facilitate a generous floor to ceiling height throughout the building, while also providing for resolution of rooftop elements. In my opinion, restricting the height to 20m in the HRZ could limit quality design and living outcomes that could be achieved in six storeys. Conversely, I consider that the 22m height limit proposed by Kāinga Ora facilitates a higher amenity-producing, generous 6 storey building and enables a well resolved roof form capable of incorporating rooftop plant.
- 4.22 I note that the IPI proposes a 26m²⁰ building height across the MUZ, TCZ and LCZ and, as advised by Mr Rae, there would be an appropriate transition from the corresponding centre to the HRZ. Taking more of a regional consistency lens, I note that Hutt City Council in its IPI Plan Change 56 has proposed a maximum building height of 22m for the High Density Residential Activity Area.²¹ I therefore consider it appropriate to apply a 22m height limit throughout the HRZ, to achieve regional consistency, and enable design flexibility.
- 4.23 For completeness, I note that the additional 18m height variation sought in the submissions by Kāinga Ora within the GRZ are no longer being pursued in Upper Hutt City, as it is considered the intensification enabled by implementing Policy 3(c) of the NPS-UD is adequate.

5. RESIDENTIAL ZONES

Plan useability and zoning framework

¹⁹ Submission points S58.159, S58.169 and S58.170

²⁰ LCZ-S1, MUZ-S1 and TCZ-S1 all provide for a 26m building height.

²¹ This is the equivalent of the HRZ zone in the Upper Hutt IPI.

- 5.1 The Upper Hutt IPI proposes HRZ provisions that are intertwined with the GRZ provisions of the District Plan. Under the Council's proposed framework, Plan users will be required to refer to both the HRZ provisions and the GRZ provisions, as well as the district wide provisions to understand the objectives, policies and rules that apply to a site in the HRZ. The submissions of Kāinga Ora²² sought a distinct or separate HRZ chapter, that is not reliant on cross-referencing back through to the GRZ rules and standards.
- 5.2 I support the Kāinga Ora submission in this respect and consider that the interconnected nature of the provisions, as proposed by Council, over-complicate the Plan and have the potential to confuse the outcomes sought in the HRZ with the outcomes sought in the GRZ. In my opinion, the HRZ should be contained in a separate chapter of the District Plan. To this end I have attached, at **Appendix C**, a complete set of HRZ provisions that do not rely on cross-references to the GRZ.
- 5.3 Kāinga Ora also sought²³ that the GRZ be renamed the Medium Density Residential Zone (MRZ), to reflect the planned urban built form of this residential environment. The s42A reporting officer rejected this request²⁴ on the basis that retaining the GRZ simplified the IPI and aided in Plan implementation, that the National Planning Standards did not require the GRZ to be renamed and that low density development is not precluded in the GRZ.
- 5.4 In my opinion, the GRZ should be renamed MRZ to better reflect the anticipated planned urban built form for the zone. I also consider that while the National Planning Standards do not require the re-naming of zones, they do direct naming conventions, order and descriptions for district plan chapters and zones, clearly providing a distinction between the GRZ and the MRZ, as outlined from the National Planning Standards below²⁵:

²² S58.138 and S58.152

²³ Submission point S58.7, S58.9, S58.16, S58.18 and S58.95.

²⁴ S42A report para 182, pg. 65.

²⁵ Table 123, National Planning Standards, pg. 36.

General residential zone: Areas used predominantly for residential activities with a mix of building types, and other compatible activities.

Medium density residential zone: Areas used predominantly for residential activities with moderate concentration and bulk of buildings, such as detached, semi-detached and terraced housing, low-rise apartments, and other compatible activities.

- 5.5 In my opinion, the outcomes sought in the GRZ zone as proposed in the Upper Hutt IPI are better aligned to the MRZ description and the zone should accordingly be renamed. Furthermore, I consider renaming the GRZ to MRZ will assist plan users who work across different cities and districts as the majority of territorial authorities in the Wellington Region have included the MDRS in a specific MRZ.²⁶

Height in Relation to Boundary and site coverage standards in the HRZ

- 5.6 In its submission²⁷ Kāinga Ora sought a more enabling HIRB standard of 19m + 60° within the first 22m²⁸ of the site to incentivise and provide for intensification in the HRZ. This would provide greater opportunity to achieve an enabled height of 6 storeys, consistent with the direction of the NPS-UD and the planned urban built form within the HRZ. The more enabling HIRB would encourage buildings to be located at the front of the site, leaving opportunity for more space and “openness” at the rear of the site. A second element of the HIRB sought by Kāinga Ora provides an 8m + 60° control for all other boundaries where they are located further than 22m from the site frontage. In addition, the control sought by Kāinga Ora includes a HIRB of 4m + 60°, consistent with the MDRS, to manage interface effects with the GRZ.

²⁶ Wellington City Council, Porirua City Council and Hutt City Council are all progressing IPIs with Medium Density Residential Zones. Kāpiti is proposing a single GRZ with intensification precincts enabling intensification.

²⁷ Submission Point S58.162

²⁸ The HRZ Chapter in Appendix C proposes the HIRB applies for the first 21.5m of the site, i.e. a 1.5m yard + 20m building, this is to achieve regional consistency with what has been sought elsewhere.

- 5.7 I support the above amendments sought by Kāinga Ora²⁹, insofar as they relate to application within the HRZ where the result will be 4 or more units, as I consider greater flexibility to the standard proposed in the IPI is required to enable a development outcome that is consistent with a high-density residential environment.
- 5.8 In my opinion, the HIRB that is proposed by Council³⁰ will have a restrictive effect in terms of the overall density and height achievable on a site and I do not consider this to be an effective means to 'enable' high density development. In my opinion, this is not an efficient form of land use in a zone located in areas with good access to key public transport routes, local service amenities and centres.
- 5.9 In this regard, I consider that HIRB controls traditionally manage a range of residential amenity considerations, including the level of solar access received by neighbouring properties in respect to a development. The HIRB can also increase the separation distance between buildings and neighbouring properties, helping to reduce privacy impacts from adjacent overlooking properties. The space provided by the HIRB can also contribute to a sense of openness. In my opinion, this is in itself an important component required for a medium density environment, for example to avoid an oppressive sense of enclosure to outdoor living space. However, I consider that this sense of "openness" is less important and should have less weight in locations where a greater level of intensification is specifically anticipated, such as in the HRZ. In my opinion, this is consistent with the direction provided for under Policy 6(b) of the NPS-UD.
- 5.10 I consider that an effective way to manage sun access in a high-density context is to ensure an appropriate building standard control applies, which encourages gaps between buildings through which the sunlight can penetrate. In this regard, I note that building coverage standard proposed in the IPI is 70% meaning that a building cannot be constructed across the entirety of the site, and development will also be

²⁹ Although I have recommended that the standard apply to the first 21.5m of the site (i.e. a 1.5m front yard + 20m building = 21.5m) rather than 22m as sought in the submission. This revision is to achieve consistency in how this has been applied elsewhere in the region.

³⁰ 5m + 60° standard

subject to meeting other density standards such as landscaping, open space, outlook controls and setback. In my opinion, the building coverage and HIRB standards work as companion standards to ensure that an appreciable notable degree of openness remains within the site. The approach sought by Kāinga Ora would incentivise the building of density at the front of the site next to the street, and to promote greater open space at the rear.

- 5.11 I understand Mr Rae has modelled the 19m + 60° HIRB standard within the first 22m of a site. Mr Rae's modelling shows that the Kāinga Ora HIRB, but subject to a 50% site coverage standard, would better enable the delivery of development of at least six storeys and encourage building bulk and outlook to the front of the site / street frontage, which assists in achieving a high-density urban built form. Mr Rae's model demonstrates the Kāinga Ora HIRB + 50% site coverage standard results in less shading outcomes than the IPI HIRB + 70% site coverage.
- 5.12 Kāinga Ora supports the HIRB as sought in its submission³¹ with a companion 50% site coverage standard. In my opinion, the alternative approach sought in the Kāinga Ora submission would encourage an urban streetscape in keeping with the more intensive built form outcomes anticipated in the HRZ, while better contributing to a well-functioning urban environment.
- 5.13 In my opinion, providing appropriate regulatory incentivisation in the form of enabling planning provisions for substantive development, is critical in achieving compact urban form outcomes that capitalise on the favourable location that existing urban areas have to established public transport, service amenities, employment and education opportunities. This also reduces the perception of 'risk' within the development community and in my experience can provide a greater level of confidence in approaching both infill and multi-unit style development.
- 5.14 I consider that the proposed revisions to the standards as proposed by Kāinga Ora are an effective option for achieving the objective of giving

³¹ Submission point S58.162 (19m + 60° for first 22m; 8m + 60° all other boundaries)

effect to Policy 3 of the NPS-UD while achieving quality built environment outcomes, including addressing issues relating to:

- (a) Enabling more intensive development where it achieves the planned urban built environment within the HRZ;
- (b) Providing for the amenity of residents on-site, and for people on adjoining sites and on the street.

5.15 I reflected these recommended changes in Rule HRZ:S2 and HRZ:S4 in **Appendix C** and prepared a section 32AA assessment of the proposed changes, as set out in **Appendix B** of my evidence.

Commercial Activities in the HRZ at the ground floor of apartment buildings

5.16 The submission by Kāinga Ora sought³² a new Restricted Discretionary Activity rule within the HRZ, to provide an enabling consent pathway for commercial activities located at the ground floor of apartment buildings. I support this submission point.

5.17 The HRZ planned urban built environment is anticipated to transition to one that has a far more intensive urban form. Mr Rae has advised that providing for a broad range of small-scale commercial offerings at the ground level of apartments within the anticipated HRZ urban context could result in the following benefits:

- (a) Commercial activity at the ground floor of apartments is an optimal way to avoid the privacy and amenity issues associated with residential at ground floor.
- (b) Commercial activities, scattered throughout the urban residential environment, can provide meeting locations for residents and others in the neighbourhood and can assist with live work opportunities and the supply of daily needs; and

³² Submission point S58.158

- (c) Activity at the street, as facilitated by small commercial tenancies, improves safety and surveillance, which improves walkability.
- 5.18 The evidence of Mr Cullen supports a rule enabling ground floor commercial activity and considers that this will provide a functional activation benefit and extend walkable catchments to centres.
- 5.19 I consider that the outcomes sought by the submission of Kāinga Ora enable a positive and vibrant urban living environment, which supports a walkable neighbourhood and provides for the health and wellbeing of the community.
- 5.20 I note that the Council's section 42A reporting officer has reservations³³ as to whether this matter sits beyond the scope of the Plan Change. I disagree, as I consider the relief sought will help to achieve a well-functioning urban environment.
- 5.21 The s42A reporting officer also raises concern about the application of the rule to apartment buildings where there is no definition of apartment buildings in the Operative District Plan or proposed through the IPI. While I do not agree that it is necessary to create a definition of 'apartment' in relation to this rule, I have supplied one for the benefit of the Panel, as a consequential change, if this is considered necessary. This recommended definition is based off that proposed by Porirua City Council within their IPI. I have included this definition of 'apartment' in **Appendix A** of my evidence.
- 5.22 The s42A reporting officer raises concerns in relation to reverse sensitivity issues between commercial activities and HRZ.
- 5.23 I consider that an additional rule, with an RDA threshold, which provides clear direction as to the scale of activity and setting in which it can operate, is appropriate in the HRZ, recognising the benefits such activities can bring.

³³ S42A report, para. 500, page 137.

- 5.24 The 'Commercial Activities' rule as proposed by Kāinga Ora includes appropriate operating limits, and in doing so it provides direction as to the scale of activity that is appropriate in this context. It also retains the ability for Council to assess the impact of the activity upon the community in which it is proposed to be located through the consent process. This response continues to recognise the benefits of appropriate non-residential activities in the HRZ that support place making.
- 5.25 I consider the Restricted Discretionary Activity status appropriate for suitably scaled commercial activities in the HRZ urban environment compared to automatically defaulting to a higher, Discretionary Activity status.
- 5.26 This rule is set out in **Appendix C** of my evidence.
- 5.27 I have prepared a section 32AA assessment as set out in **Appendix B** of my evidence.

6. COMMERCIAL AND MIXED-USE ZONES

An increase in the spatial extent of the City Centre Zone (CCZ)

- 6.1 In its submission, Kāinga Ora sought³⁴ to reverse the IPI's proposed reduction in the spatial extent of the CCZ. Kāinga Ora also sought two additional sites³⁵ be included in the CCZ, the first, a vacant site in the Industrial Zone of the Operative District Plan and the second, St Joseph's School, located in the GRZ of the Operative District Plan. The s42A reporting planner rejects these submission points. I note that if St Joseph's School remains in the HRZ, a more restrictive HIRB rule³⁶ will apply for CCZ sites on Royal Street, Main Street and Pine Ave.
- 6.2 In terms of the justification for retaining the spatial extent of the CCZ and including two additional sites, I refer to the evidence of Mr Rae and Mr Cullen as I understand these sites have been included largely for

³⁴ Submission point S58.374

³⁵ St Joseph's School, 1 Pine Ave, Upper Hutt (also includes 24-46 Royal Street) and site to the south east of King Street – Fergusson Drive intersection (Lot 1 DP 15851)

urban form and functionality of the CCZ. I see no planning reason not to accept their positions. I consider that the expansion of the CCZ is small in the context of the size of the overall CCZ.

- 6.3 The S42A reporting officer raises concerns about consultation with rezoning residential zoned land to CCZ. I note that none of the spatial expansion to the CCZ sought by Kāinga Ora (relative to current Operative District Plan zoning) is occupied by a residential activity.
- 6.4 I also note that while the NPS-UD does not explicitly require centres to be enlarged, Objective 3 requires district plans to enable more people to live in, and more businesses and community services to be located in an area that is in or near a centre. It is appropriate, therefore, that a centre can be enlarged or greater residential intensification enabled to ensure the district plan is providing for more people to live and work in and around centres.
- 6.5 In my opinion, the NPS-UD requires an analytical approach into the role and function of each centre in a well-functioning urban environment. This analysis must be undertaken in the context of planned urban built form that the NPS-UD requires both now and into the future. In my opinion, this is the analysis that has been undertaken by Mr Rae and Mr Cullen.
- 6.6 I also note that the HBA referenced by the s42A reporting officer was undertaken in 2019 and has not taken account of any of the residential intensification provided for by the proposed Upper Hutt IPI.
- 6.7 Based on the evidence of Mr Cullen and the advice of Mr Rae, I support the submission of Kāinga Ora to retain the existing (operative) spatial extent of the CCZ with a slight extension to incorporate a further two additional sites as discussed above.

The Blue Mountains Campus at Wallaceville – rezone from Local Centre Zone to Mixed Use Zone.

- 6.8 The Blue Mountains Campus is a business park designed to meet the Wellington region's growing demand for flexible, resilient office and

commercial opportunities outside the CBD³⁷. Kāinga Ora sought³⁸ the “Blue Mountains Campus” be zoned as the MUZ rather than LCZ.

- 6.9 The s42A reporting officer rejected this submission point from Kāinga Ora on the basis that this request is at odds with the position of the owner of the site who requested an extension of the LCZ into the HRZ portion of the site and because the owner has not been consulted about this potential zoning change.
- 6.10 I note that neither the submitter nor the S42A reporting officer discuss whether the MUZ³⁹ is a suitable zone for their site, and in my opinion, a MUZ better reflects the intended use of the site as a business park. As described in the National Planning Standards⁴⁰, a LCZ is suited to commercial activities servicing the residential catchment it serves.
- Local Centre Zones
- 6.11 The description of a LCZ in the IPI identifies that “office activities...are not anticipated in this zone but encouraged to establish in more appropriate location such as the Mixed Use Zone”⁴¹
- 6.12 Activities within a MUZ are not necessarily related to servicing the needs of the *local community*, but instead provide for a “wide range of activities”⁴². I note that the rules in the MUZ anticipate larger scale Commercial Service Activities of up to 500m² and Office Activities of 250m² when compared to the 250m² and 150m² respectively provided in the LCZ.
- 6.13 I also note that a key reason for the submitter’s request to extend the LCZ was that the proposed HRZ “*provides for residential development, but its provisions are not designed to facilitate non-residential development. Any non-residential activity is a discretionary activity.*”⁴³

³⁷ www.willisbond.co.nz/blue-mountains-campus

³⁸ Submission point S58.275

³⁹ National Planning Standards Mixed Use Zone description: Areas used predominantly for a compatible mixture of residential, commercial, light industrial, recreational and/or community activities.

⁴⁰ National Planning Standards Local Centre Zone description: Areas used predominantly for a range of commercial and community activities that service the needs of the residential catchment.

⁴¹ See Local Centre Zone description of the IPI, page 227 of the s42A, Appendix 2.

⁴² See Mixed Use Zone Description of the IPI, page 255 of s42A Appendix 2.

⁴³ Blue Mountains Campus Development Limited Partnership, Page 4 of submission (Submission No. 46)

Commercial activities provided for as a restricted discretionary activity in the HRZ are discussed in paragraphs 5.16-5.20 of my evidence.

- 6.14 I agree with the submission of Kāinga Ora and I consider that the Blue Mountains Campus Site is better suited to a MUZ rather than the LCZ proposed in the IPI. I consider that appropriately signalling the intended future use of the site through applying the most appropriate zoning will better achieve a well-functioning urban environment.
- 6.15 Finally, I note that a separate Wallaceville LCZ is proposed in the IPI approximately 250m⁴⁴ of the Blue Mountains Campus, on the northern side of the existing railway tracks. This separate Wallaceville LCZ reflects the existing cluster of local shops that more typically reflects activities in a LCZ throughout Upper Hutt, such as and amenities that serve the existing residential catchment.

7. DESIGN OUTCOMES

- 7.1 Kāinga Ora made several submission points that have sought to clarify the role and status of design guides in the District Plan⁴⁵. These submission points are consistent with the approach Kāinga Ora takes on this issue both nationally and regionally.
- 7.2 Kāinga Ora agrees that high quality design is important to successfully achieve a well-functioning urban environment, and to support walkable living environments. I agree that high quality design is important and that design is a matter that should be considered when considering resource consent applications under the RMA. However, there are different ways to ensure that appropriate design matters are considered when assessing resource consents.
- 7.3 I support the use of design guidance. However, it is my opinion that the status and role of such guidance needs to be clear. In my view it is

⁴⁴ Approximately 100m to the north if the Panel accept the spatial expansion sought to the LCZ at Wallaceville.

⁴⁵ Submission points S58.4, S58.96, S58.123, S58.126, S58.129, s58.131, S58.150, S58.160, S58.163, S58.165, S58.167, S58.171, S58.381, S58.384, S58.385, S58.395, S58.400, S58.407, S58.408, S58.413, S58.415, S58.426 and S58.427.

inappropriate to require *consistency*⁴⁶ with a Design Guide as a matter for consideration as part of district plan policies or rules.

- 7.4 In my opinion, the outcomes required to achieve high quality urban environment should be clearly expressed directly within the provisions of the District Plan. I consider that this is the most efficient way to clearly convey expected design outcomes, which can then be reconciled with the planned urban form of the zone. It also reduces complexity of plan implementation by having the critical outcomes expressed within the single document.
- 7.5 In this regard, I have recommended that the key design outcomes be articulated directly in policies⁴⁷ and strengthened through the matters of discretion within the relevant rules⁴⁸. The design outcomes, as expressed through the policies, have been informed by discussions with Mr Rae and evidence that he has submitted in support of submissions from Kāinga Ora across the Wellington Region.
- 7.6 In considering whether there is specific direction in higher order documents on this issue, I note that Policy 67(a) of Plan Change 1 to the Wellington Regional Policy Statement (RPS) supports non-regulatory measures such as urban design guidance to contribute to the qualities and characteristics of a well-functioning urban environment. This is consistent with the operative RPS, which also anticipates design guidance to be a non-regulatory method.
- 7.7 Policy 54 to the RPS requires district plans to have particular regard to achieving the region's urban design principles, as set out in Appendix Two to the RPS. Policy 54 is part of a suite of policies intended to implement RPS Objective 22 (compact well designed and sustainable regional form). In my opinion, the proposed amendments to the policies and matters of discretion directing design outcomes give full effect to this.

⁴⁶ See Policies HRZ-P6, CCZ-P2, CCZ-P4, CCZ-P5, YFD-P1

⁴⁷ For residential zone see Appendix A - MRZ-P12

⁴⁸ For residential zone see Appendix A – R11 Buildings

- 7.8 Ultimately, if there are critical outcomes that the Design Guidelines are trying to achieve, then these matters should be referred to in the guiding provisions in the District Plan. The extent to which a proposal then achieves those outcomes can be measured against the Design Guideline itself, in reference to the relevant matters of discretion. This approach also ensures that key built form and amenity outcomes being sought within the zones are clearly identified rather than being embedded within a lengthy design guide.
- 7.9 In my opinion, this approach ensures that the matters for discretion required under section 77B(4) of the RMA are clearly set-out and provides clarity and certainty for plan users, rather than elevating an entire design 'guide' as a matter of discretion.
- 7.10 From a practice and implementation perspective, I have experience applying statutory design guides to development proposals, particularly in Wellington City. In my experience, while the statutory guidance at Wellington City is without question beneficial, it is also complex and plan users are often not clear on what design principles would be acceptable to the Council decision makers.
- 7.11 A further benefit of having design guidance outside the plan is that refinements to design guidance can be made where monitoring of the effectiveness of design outcomes demonstrates some shortcomings "on-the-ground". In this regard, the ability to update guidance in an agile and efficient manner to ensure it can respond to emerging design based issues is, in my opinion, a clear benefit when considered against the potential scale of change that will be enabled across the urban environment of Tier 1 plans.
- 7.12 Were the Commissioners minded to retain design guides as part of the statutory plan, as recommended with the section 42A report, I am of the view that any reference to development design being *consistent* with the Design Guide should be reframed to one that fulfils the intent of the Design Guide. In my experience, terms such as "consistent" have the effect of reducing the intended flexibility of the guide to one that is more akin to a compliance criterion.

- 7.13 Notwithstanding the above, I remain of the view the design guides are better placed as a tool in the assessment of matters of discretion associated with development within the residential and commercial zones.
- 7.14 I have recommended a number of amendments to the policies in **Appendix A** and **Appendix C** of my evidence to reflect the Kāinga Ora position, as informed by the advice of Mr Rae. I have also recommended amendments to the relevant rule-based matters of discretion, to more clearly articulate the outcomes being sought.
- 7.15 I have prepared a section 32AA assessment as set out in **Appendix B** of my evidence.
- 7.16 In my opinion, this is a more efficient and effective way to achieve quality outcomes and a well-functioning urban environment than those proposed within the Upper Hutt IPI.

8. QUALIFYING MATTERS – REVERSE SENSITIVITY

- 8.1 I agree with the findings of the s 42A reporting officer, which recommends rejecting relief sought in submissions by Waka Kotahi and KiwiRail that seek the introduction of new qualifying matters with associated provisions and controls to manage reverse sensitivity effects upon the state highway and rail corridor.
- 8.2 Reverse sensitivity relates to the potential for an incoming activity (e.g. residential) to be sensitive to effects generated by an existing activity (e.g. the network) and for that sensitivity to generate pressure on the existing activity to curtail or limit its operations. The presence of adverse effects on neighbours does not necessarily produce compromise the operation of the existing lawfully established activity that generates the effects.
- 8.3 Consistent with its nationwide response in relation to this matter, Kāinga Ora says that there is no evidence to demonstrate that there are reverse sensitivity effects occurring on the state highway and rail networks. No

evidence has been presented in submissions to-date that demonstrates the manifestation of reverse sensitivity effects on these networks. Accordingly, I consider specific reference to managing design and location of sensitive activities in proximity to the State Highways and Rail Corridor to be unnecessary.

- 8.4 It is important to ensure restrictions on neighbouring noise sensitive activities should be no more stringent than necessary, otherwise there is a risk of unnecessary costs imposed on developers (and current and future home or business owners) and a risk that land is not developed efficiently to its full potential.
- 8.5 I support the s42A reporting planner's recommendation that if any additional controls are considered necessary to manage such effects, that these should be considered through a standard Schedule 1 RMA process, where the evidence can be appropriately tested.
- 8.6 For completeness, I acknowledge that Policy 8 of the RPS requires that district plans include policies and rules that protect regionally significant infrastructure from incompatible new subdivision, use and development occurring under, over, or adjacent to the infrastructure. I agree with the s42A reporting officer that the existing provisions within the Network Utility chapter of the operative District Plan (NU-O1 and NU-P3) adequately give effect to the RPS.
- 8.7 Based on the above, I also disagree with the changes recommended within the s42A report to SUB-HRZ-P2, which seeks to introduce consideration of reverse sensitivity effects, in part in response to submissions by KiwiRail.
- 8.8 In addition to the matters discussed above, I also note that I do not support the 5m setback sought by KiwiRail (S43.13), and therefore agree with the s42A reporting planner's recommendation to reject this relief.

9. RULES AND MATTERS OF DISCRETION

9.1 As noted above, within the GRZ and HRZ chapters, the Kāinga Ora submission sought changes to promote design quality through a mixture of new policy direction, and alternative matters of discretion. Those changes are included in **Appendix A** and **Appendix C** to my evidence.

Reverse sensitivity as a matter of discretion in HRZ and GRZ

9.2 The s42A reporting officer has accepted submission points from The Fuel Companies⁴⁹ and has recommended including “reverse sensitivity” as a matter of discretion for rules in both the GRZ and HRZ⁵⁰.

9.3 I support the further submissions of Kāinga Ora opposing this, and do not consider it appropriate or necessary to introduce “reverse sensitivity” as a blanket matter of discretion for applications requiring consent for buildings or residential units in the residential zones. I accept that this matter of discretion (with associated policies and standards to manage the effects) may be appropriate in a commercial zone context where a range of commercial activities operate and could be impacted by the introduction of more sensitive land uses. However, I do not consider it necessary to introduce this as a matter of discretion in a residential environment, where residential activities are the primary land use activity anticipated.

9.4 I consider that delivery of housing in the HRZ should take primacy over protecting existing land uses in the zone, noting that lawfully established land uses can continue to operate under existing use rights⁵¹.

9.5 For completeness, I note that I support the commercial activity rule proposed by Kāinga Ora, which seeks to manage effects of these non-residential activities upon the surrounding residential environment in the HRZ through the proposed rule framework (limiting hours of operation and floor area) .

⁴⁹ Submission No. 33

⁵⁰ GRZ-R11, GRZ-R12, GRZ-R12A, GRZ-R12B, HRZ-S2, HRZ-S3, HRZ-S4 and HRZ-S5.

⁵¹ Pursuant to s10 of the RMA.

GRZ and HRZ Bulk and Location – Matters of Discretion

- 9.6 Kāinga Ora sought amendments to the matters of discretion within the residential bulk and location rules in the GRZ and HRZ provisions chapters.⁵² Specifically, Kāinga Ora sought the removal of reference to “the matters contained in the Medium and High Density Design Guide” throughout the matters of discretion. I support the changes sought by Kāinga Ora for the reasons outlined in paragraphs 7.1 to 7.11 of my evidence.
- 9.7 I consider it is unnecessary to explicitly state “cumulative effects” as a matter of discretion under a rule as, by definition, cumulative effects are included in the definition of effect in the RMA and are therefore within the scope of what can be considered when assessing the effects of a proposal. If there is a particular cumulative effect the Council is concerned about, then this issue should be clearly articulated.
- 9.8 I have recommended further refinements to the rules and matters of discretion, beyond what was specifically sought in the submissions by Kāinga Ora, which I consider results in a more legible, and therefore effective and efficient rule framework.
- 9.9 The proposed IPI includes, as a matter of discretion, “the matters contained in the Code of Practice for Civil Engineering Works”. I have viewed this Code of Practice on the Council’s website and note that it was last revised in July 1998. I consider that incorporating documents by reference in district plans is problematic, not only because some documents are not always easily accessible, but also because they get out of date, and updating them requires a plan change process. The section 42A reporting officer recommends rejecting this submission point from Kāinga Ora on the basis that the revised wording overlooks other matters⁵³ contained with the Code of Practice for Civil Engineering Works. In my opinion, many of these matters are covered

⁵² 206.81, 206.88, 206.93, 206.97, 206.103, 206.106, 206.107, 206.109, 206.111, 206.165, 206.166, 206.168, 206.173, 206.177, 206.181, 206.186, 206.187, 206.190, 206.193, 206.195, 206.197.

⁵³ From s42A para 264(e), page 80 - such as the provision of electrical power, gas, telecommunications and information cabling, land transport, earthworks, street scape, traffic services and road signage, land clearance and associated works)

elsewhere in the district plan and this reinforces the point that matters of discretion should be specific to the effects of the infringed standard.

- 9.10 For these reasons, I prefer the revised matters of discretion as outlined in **Appendix A** and **Appendix C** of my evidence.

Three household units as a permitted activity

- 9.11 The UHCC IPI proposed six units as a permitted activity in the HRZ. Kāinga Ora supported this standard. In my opinion, as urban areas realise the intensification enabled through the IPI, urban design matters will be an important component of delivering a well-functioning urban environment. I consider this threshold should align to the MDRS permitted level of 3 residential units per site, including in the HRZ. This three unit permitted threshold is reflected in **Appendix C** of my evidence.

- 9.12 The changes recommended above have been provided in **Appendix A** and **Appendix C**.

- 9.13 I have prepared a section 32AA assessment as set out in **Appendix B** of my evidence.

10. NOTIFICATION PRECLUSIONS

- 10.1 Through its submission, Kāinga Ora sought a number of notification preclusions in both the commercial⁵⁴ and residential zones.

Residential zones notification preclusions

- 10.2 In the residential zones, I support the submission of Kāinga Ora seeking a preclusion for public notification for the construction of buildings that do not comply with the following standards:

- (a) General Residential Zone: GRZ-S4 – Setbacks and GRZ-S8 – Height in relation to boundary.

⁵⁴ S58.396 – Rule CCZ-R6: residential activities (where compliance is not achieved with location of residential units (CCZ-S3) and the noise and ventilation permitted standard (CCZ-S5);

- (b) High Density Residential Zone: HRZ-S3 – Height in Relation to Boundary and HRZ-S5 – Number of residential units per site.
- 10.3 In my opinion, infringements in relation to setbacks and HIRB rules result in localised effects that do not warrant public notification.
- 10.4 The s42A reporting officer has recommended public notification is precluded when only one of either “HRZ-S2 Height In Relation to Boundary” or “HRZ-S5 Number of Residential Units per site” is infringed, but not in instances where both standards are infringed. In my opinion, public notification preclusions should apply when either, or both, of these standards are infringed.
- 10.5 Regarding the number of units on a site, without a public notification preclusion, resource consent applicants are likely to treat the six unit⁵⁵ permitted threshold as a maximum number of units, thereby acting as a disincentive to intensify a site beyond this level. In my experience, applicants often design proposals to avoid notification risks. This could ultimately lead to lower development capacity being realised compromising the delivery of planned urban built form outcomes envisioned for the HRZ.
- 10.6 I support the relief sought in the Kāinga Ora submission regarding the preclusion of limited notification where there is non-compliance with the following notified IPI standards that manage onsite amenity, streetscape controls or number of units on a site:
- i. GRZ-S5 - Outdoor living space (per residential unit),
 - ii. GRZ-S14 - Outlook space (per residential unit),
 - iii. GRZ-S15 - Windows to street,
 - iv. GRZ-S16 - Landscaped area.
 - v. HRZ-S5 – Number of residential units per site.

⁵⁵ Noting that my Appendix C proposes only 3 units as a permitted activity.

- 10.7 The s42A reporting officer rejected the submission points of Kāinga Ora on the basis that a notification preclusion is not required by the MDRS nor Policy 6 of the NPS-UD and because there could be potential effects on neighbouring properties⁵⁶. I accept this could be the case for the standard managing hydraulic neutrality (i.e. stormwater and flood management), but disagree with the reporting officer on the remaining standards. The assessment for any breach to the standards outlined above will be specific to onsite amenity and streetscape considerations. In my opinion, building activities which breach these standards do not require input from neighbours and the acceptability of proposals that do not comply with these standards can be appropriately assessed by Council officers.
- 10.8 My assessment in relation to public notification (paragraph 10.5 above) regarding the number of units in the HRZ is equally applicable to limited notification.
- 10.9 When looking more holistically, residential development proposals often trigger consent in relation to a range of matters (for example the number of units, open space, earthworks, and accessway infringements). Where a proposal breaches any rule that does not include a non-notification clause, then the whole proposal is subjected to an assessment of affected parties.
- 10.10 This assessment is not confined to matters that do not benefit from a notification preclusion. Without the inclusion of a limited notification preclusion, a cursory non-compliance with landscaping or windows to the street would have the effect of removing any notification preclusion that may have otherwise applied for the purpose of limited notification – such as that which applies under IPI GRZ-R12A (construction of 4+ residential units).
- 10.11 I recommend amendments to the notification preclusions and consider that without these amendments, simple non-compliances would have the effect of nullifying notification preclusions for consents that should otherwise appropriately benefit from this tool.

⁵⁶ S42A report para. 269(a)-(e)

- 10.12 Putting this into context, I agree that the notification preclusion tool requires careful use to ensure parties are not inappropriately disadvantaged. However, in my opinion the current framework for the use of this tool in the GRZ and HRZ chapters do not strike the right balance between ensuring effects are appropriately considered upon potentially affected parties, while meaningfully enabling development and streamlining the resource consent process. I agree that any infringements to development controls that manage off-site effects upon neighbours (e.g. height, building coverage, height in relation to boundary, and side/rear setbacks) should be subject to the normal assessment of affected parties. Conversely, where infringements relate to development controls managing design outcomes or onsite amenity, it is my opinion that these should be precluded from limited notification.

Commercial zones notification preclusions

- 10.13 Kāinga Ora sought notification preclusions in rules in the commercial zones of the Upper Hutt IPI. I support these submission points⁵⁷ as they relate to the location of residential units above the ground floor, outdoor living space and landscaping requirements. I accept that limited notification may be warranted where proposals do not comply with the noise and ventilation requirements prescribed in the Plan.
- 10.14 In my opinion, non-compliance with matters that relate to onsite amenity and the number of residential units would not warrant public or limited notification of a resource consent application. These are matters, in my view, where the Council officer assessing the application can assess the proposal on its merits and determine whether the proposal is acceptable, based on the standards and urban form outcomes anticipated in the relevant zone.

⁵⁷ Submission points S58.396 (CCZ - Residential Activity), S58.339 (TCZ-S1 Height, TCZ – S4 – Active Frontages, TCZ-S9 - Water Supply, Stormwater and Wastewater and TCZ-S10 - Hydraulic Neutrality), S58.349 (Visitor Accommodation), S58.350 (TCZ-S5 Location of Residential Units, TCZ – S6 Noise and Ventilation, TCZ-S7 Outdoor Living), S58.239 (LCZ-S4 Active Frontage, LCZ-S9 Water Supply, Stormwater and Wastewater, LCZ-S10 Hydraulic Neutrality), S58.186 (S1 – Height, NCZ – S4 Active Frontages, NCZ-S9 Water Supply, Stormwater and Wastewater), S58.290 (MUZ-S1 – Height, MUZ-S7 - Water Supply, Stormwater, and Wastewater and MUZ-S8 - Hydraulic Neutrality)

Subdivision notification preclusions

- 10.15 In addition to the above, Kāinga Ora also sought the inclusion of non-notification preclusion statements for all controlled and discretionary restricted subdivisions across both residential and commercial zones. I agree with the relief sought by Kāinga Ora and consider that, in relation to residential zones, this is consistent with the outcome of Clause 5(3) of Schedule 3A of the RMA.
- 10.16 I note that while s95A(5)(b) provides for preclusion of Controlled Activity resource consents (both land use and subdivision) but s95B(6)(b) does not automatically preclude limited notification for Controlled Activity subdivision consents.
- 10.17 In relation to Restricted Discretionary subdivisions, in my experience determining subdivision applications requires assessments from technical experts, in relation to matters such as roading and engineering. Due to the technical nature of these assessments, public participation by way of limited or public notification is unlikely to add anything to the consideration of the effects of these breaches.
- 10.18 I therefore consider that a notification preclusion clause is appropriate as it relates to Controlled and Restricted Discretionary Activity subdivisions in the residential and commercial zones of the plan.
- 10.19 The changes recommended in relation to the residential zones have been provided in **Appendix A** and **Appendix C** of my evidence.
- 10.20 I have prepared a section 32AA assessment as set out in **Appendix B** of my evidence.

11. SUBDIVISION

Minimum vacant allotment size replaced with a shape factor

- 11.1 The submission⁵⁸ by Kāinga Ora sought to remove the proposed minimum vacant lot size in the general residential zone⁵⁹ leaving the shape factor to be the sole controlling factor. The s42A report recommends that this submission point be rejected. With regard to removal of the minimum vacant lot size, the s42A report rejected this on the basis that it may result in the creation of vacant allotments that are not of sufficient size to accommodate an appropriately sized residential unit.
- 11.2 The changes brought about by the RMA-EHS requires that density reflects the minimum required to accommodate the level of development permitted under the MDRS. While the density standards provide for 3 residential units per site, it is considered that the anticipated outcome of the RMA-EHS is that any minimum lot size, shape size or other size-related subdivision requirement must be able to accommodate a single “typical” dwelling in compliance with the MDRS. Any size related subdivision requirement must therefore reflect the minimum lot size required to accommodate the level of development permitted under the MDRS. I therefore consider it inappropriate and unnecessary to require a shape or size-related subdivision requirement in excess of that minimum.
- 11.3 The proposed rule framework for subdivision of a residential site requires a minimum vacant lot size of 400m² (or 450m² for corner sites) and 300m², the GRZ and HRZ respectively. A shape factor of 12m also applies in the GRZ. The minimum lot size is based on the net area after the removal of any yards, access allotments, easements and drainage infrastructure.
- 11.4 Recognising the s42A reporting officer’s concerns that the removal of the minimum lot size may lead to the creation of vacant allotments that are not of a sufficient size to accommodate an appropriately sized unit, I have considered whether the 8m x 15m sought by Kāinga Ora would result in this outcome. In this process, I have noted that architectural

⁵⁸ Submission point S58.54

⁵⁹ SUB-RES-R1 requires 400m² for front and rear allotments and 450m² for corner site, plus a 12m shape factor; SUB-HRZ-R2 provides for subdivisions creating one or more vacant allotments of 300m² to be Controlled Activities.

testing (by Tauranga City Council⁶⁰), has recently been undertaken on an 8m x 15m shape factor. This testing concluded that this dimension will be capable of accommodating a dwelling in compliance with the MDRS of building height, height in relation to boundary, setbacks, building coverage, outdoor living space, outlook space, windows to street and landscaping.

- 11.5 While the density standards provide sufficient building height to enable a three storey building to be constructed on a permitted basis, a more realistic approach was taken in the aforementioned testing to determine what constitutes a “typical” dwelling under the MDRS. The 8m x 15m shape factor enables a two storey, two bedroom/bathroom dwelling of 94m² to be built on a 120m² site. This rationale recognises the majority of existing housing in suburban residential areas is free standing, with three or more bedrooms. The architectural testing does not incorporate any onsite car parking.
- 11.6 Having satisfied myself that the 8m x 15m shape factor can accommodate a “typical” dwelling in compliance with the MDRS, I consider that the 8m x 15m rectangle is the most appropriate to accommodate the site development and there is no need for further minimum size control. I note that the shape factor needs to be unhindered by constraints dedicated to other purposes such as access or services. In my opinion, the application of an 8m x 15m shape factor alone is sufficient to ensure vacant lots created through subdivision are usable, and support the integrated, liveable and sustainable communities envisaged by the policy framework.
- 11.7 I therefore support the submissions of Kāinga Ora with regard to the removal of the minimum lot size control for vacant allotments and amendment of the shape factor to 8m x 15m.
- 11.8 I have prepared a section 32AA assessment as set out in **Appendix B** of my evidence.

⁶⁰ [s32-eval-report-vol8.pdf \(tauranga.govt.nz\) – see appendix 5](#)

12. INDIGENOUS BIODIVERSITY PRECINCT REPLACED WITH AN OVERLAY IN ECOSYSTEMS AND INDIGENOUS BIODIVERSITY CHAPTER

12.1 Kāinga Ora sought through its submission that the Indigenous Biodiversity Precinct is renamed and provided for as an overlay in the Ecosystems and Indigenous Biodiversity chapter of the Upper Hutt District Plan.

12.2 The National Planning Standards provides the following descriptions (with my emphasis added) of an overlay and precinct⁶¹:

Overlay: An overlay spatially identifies distinctive values, risks or other factors that require management.

Precinct: A precinct spatially identifies and manages an area where additional place-based provisions apply to modify or refine aspects of the policy approach or outcomes anticipated in the underlying zone(s).

12.3 The s42A reporting officer rejected submission points from Kāinga Ora relating to this matter and as they consider the purpose of a precinct is a better fit for the proposed indigenous biodiversity provisions that are being introduced through the IPI.

12.4 I disagree with the s42A reporting officer. In my opinion, a precinct is appropriate where refinement of the provisions within a particular zone are required. In contrast, I consider that an overlay is not confined to a specific zone⁶² and is more likely to relate to a district wide matter.

12.5 I note that the s42A report identifies that the purpose of the Indigenous Biodiversity Precinct in the IPI is to signal the Council's "intention to initiate a future plan change and protect significant natural areas, and in the interim, to provide policy direction to encourage the retention of the identified areas⁶³" I would anticipate that in relation to an issue such as indigenous biodiversity, future plan provisions are likely to relate to a broader spatial extent than just land located in the GRZ. Based on my

⁶¹ National Planning Standards, "Table 17: Spatial layers for regional policy statements, regional plans and regional components of combined plans table", page 49.

⁶² See National Planning Standards, "District Plan Structure Standard" Directions for Part 3 para 10, 11 and 13, page 14.

⁶³ Para 1171 s42A report.

experience in other cities and districts, I would anticipate future indigenous biodiversity provisions would apply on a district wide basis.

- 12.6 Furthermore, I consider that keeping all the indigenous biodiversity provisions in the same place, i.e. in the existing “ECO-Ecosystems and Indigenous Biodiversity” chapter, is simpler for plan users.

13. CONCLUSIONS

- 13.1 The national direction contained in the NPS-UD requires the Council to provide for well-functioning urban environments which are able to develop and change over time. This national direction seeks to specifically acknowledge that urban environments need to provide sufficient opportunities for the development of housing and business land to meet demand and provide for a range of dwelling types across different locations that will meet the needs of people and communities as well as future generations.
- 13.2 In my opinion, the underlying principles that have informed the proposed changes set out in the Kāinga Ora submission to the Upper Hutt IPI (and submission on other council IPIs within the Wellington region) will better align the Upper Hutt IPI with the NPS-UD and the purpose and principles of the RMA as amended by the RMA-EHS.
- 13.3 Kāinga Ora and the s42A reporting officer agree on a large proportion of the residential intensification enabled in order to give effect to the provisions of the NPS-UD. The key outstanding differences relate to additional HRZ enabled along Fergusson Drive and the residential intensification enabled due to the proximity of land to the CCZ.
- 13.4 I support the approach of Kāinga Ora in seeking additional intensification as in my opinion it has applied a regionally consistent methodology that is appropriately reflected this in the local Upper Hutt context.
- 13.5 I am of the opinion that the amendments sought by Kāinga Ora (as outlined and refined in this evidence) are appropriate and will assist in striking the balance controlling the effects of development and enabling

opportunities to facilitate the outcomes through appropriate District Plan provisions as amended through this Intensification Streamlined Planning Process.



Alice Blackwell

14 April 2023

Appendix A: Recommended Amendments

Black Text – Original wording of recommended IPI provisions.

Red Text – Officer’s recommended changes, as set out in the Section 42A report.

Blue Text – Additional changes proposed by Kāinga Ora. Consequential amendments may be required to numbering.

PART 2 – DISTRICT WIDE MATTERS

SUB-HRZ - Subdivision in the High Density Residential Zone

	New SUB-HRZ - Subdivision in the High Density Residential Zone	Add Policy	<i>Recognise the benefits of wider adoption of public transport through the increase of density along public transport corridors and within walkable distances catchments of centres, while minimising potential reverse sensitivity effects.</i>
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PART 3 – INTERPRETATION

3.1 DEFINITIONS

GRZ-MRZ – General Medium Density Residential Zone

	3.1 Definitions	New definition for Apartment	<u>Apartment: means any development that includes upper level residential units, each of which is typically but not necessarily one storey high, and which includes shared vertical access to groups of units.</u>
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PART 3 – AREA SPECIFIC MATTERS

RESIDENTIAL ZONES

GRZ-MRZ – General Medium Density Residential Zone

	<u>GRZ MRZ</u> – <u>General Medium Density</u> Residential Zone	Amend Background	<p>Background</p> <p>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. <u>These residential areas make an important contribution towards a well-functioning urban environment; however it is important to recognise that the past character, densities and styles of residential development currently enjoyed by the community will develop and change over time in response to the diverse and changing needs of the community and future generations. It is also important to note that there are areas within the Zone where permitted development may be modified or limited by qualifying matter areas.</u></p>
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			<p>Demand for higher density residential development is increasing in the City and the manner in which the District Plan provides for higher density residential development is important to the character and amenity of existing established neighbourhoods. 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.</p> <p>A mix of housing densities are provided for, with medium density housing enabled across the General Medium Density Residential Zone by the incorporation of the Medium Density Residential Standards. Higher density residential development is best located in close proximity to retail, service and public transport centres specifically near the City Centre Zone (central business district), neighbourhood centres and major transport nodes. Higher density residential development is provided for in these areas in the form of Comprehensive Residential Development and by way of an increased density for residential development. The development of papakāinga is also provided for within the Zone.</p> <p>Within the General Residential Zone the Residential Conservation and Residential Hill Indigenous Biodiversity Precincts reflects the particular environmental and topographical significant indigenous vegetation and habitats that have been identified in the characteristics of those areas. The Precinct encourage the protection and retention of indigenous biodiversity values.</p> <p>It is anticipated that the character, form and amenity of residential areas within the General Medium Density 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 The Medium Density Residential provisions encourage new development to make a positive contribution toward the evolving character of the General Medium Density Residential Zone.</p> <p>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.</p>
	<p>GRZ MRZ – General Medium Density Residential Zone</p>	<p>Amend Objective</p>	<p>GRZ MRZ-O1 <i>The promotion of a high quality residential environment which maintains and enhances acknowledges the physical character that is consistent in accordance with the planned urban built form of the residential areas, and provides a choice of living styles and types while recognising that character and amenity values develop and change over time and a high level of residential amenity.</i></p>
	<p>GRZ MRZ – General Medium Density Residential Zone</p>	<p>Add mandatory MDRS Objective</p>	<p>GRZ MRZ -O2 Well-functioning Urban Environments</p> <p><i>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.</i></p>

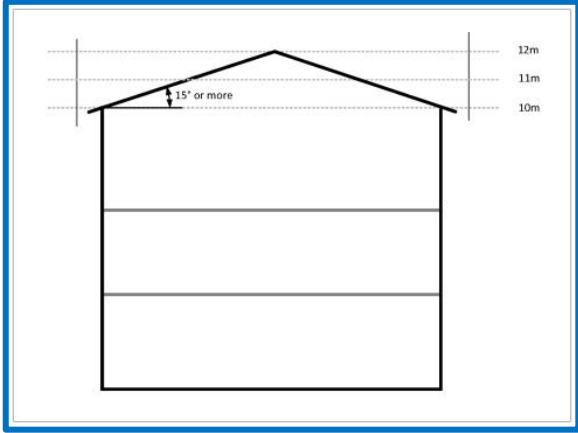
			<u>[s80H(1)(a)(ii) note: this provision incorporates the objectives in clause 6 of Schedule 3A.]</u>
<u>GRZ MRZ – General Medium Density Residential Zone</u>	Add mandatory MDRS Objective	<u>GRZ MRZ -O3 Housing Variety</u> <u><i>A relevant residential zone provides for a variety of housing types and sizes that respond to—</i></u> <u><i>a. housing needs and demand; and</i></u> <u><i>b. the neighbourhood’s planned urban built character, including 3-storey buildings.</i></u> <u>[s80H(1)(a)(ii) note: this provision incorporates the objectives in clause 6 of Schedule 3A.]</u>	
<u>GRZ MRZ – General Medium Density Residential Zone</u>	Insert new objective	<u>GRZ MRZ -O4 <i>There is no net increase in the peak demand on stormwater management systems and increase in flooding from new buildings and development.</i></u>	
<u>GRZ MRZ – General Medium Density Residential Zone</u>	Add mandatory MDRS Policies	<u>GRZ MRZ -P1A <i>Enable a variety of housing types with a mix of densities within the General Medium Density Residential Zone, including 3-storey attached and detached dwellings, and low-rise apartments.</i></u> <u>[s80H(1)(a)(ii) note: this provision incorporates the policies in clause 6 of Schedule 3A.]</u>	
<u>GRZ MRZ – General Medium Density Residential Zone</u>	Add mandatory MDRS Policies	<u>GRZ MRZ -P1B <i>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).</i></u> <u>[s80H(1)(a)(ii) note: this provision incorporates the policies in clause 6 of Schedule 3A.]</u>	
<u>GRZ MRZ – General Medium Density Residential Zone</u>	Add mandatory MDRS Policies	<u>GRZ MRZ -P1C <i>Encourage development to achieve attractive and safe streets and public open spaces, including by providing for passive surveillance.</i></u> <u>[s80H(1)(a)(ii) note: this provision incorporates the policies in clause 6 of Schedule 3A.]</u>	
<u>GRZ MRZ – General Medium Density Residential Zone</u>	Add mandatory MDRS Policies	<u>GRZ MRZ –P1D <i>Enable housing to be designed to meet the day-to-day needs of residents.</i></u> <u>[s80H(1)(a)(ii) note: this provision incorporates the policies in clause 6 of Schedule 3A.]</u>	
<u>GRZ MRZ – General Medium Density Residential Zone</u>	Add mandatory MDRS Policies	<u>GRZ MRZ -P1E <i>Provide for developments not meeting permitted activity status, while encouraging high-quality developments.</i></u>	

	GRZ MRZ – General Medium Density Residential Zone	Amend Policy	<p>GRZ MRZ -P1 To provide for a range of building densities within the residential areas <u>that are compatible in form and scale with the neighbourhood’s planned urban built form and character amenity which takes into account the existing character of the area, topography and the capacity of the infrastructure.</u></p>
	GRZ MRZ – General Medium Density Residential Zone	Amend Policy	<p>GRZ MRZ -P2 To ensure that the scale, appearance and siting of buildings, structures and activities are compatible with the in form and scale with the neighbourhood’s planned urban built form and character amenity and desired amenity values of the area.</p>
	GRZ MRZ – General Medium Density Residential Zone	Amend Policy	<p>GRZ MRZ -P4 To ensure that the location and design of buildings and earthworks do not significantly detract from the residential amenity of the area, <u>while recognising that amenity values may change over time to reflect the neighbourhood’s planned urban built form.</u></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 MRZ – General Medium Density Residential Zone	Amend Policy	<p>GRZ MRZ -P5 To ensure that encourage sites fronting streets to present a pleasant and coherent residential appearance.</p> <p>The setback of buildings from the front boundary assists with privacy and provides for landscaping. The front setback provides an open style streetscape which is part of the established residential character of Upper Hutt.</p>
	GRZ MRZ – General Medium Density Residential Zone	Amend Policy	<p>GRZ MRZ -P9 To promote residential development <u>that is consistent in accordance 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 requirements, <u>while recognising that amenity values develop and change over time.</u></p> <p>The Plan provides for the intensification of land use within the urban area to accommodate residential development where adverse effects can be avoided, remedied or mitigated.</p>

	GRZ MRZ – General Medium Density Residential Zone	Add new policy	GRZ MRZ -P11 <i>New buildings and development will be designed to achieve hydraulic neutrality.</i>											
	MRZ – Medium Density Residential Zone	Add new policy	MRZ-P12 <i>Provide for residential intensification of a site where it achieves positive urban design outcomes and living environments, taking into consideration the following design principles, development type, and the planned urban built environment of the zone:</i> <ol style="list-style-type: none"> 1. <i>Ensure the building location, form and appearance is comprehensively designed with the landscape and is compatible with the planned urban built character of the zone.</i> 2. <i>Achieve a positive frontage that engages and interacts with the street with a focus on human activity and scale.</i> 3. <i>Achieve visual interest and aesthetic coherence using architectural and landscape design techniques.</i> 4. <i>Minimise the impact of driveways, manoeuvring and parking areas on the quality of the site and street, while ensuring safety.</i> 5. <i>Integrate building form and open space design to achieve high amenity, safe and functional outcomes for residents in both private and communal spaces, while respectful of neighbouring sites.</i> 6. <i>Achieve reasonable sunlight, daylight, and outlook for all residential units and associated outdoor spaces where possible, while minimising overlooking of neighbouring living and private outdoor spaces.</i> 7. <i>Provide reasonable internal visual privacy for all units through well considered location of elements, rather than relying on window coverings.</i> 8. <i>Achieve quality, legible, safe and efficient circulation.</i> 9. <i>Provide for servicing that is suitably generous, convenient, and visually discreet.</i> 											
	GRZ MRZ – General Medium Density Residential Zone	Amend the existing District-wide matters rule table within the GRZ MRZ	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="2" style="background-color: #e0e0e0;">Rules</th> </tr> <tr> <td colspan="2">District-wide matters</td> </tr> <tr> <td colspan="2">Each activity in the General Medium Density Residential Zone must comply with the relevant qualifying matter area rules and standards, and permitted activity the relevant rules and standards in the District-wide matters section of the Plan, and qualifying matter areas as listed below:</td> </tr> <tr> <td style="width: 50%;">District-wide matters</td> <td></td> </tr> <tr> <td>...</td> <td></td> </tr> </table>		Rules		District-wide matters		Each activity in the General Medium Density Residential Zone must comply with the relevant qualifying matter area rules and standards, and permitted activity the relevant rules and standards in the District-wide matters section of the Plan, and qualifying matter areas as listed below:		District-wide matters		...	
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	GRZ MRZ – General Medium Density Residential Zone	Amend Rule	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="2" style="background-color: #e0e0e0;">Permitted Activities</th> </tr> <tr> <td colspan="2">Residential Activities</td> </tr> <tr> <td style="width: 15%;">GRZ MRZ -R2</td> <td style="width: 70%;"> One Three residential units per site. [s80H(1)(a)(i) note: this rule incorporates the density standards in Part 2 of Schedule 3A] </td> <td style="width: 15%; text-align: center;">PER</td> </tr> </table>		Permitted Activities		Residential Activities		GRZ MRZ -R2	One Three residential units per site. [s80H(1)(a)(i) note: this rule incorporates the density standards in Part 2 of Schedule 3A]	PER			
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				[This rule has immediate legal effect subject to sections 77M and 86BA of the RMA]									
GRZ MRZ – General Medium Density Residential Zone	Amend Rule	GRZ MRZ -R3	One family flat in conjunction with a residential unit on any site Buildings .		PER								
GRZ MRZ – General Medium Density Residential Zone	Add Rule	GRZ MRZ -R5A	Residential activities		PER								
GRZ MRZ – General Medium Density Residential Zone	Amend Standard	GRZ MRZ -S3	<p>Building coverage</p> <p>(1) The maximum building coverage by buildings on the net area of a site shall must not exceed 50% of the net site area.</p> <p>(a) – 35% in the General Residential Zone</p> <p>[s80H(1)(a)(i) note: this standard incorporates the density standards in Part 2 of Schedule 3A]</p> <p>[This rule has immediate legal effect subject to sections 77M and 86BA of the RMA]</p> <p>Exemption:</p> <p>(2) – Non-enclosed and uncovered decks.</p>	<p><i>Policies</i></p> <p>GRZ-P1A,</p> <p>GRZ-P1B,</p> <p>GRZ-P1C,</p> <p>GRZ-P1D,</p> <p>GRZ-P1E,</p> <p>GRZ-P1,</p> <p>GRZ-P2,</p> <p>DEV1-P5</p>									
GRZ MRZ – General Medium Density Residential Zone	Amend Standard	GRZ MRZ -S4	<p>Setbacks from boundaries</p> <p>(1) Buildings must be set back from the relevant boundary by the minimum depth listed in the yards table below:</p> <table border="1"> <thead> <tr> <th>Yard</th> <th>Minimum depth</th> </tr> </thead> <tbody> <tr> <td>Front</td> <td>1.5 metres</td> </tr> <tr> <td>Side</td> <td>1 metre</td> </tr> <tr> <td>Rear</td> <td>1 metre (excluding corner sites)</td> </tr> </tbody> </table> <p>(2) This standard does not apply to site boundaries where there is an existing common wall between 2 buildings on adjacent sites or where a common wall is proposed.</p> <p>[s80H(1)(a)(i) note: this standard incorporates the density standards in Part 2 of Schedule 3A]</p> <p>[This rule has immediate legal effect subject to sections 77M and 86BA of the RMA]</p>	Yard	Minimum depth	Front	1.5 metres	Side	1 metre	Rear	1 metre (excluding corner sites)	<p><i>Policies</i></p> <p>GRZ-P1A,</p> <p>GRZ-P1B,</p> <p>GRZ-P1C,</p> <p>GRZ-P1D,</p> <p>GRZ-P1E,</p> <p>GRZ-P2,</p> <p>GRZ-PREC1-P2,</p> <p>GRZ-P4,</p>	
Yard	Minimum depth												
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Side	1 metre												
Rear	1 metre (excluding corner sites)												

				[s80H(1)(b)(i) note: this standard is replaced by the density standards in Part 2 of Schedule 3A]
GRZ MRZ – General Medium Density Residential Zone	Amend Standard	GRZ MRZ -S5 <i>Policies</i> GRZ-P1A, GRZ-P1B, GRZ-P1C, GRZ-P1D, GRZ-P1E, GRZ-P2, DEV1-P5	Outdoor living space (per residential unit) (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,— (a) <u>where located at ground level, has no dimension less than 3 metres; and</u> (b) <u>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</u> (c) <u>is accessible from the residential unit; and</u> (d) <u>may be—</u> i. <u>grouped cumulatively by area in 1 communally accessible location; or</u> ii. <u>located directly adjacent to the unit; and</u> (e) <u>is free of buildings, parking spaces, and servicing and manoeuvring areas.</u> (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— (a) <u>is at least 8 square metres and has a minimum dimension of 1.8 metres; and</u> (b) <u>is accessible from the residential unit; and</u> (c) <u>may be—</u> i. <u>grouped cumulatively by area in 1 communally accessible location, in which case it may be located at ground level; or</u> ii. <u>located directly adjacent to the unit.</u> [s80H(1)(a)(i) note: this standard incorporates the density standards in Part 2 of Schedule 3A] [This rule has immediate legal effect subject to sections 77M and 86BA of the RMA] [s80H(1)(b)(i) note: this standard is replaced by the density standards in Part 2 of Schedule 3A]	
GRZ MRZ – General Medium Density Residential Zone	Amend Standard	GRZ MRZ -S7 <i>Policies</i>	Building height	

			<p>GRZ-P1A, GRZ-P1B, GRZ-P1C, GRZ-P1D, GRZ-P1E, GRZ-P2, GRZ-P4</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>[s80H(1)(a)(i) note: this standard incorporates the density standards in Part 2 of Schedule 3A] [This rule has immediate legal effect subject to sections 77M and 86BA of the RMA] [s80H(1)(b)(i) note: this provision is replaced by the density standards in Part 2 of Schedule 3A]</p>
<p>GRZ MRZ – General Medium Density Residential Zone</p>	<p>Amend Standard</p>	<p>GRZ MRZ -S8</p> <p><i>Policies</i> GRZ-P1A, GRZ-P1B, GRZ-P1C, GRZ-P1D, GRZ-P1E, GRZ-P2, GRZ-P4</p>	<p>Sunlight accessHeight 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>	

				<div data-bbox="1173 172 1774 635" data-label="Diagram"> <p>The diagram illustrates a site boundary configuration. A vertical dashed line on the left is labeled 'Site boundary'. A horizontal solid line at the bottom is labeled '4m'. A vertical solid line on the right is labeled '11m'. A diagonal solid line connects the top of the 4m line to the top of the 11m line, forming a right-angled triangle with the 4m line. The angle between the 4m line and the diagonal line is labeled '60.0°'. The top horizontal boundary is a solid line.</p> </div> <p>(2) <u>This standard does not apply to—</u></p> <ul style="list-style-type: none"> (a) <u>a boundary with a road:</u> (b) <u>existing or proposed internal boundaries within a site:</u> (c) <u>site boundaries where there is an existing common wall between 2 buildings on adjacent sites or where a common wall is proposed.</u> <p>[s80H(1)(a)(i) note: this provision incorporates the density standards in Part 2 of Schedule 3A]</p> <p>[This rule has immediate legal effect subject to sections 77M and 86BA of the RMA]</p> <p>[s80H(1)(b)(i) note: this provision is replaced by the density standards in Part 2 of Schedule 3A]</p>
GRZ MRZ – General Medium Density Residential Zone	Delete and replace Standard		<p>GRZ MRZ -S9</p> <p><i>Policies</i> GRZ P2, GRZ P4, GRZ P5</p>	<p>Hydraulic neutrality</p> <p><u>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></p>

	<p>GRZ MRZ – General Medium Density Residential Zone</p>	<p>Add Standard</p>	<p>GRZ MRZ -S13</p>	<p>Number of residential units per site</p> <p>There must be no more than 3 residential units per site.</p> <p>[s80H(1)(a)(i) note: this provision incorporates the density standards in Part 2 of Schedule 3A]</p> <p>[This rule has immediate legal effect subject to sections 77M and 86BA of the RMA]</p>
	<p>GRZ MRZ – General Medium Density Residential Zone</p>	<p>Add Standard</p>	<p>GRZ MRZ -S14</p>	<p>Outlook space (per residential unit)</p> <p>(1) <u>An outlook space must be provided for each residential unit as specified in this clause.</u></p> <p>(2) <u>An outlook space must be provided from habitable room windows as shown in the diagram below:</u></p> <div data-bbox="1151 550 1796 1034" data-label="Diagram"> <p>The diagram illustrates the required outlook space for different rooms. It shows a cross-section of a building with two rooms: a 'Habitable room' on top and a 'Principal living room' on the bottom. A window in the habitable room is shown with a 1m wide outlook space extending from its 'Centre point of window'. A window in the principal living room is shown with a 4m wide and 4m deep outlook space extending from its 'Centre point of window'. The outlook space is shaded in grey.</p> </div> <p>(3) <u>The minimum dimensions for a required outlook space are as follows:</u></p> <ol style="list-style-type: none"> i. <u>a principal living room must have an outlook space with a minimum dimension of 4 metres in depth and 4 metres in width; and</u> ii. <u>all other habitable rooms must have an outlook space with a minimum dimension of 1 metre in depth and 1 metre in width.</u> <p>(4) <u>The width of the outlook space is measured from the centre point of the largest window on the building face to which it applies.</u></p>

			<p>(5) <u>Outlook spaces may be over driveways and footpaths within the site or over a public street or other public open space.</u></p> <p>(6) <u>Outlook spaces may overlap where they are on the same wall plane in the case of a multi-storey building.</u></p> <p>(7) <u>Outlook spaces may be under or over a balcony.</u></p> <p>(8) <u>Outlook spaces required from different rooms within the same building may overlap.</u></p> <p>(9) <u>Outlook spaces must—</u></p> <p style="padding-left: 20px;">i. <u>be clear and unobstructed by buildings; and</u></p> <p style="padding-left: 20px;">ii. <u>not extend over an outlook space or outdoor living space required by another dwelling.</u></p> <p>[s80H(1)(a)(i) note: this provision incorporates the density standards in Part 2 of Schedule 3A]</p> <p>[This rule has immediate legal effect subject to sections 77M and 86BA of the RMA]</p>
	GRZ MRZ – General Medium Density Residential Zone	Add Standard	<p>GRZ MRZ -S15 Windows to street</p> <p><u>Any residential unit facing the street must have a minimum of 20% of the street-facing façade in glazing. This can be in the form of windows or doors.</u></p> <p>[s80H(1)(a)(i) note: this provision incorporates the density standards in Part 2 of Schedule 3A]</p> <p>[This rule has immediate legal effect subject to sections 77M and 86BA of the RMA]</p>
	GRZ MRZ – General Medium Density Residential Zone	Add Standard	<p>GRZ MRZ -S16 Landscaped area</p> <p>(1) <u>A residential unit 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.</u></p> <p>(2) <u>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></p> <p>[s80H(1)(a)(i) note: this provision incorporates the density standards in Part 2 of Schedule 3A]</p> <p>[This rule has immediate legal effect subject to sections 77M and 86BA of the RMA].</p>

<p>GRZ MRZ – General Medium Density Residential Zone</p>	<p>Amend rule</p>	<p>Restricted Discretionary Activities</p>	
		<p>Residential Activities</p>	
		<p>GRZ MRZ -R11</p> <p><i>Policies</i></p> <p>UDF-P1, UDF-P2, GRZ-P1A, GRZ-P1B, GRZ-P1C, GRZ-P1D, GRZ-P1E, GRZ-P1, GRZ-P2, GRZ-P3, GRZ-P4, GRZ-P5 GRZ-P8, GRZ-P9, GRZ-P10.</p>	<p>Buildings accessory to a permitted or controlled activity which do not comply with permitted and controlled activity standards</p> <p>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. (7) Effects on neighbourhood character and amenity. (8) Financial contributions. (9) The matters contained in the Medium and High Density Design Guide in Appendix 1. (9) The degree to which the scale, form and appearance of the development and its compatibility with the planned urban form of the zone. (10) Measures to avoid, remedy or mitigate adverse effects. (11) On-site amenity and privacy (11) Cumulative effects. (12) Reverse sensitivity effects. (13) The effects of the standard(s) not met. <p>Public notification of an application under Rule MRZ-R11 is precluded where it is for the construction of 1, 2 or 3 residential units.</p> <p>Public and Limited notification of an application that does not comply with MRZ-S5, MRZ-S9, MRZ-S14, MRZ-S15, or MRZ-S16 is precluded.</p>
			<p>RDIS</p>

	GRZ—General Residential Zone	Add rule	<u>GRZ-R12</u>	<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> <ul style="list-style-type: none"> (i) — <u>GRZ MRZ S3— Building coverage.</u> (ii) — <u>GRZ MRZ S4— Setbacks.</u> (iii) — <u>GRZ MRZ S5 Outdoor living space.</u> (iv) — <u>GRZ MRZ S7— Building height.</u> (v) — <u>GRS S8— Height in relation to boundary.</u> (vi) — <u>GRZ MRZ S9— Hydraulic neutrality.</u> (vii) — <u>GRZ MRZ S14— Outlook space (per unit).</u> (viii) — <u>GRZ MRZ S15— Windows to street.</u> (ix) — <u>GRZ MRZ S16— Landscaped area.</u> <p><u>Council will restrict its discretion to, and may impose conditions on:</u></p> <ul style="list-style-type: none"> (1) — <u>The matters contained in the Medium and High Density Design Guide in Appendix 1.</u> (2) — <u>Site layout and design.</u> (3) — <u>Consideration of the effects of the standard not met.</u> (4) — <u>Cumulative effects.</u> (5) — <u>The matters contained in the Code of Practice for Civil Engineering Works.</u> (6) — <u>The imposition of financial contributions.</u> (7) — <u>Reverse sensitivity effects.</u> <p><u>Restriction on notification:</u></p> <p><u>Public notification of an application is precluded under this rule.</u></p> <p><u>[s80H(1)(a)(i) note: this provision incorporates the density standards in Part 2 of Schedule 3A]</u></p> <p><u>[This rule has immediate legal effect subject to sections 77M and 86BA of the RMA]</u></p>	<u>RDIS</u>
	<u>GRZ MRZ – General Medium Density Residential Zone</u>	Add rule	<u>GRZ MRZ -R12A</u>	<p>The construction and use of 4 or more residential units <u>that comply with the following permitted standards:</u></p>	<u>RDIS</u>

			<p>(i) GRZ-S3 Building coverage.</p> <p>(ii) GRZ-S4 Setbacks.</p> <p>(iii) GRZ-S5 Outdoor living space.</p> <p>(iv) GRZ-S7 Building height.</p> <p>(v) GRS-S8 Height in relation to boundary.</p> <p>(vi) GRZ-S9 Hydraulic neutrality.</p> <p>(vii) GRZ-S14 Outlook space (per unit).</p> <p>(viii) GRZ-S15 Windows to street.</p> <p>(ix) GRZ-S16 Landscaped area.</p> <p>Council will restrict its discretion to, and may impose conditions on:</p> <p>(1) The matters contained in the Medium and High Density Design Guide in Appendix 1. The degree to which the <u>scale, form, and appearance of the development is compatible with the planned urban built form of the zone;</u></p> <p>(2) <u>Site layout</u></p> <p>(3) The matters contained in the Code of Practice for Civil Engineering Works. The extent and effects on the three waters infrastructure, achieved by demonstrating that at the point of connection the infrastructure has the capacity to service the development.</p> <p>(4) <u>Vehicle access and transport effects</u></p> <p>(5) Cumulative effects. The degree to which the development contributes to a safe and attractive public realm and streetscape.</p> <p>(6) Reverse Sensitivity effects. The degree to which the development delivers quality on-site amenity and occupant privacy that is appropriate for its scale.</p> <p>(7) <u>The effects of the standard not met.</u></p> <p>Restriction on notification:</p> <p><u>Public and limited notification of an application under this rule is precluded where compliance is achieved with all of the following standards: MRZ – S3, MRZ – S4, MRZ-S5, MRZ-S7, MRZ-S8, MRZ-S9, MRZ-S14, MRZ-S15 and MRZ-S16.</u></p>
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			<p>Limited notification of an application under this rule is precluded where compliance is not achieved with MRZ-S5, MRZ-S9, MRZ-S14, MRZ-S15 or MRZ-S16.</p> <p>[s80H(1)(a)(i) note: this provision incorporates the density standards in Part 2 of Schedule 3A]</p> <p>[This rule has immediate legal effect subject to sections 77M and 86BA of the RMA]</p>	
GRZ – General Residential Zone	Add rule	<p>GRZ – R12B</p> <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> <p>(1) — The matters contained in the Medium and High Density Design Guide in Appendix 1.</p> <p>(2) — Site layout and design.</p> <p>(3) — The matters contained in the Code of Practice for Civil Engineering Works.</p> <p>(4) — Consideration of the effects of the standard not met.</p> <p>(5) — Transport effects.</p> <p>(6) — Methods to avoid, remedy, or mitigate adverse effects.</p> <p>(7) — Cumulative effects.</p> <p>(8) — Reverse sensitivity effects.</p> <p>Restriction on notification:</p> <p>Public notification of an application under this rule is precluded.</p> <p>[s80H(1)(a)(i) note: this provision incorporates the density standards in Part 2 of Schedule 3A]</p> <p>[This rule has immediate legal effect subject to sections 77M and 86BA of the RMA]</p>	RDIS	
GRZ MRZ – General Medium Density Residential Zone	Amend Rule	<p>Discretionary Activities</p> <p>Non-Residential Activities</p> <p>GRZ MRZ -R22 Activities listed as permitted or controlled which do not comply with the relevant standards in this chapter, except as specified below unless specifically provided for under other rules.</p>	DIS	

<p>GRZ MRZ – General Medium Density Residential Zone</p>	<p>Amend Matters for Consideration</p>	<p>Matters for Consideration</p>	
<p>Matters that may be relevant in the consideration of any resource consent, other than for a restricted discretionary activity, may include the following:</p>		<p>GRZ MRZ -MC1</p>	<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 decreases in site size or increased building coverage would have an adverse effect on the amenity of the area <u>is compatible in form and scale with the neighbourhood’s planned urban built character form.</u>
<p>GRZ MRZ – General Medium Density Residential Zone</p>		<p>GRZ MRZ -MC2</p>	<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 will detrimentally affect the character of the surrounding area <u>is compatible in form and scale with the neighbourhood’s planned urban built character form.</u>

Appendix B – Section 32AA assessment

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

Table 1: Introduction of a stand-alone rule framework in the High Density Residential Zone

Efficiency	<ul style="list-style-type: none"> • Separating the residential zone framework and providing a stand-alone HRZ chapter, is consistent with national direction (National Planning Standards and the NPS-UD), which will mean that efficiencies are gained for plan users across territorial boundaries through greater consistency in approach. • The use of a separate, stand-alone HRZ, with its own independent set of rules and standards, is consistent with the approaches proposed in most other Tier 1 authorities implementing the NPS-UD. • The revisions to the residential zone framework proposed by Kāinga Ora utilises elements of the existing GRZ rules and standards, thereby minimising the degree of widespread change and providing for efficient integration with the remainder of the District Plan. • Separate rules and standards in the residential zones provide for improved interpretation and implementation of the NPS-UD and the District Plan.
Effectiveness	<ul style="list-style-type: none"> • Providing a residential zone framework with two distinct, standalone zones means the issues relevant to development in each zone are clearer and more refined thereby improving the effectiveness in delivering the intended urban built outcomes for the differing residential environments. • Providing for high density walkable catchments in a HRZ is an effective means of giving effect to higher order documents, particularly the NPS-UD. • Having a residential zone framework that is more clearly expressed in a separate chapter enhances the legibility of the underlying planned outcome across the city. • There are plan integrity issues with the proposed reference to rules and standards in the GRZ as part of the rule framework for the HRZ, as these will likely result in large differentials in outcomes in each zone. There is a reputational risk to Council of this approach, as it could be seen to be obscuring the true implications of what is enabled in the HRZ.
Benefits	<ul style="list-style-type: none"> • The use of standalone rules and standards in the HRZ is consistent with the direction provided by the NPS-UD, and will clearly signal where the greatest level of intensification is anticipated and directed to within the District. • Separate zones align with the National Planning Standards descriptions for zone outcomes.

	<ul style="list-style-type: none"> • A separate residential zone framework increases the ease of consenting, increasing the propensity of uptake. • A separate zone framework means that the provisions are more focussed in directing and achieving the planned urban built outcomes relevant to each respective residential environment. • The revised HRZ will be able to be achieved based on the existing GRZ chapter, amended to cater for high density residential development.
Costs	<ul style="list-style-type: none"> • Administrative costs associated with consequential changes to the IPI. It is noted the Kāinga Ora have provided proposed wording for the revised High Density Residential Zone chapter, which will assist in reducing costs to Council related to the drafting of the chapter.
Risk of acting or not acting	<ul style="list-style-type: none"> • I consider that the appropriateness of adopting the relief sought must be considered in the context of the direction set out in higher order policy documents, in particular the NPS-UD and the National Planning Standards. The NPS-UD directs Council to clearly signal where the greatest level of intensification is anticipated and directed to. I am of the opinion that the relief sought by Kāinga Ora is more aligned with outcomes expressed in the NPS-UD. • The risk of not acting is that additional cost will be incurred by Plan users in order to understand and interpret an unnecessarily complicated district plan, which ultimately could compromise intensification or redevelopment outcomes sought in the HRZ. • It could result in a reduction in the delivery of high density housing, compromising outcomes intended through Policy 1 of the NPS-UD.
Decision about more appropriate action	<ul style="list-style-type: none"> • The HRZ chapter and recommended spatial amendments proposed by Kāinga Ora are therefore considered to be more appropriate in achieving the purpose of the RMA than the UHCC IPI.

Table 2: Amendments to the HRZ and GRZ Objectives, Policies, Rules and Standards

Effectiveness and efficiency	<ul style="list-style-type: none"> • The proposed revisions provide clarity around the planned urban built form for each zone, to ensure intensification can be enabled in the manner directed by the NPS-UD. • The proposed revisions strengthen design-based outcomes in the Plan, rather than deferring to design guides. • The issues relevant to development in each zone are clearer and more refined thereby improving the effectiveness in delivering the intended urban built outcomes for the differing residential environments. • Having a residential zone framework that is more clearly expressed enhances the legibility of the underlying planned outcome across the district.
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	<ul style="list-style-type: none"> • The revisions provide a clearer, and therefore more effective, framework against which development proposals will be considered. • The design-based outcomes are an effective way to ensure the built form provides for a liveable and safe well-functioning urban environment.
Benefits/costs	<ul style="list-style-type: none"> • The changes are consistent with the direction provided by the NPS-UD, and will clearly signal where the greatest level of intensification is anticipated and directed to within the District. • The revised provisions are more focussed in directing and achieving the planned urban built outcomes relevant to each respective residential environment. • There are no costs associated with the amendment recommended and will improve implementation.
Risk of acting or not acting	<ul style="list-style-type: none"> • I consider that the appropriateness of adopting the relief sought must be considered in the context of the direction set out in higher order policy documents, in particular the NPS-UD and the National Planning Standards. The NPS-UD directs Council to clearly signal where the greatest level of intensification is anticipated and directed to. I am of the opinion that the relief sought by Kāinga Ora will be more in line with outcomes expressed in the NPS-UD. • The risk of not acting is that intensification or redevelopment opportunities are not taken up or are unnecessarily prevented from occurring due to lack of clarity around the planned urban built form anticipated in each residential environment.
Decision about more appropriate action	<ul style="list-style-type: none"> • The recommended amendments to the HRZ and GRZ are therefore considered to be more appropriate in achieving the purpose of the RMA.

Table 3: Changes to building heights in the HRZ

Effectiveness and efficiency	<ul style="list-style-type: none"> • The recommended amendments to the building heights in proximity to Centres will deliver on the strategic objectives to achieve a range of intensity of built form in proximity to the centre and to facilitate the compact growth of the city. • Concentrating development in areas with the greatest degree of accessibility to services may increase uptake in housing development opportunities. • Concentrating development of 36m adjacent to the City Centre Zone, and 22m around other commercial centres, means greater market exposure for businesses with an increased populous in close proximity to businesses. • The methodology used to inform the spatial extent of the height variation is consistent with that applied elsewhere in the Wellington region.
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	<ul style="list-style-type: none"> • Providing a height of 22m is consistent with what is proposed by Hutt City Council, ensuring development density is consistent across the Hutt Valley. • A height of 22m is recognised as better providing for a well designed 6 storey building than the proposed 20m, as is discussed in Mr Rae's evidence.
Benefits / costs	<ul style="list-style-type: none"> • The increases in height will facilitate more housing choice and design flexibility. It will provide greater certainty and opportunity to investors and developers. • Interface issues between zones are better addressed through a more comparable height differential (representing a proportionally better response to building heights enabled in centres). Also, the extent of the area defined for 6-10 storeys is able to act as a contributor to the viability and vitality of the Centre, rather than competing against opportunities provided within the Centre. • Providing for greater enabled height may increase the uptake of development opportunities. • The additional heights will result in a greater degree of change to the character of the existing residential environment. • An increase in building height is likely to result in reduced sunlight access, privacy, and increased overshadowing and building dominance. • The transitional effects of developing to this form are likely for a longer period as established sites become feasible to be developed and those who do develop do so alongside established (lower density) sites. • Potential effects of intensification on receiving environment, in particular water quality and supply.
Risk of acting or not acting	<ul style="list-style-type: none"> • I consider that the appropriateness of adopting the relief sought must be considered in the context of the direction set out in higher order policy documents and in particular the NPS-UD. • The NPS-UD seeks to enable growth by requiring local authorities to provide development capacity to meet the diverse demands of communities, address overly restrictive rules, and encourage quality, liveable urban environments. It also aims to provide for growth that is strategically planned and results in vibrant cities. I am of the opinion that the relief sought by Kāinga Ora will be more in line with outcomes expressed in the NPS-UD. • The risk of not acting is that intensification or redevelopment opportunities are not taken up or are unnecessarily prevented from occurring. In particular, failing to sufficiently-realise intensification opportunities now will frustrate future intensification initiatives in the long term as populations increase due to the inefficient use of the limited land supply resource.

Decision about more appropriate action	<ul style="list-style-type: none"> • This option is recommended as it provides for a level of development that responds to the significance of the centre in a way that supports a centres hierarchy as higher order centres have higher adjacent heights that are commensurate with the level of commercial and community services in those centres. This is seen to be the most appropriate means to address the intensification direction of the NPS-UD, having regard to the range of factors including urban form, accessibility, demand while having regard to the effect on the centres and surrounds. • The recommended amendments as set out in my evidence are therefore considered to be more appropriate in achieving the purpose of the RMA.
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Table 4: Amendment to HIRB and site coverage standards in the High Density Residential Zone

Effectiveness and efficiency	<ul style="list-style-type: none"> • The recommended amendments to the Height in Relation to Boundary (HIRB) control and the proposed introduction of a more restrictive building coverage control (50%) will more effectively deliver on the HRZ chapter’s objectives to achieve a quality built form that it is of an intensity, scale and design that is consistent with the planned urban built form of the HRZ. • Limiting application of the greater HIRB to developments involving 4 or more residential units on the site will provide an incentive for developments to provide intensive housing. • Adapting the existing design controls enabled by MDRS means that consenting is improved and better responds to associated effects. More lenient HIRB controls will further improve this, with many of the controls acting as an incentive to better realise opportunities for intensification. • The introduction of more restrictive building coverage control than is proposed in the Upper Hutt IPI will ensure that the residential areas continue to function as good living environments as the urban built form intensifies. • The result of modifying the HIRB control and introducing a 50% standard in the HRZ means Upper Hutt is better able to respond to the intensification directions in the MDRS and Policy 3 of the NPS-UD. This improves overall effectiveness of applying associated provisions and the ability to develop to a higher form of residential living.
Costs/Benefits	<ul style="list-style-type: none"> • The recommended amendments enable greater intensity and development to occur within the HRZ. This will have the benefit of encouraging redevelopment and intensification to support the outcomes expressed in both Upper Hutt IPI and the NPS-UD. • Modifications to HIRB and site coverage density standards will improve the likelihood of delivery of an intensified urban form in a way that supports improved urban design outcomes (e.g.,

	<p>perimeter block development, greater street interface, greater privacy and amenity of outdoor living areas).</p> <ul style="list-style-type: none"> • It will provide greater certainty and incentive to investors and developers. • Increased intensification will result in a change in amenity values experienced by current neighbouring residents, but in doing so will provide alternative amenities for future generations, as anticipated and directed by the NPS-UD.
Risk of acting or not acting	<ul style="list-style-type: none"> • I consider that the appropriateness of adopting the relief sought must be considered in the context of the direction set out in higher order policy documents and in particular the NPS-UD. • The NPS-UD seeks to enable growth by requiring local authorities to provide development capacity to meet the diverse demands of communities, address overly restrictive rules, and encourage quality, liveable urban environments. It also aims to provide for growth that is strategically planned and results in vibrant cities. I am of the opinion that the relief sought by Kāinga Ora will be more aligned to the outcomes expressed in the NPS-UD. • The risk of not acting is that intensification or redevelopment opportunities are not taken up or are unnecessarily prevented from occurring. • Acting will enable significant change to be realised in existing residential environments, which may lead to transitory effects as existing areas are redeveloped.
Decision about more appropriate action	<ul style="list-style-type: none"> • The amendments are recommended as they are the combination of the more lenient HIRB standard and a more restrictive site coverage standard in the HRZ delivers a balanced outcome between enablement and quality urban environments that provides for current and future generations. The recommended amendments as set out in my evidence are therefore considered to be more appropriate in achieving the purpose of the RMA than the notified version of the Upper Hutt IPI.

Table 5: Design Guides as non-statutory documents and consequential changes

Effectiveness and efficiency	<ul style="list-style-type: none"> • Removing the requirement that development is <i>consistent</i> with the design guides, as required in policies including proposed HRZ-P6, CCZ-P2, CCZ-P4, CCZ-P5, UFD-P1, removes ambiguity around compliance with guidance. • The use of the Design Guide and Standards as non-statutory guides, rather than having direct reference to them in the policies and assessment criteria of the District Plan, will ensure that the policies and criteria focuses on the actual outcomes that the PDP is seeking to achieve, with the use of the guide as a tool to meet the outcomes expressed.
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	<ul style="list-style-type: none"> • Having the design objectives clearly articulated within policies and the matters of discretion provides a more effective “line of sight” to the critical outcomes the plan is seeking. • Having design guidance as a non-statutory tool will enable them to be updated and revised, to efficiently respond to any emerging design-based shortcomings.
Costs/Benefits	<ul style="list-style-type: none"> • The recommended amendments will simplify the District Plan to the extent that the rules can clearly focus on the ensuring that outcomes of the chapter are achieved. • It will also enable changes to be made to the Design Guides, as design philosophy and requirements change, without the need for a full RMA statutory review process. • Cost savings in not needing to go through a Schedule 1 process to amend the design guide. • Design guidance outside of the plan carries less weight in resource management decisions than if it were in the plan. As such there could be a perception that design guides have less of a role to play. This is resolved, in part, by ensuring that the policy framework appropriately aligns to design guides and clearly articulates critical design outcomes.
Risk of acting or not acting	<ul style="list-style-type: none"> • I consider that the appropriateness of adopting the relief sought must be considered in the context of the direction set out in higher order policy documents and in particular the NPS-UD. • The NPS-UD seeks to enable growth by requiring local authorities to provide development capacity to meet the diverse demands of communities, address overly restrictive rules, and encourage quality, liveable urban environments. It also aims to provide for growth that is strategically planned and results in vibrant cities. I am of the opinion that the relief sought by Kāinga Ora will be more in line with outcomes expressed in the NPS-UD. • The risk of not acting is that intensification or redevelopment opportunities are not taken up or are unnecessarily prevented from occurring due to the complex and uncertain process associated with interpreting subjective design guide documents.
Decision about more appropriate action	<ul style="list-style-type: none"> • The recommended amendments as set out in my evidence are therefore considered to be more appropriate in achieving the purpose of the RMA than the notified version of the Upper Hutt IPI.

Table 6: Increased use of notification preclusion clauses

Effectiveness and efficiency	<ul style="list-style-type: none"> • The recommended amendments, to extend the notification preclusion for limited notification in the residential zones in relation to standards that manage onsite amenity and streetscape effects, will streamline the consenting process. • The recommended amendments will reduce consenting timeframes and costs and increase project certainty for Plan users.
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Costs/Benefits	<ul style="list-style-type: none"> • The recommended amendments enable intensity and development to occur without the risk of limited or public notification. This will have the benefit of encouraging redevelopment and intensification to support the outcomes expressed in both the Upper Hutt IPI and the NPS-UD. • Notification preclusions reduce potential financial 'risks' associated with appeals processes to notified resource consents, and provide a clear consenting pathway for development that is otherwise consistent with the requirements of the Plan. • The scope of notification preclusions proposed by Kāinga Ora seek to encourage development consistent with the stated purpose and planned character of the Residential Zones. • The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions or those recommended in the S42A Report. However, there will be benefits from more efficient plan administration.
Risk of acting or not acting	<ul style="list-style-type: none"> • The risk of not acting is that intensification or redevelopment opportunities are not taken up or are unnecessarily prevented from occurring.
Decision about more appropriate action	<ul style="list-style-type: none"> • The recommended amendments as set out in my evidence are therefore considered to be more appropriate in achieving the purpose of the RMA than the Upper Hutt IPI or the proposed changes set out in the s42A Report.

Table 7: Small-scale commercial activities in the High Density Residential Zone

Effectiveness and efficiency	<ul style="list-style-type: none"> • The proposed changes will provide an enabling consent pathway for commercial activities in the HRZ on the ground floor of apartment buildings. • The proposed changes will ensure a reasonable level of amenity is afforded to residents in the surrounding area, enhancing the walkability of the urban residential environment, which will contribute to a well-functioning urban environment.
Costs/Benefits	<ul style="list-style-type: none"> • The recommended amendments will introduce a new rule, which is simple and effective. • The proposed rule will continue to implement the objectives and policies of the Upper Hutt IPI (as proposed by Kāinga Ora). • The proposed changes will enhance the vitality and walkability of neighbourhoods, and create greater activation at the street edge, improving the health and safety of people and communities. • The proposed changes require amendment to the existing rule framework, but costs associated with this are negligible. • The proposed changes could adversely impact the amenity of some people, but improve amenity for others through the delivery of more vibrant neighbourhoods.

Risk of acting or not acting	<ul style="list-style-type: none"> • I am of the opinion that the relief sought by Kāinga Ora will contribute to achieving a well-functioning urban environment, consistent with Objective 1 of the NPS-UD. • The risk of not acting is that ground floors of apartments are not well activated and do not create a positive interface with the public realm. • Risk of acting is that a proliferation of such activities could undermine the vitality of centres. The evidence of Mr Cullen outlines why this is unlikely.
Decision about more appropriate action	<ul style="list-style-type: none"> • The recommended amendments as set out in my evidence are therefore considered to be more appropriate in achieving the purpose of the RMA than the notified version of the Upper Hutt IPI.

Table 8: Subdivision – Removal of minimum vacant lot size and amendment to shape factor

Effectiveness and efficiency	<ul style="list-style-type: none"> • The proposed minimum dimension control for vacant lots in Residential Zones and removal of minimum vacant lot size will ensure that a suitable vacant lot enables a future building constructed in accordance with the MDRS, while ensuring the minimum degree of control is otherwise provided. • The approach is a simplified control, while ensuring resulting lots will continue to be able to be developed in accordance with the MDRS. • This approach is a more efficient tool while ensuring patterns of development remain compatible with the role, function and predominant planned character of the residential environment.
Costs/Benefits	<ul style="list-style-type: none"> • The recommended amendments will simplify the Upper Hutt IPI to the extent that the rules can clearly focus on the ensuring that outcomes of the subdivision chapter are achieved. • Most subdivision will require a resource consent regardless, so costs arising from the proposed changes are likely to be similar. • The proposed changes will still ensure that development providing the amenity outcomes as set out by the MDRS are achieved.
Risk of acting or not acting	<ul style="list-style-type: none"> • I consider that the appropriateness of adopting the relief sought must be considered in the context of the direction set out in higher order policy documents and the amendments through the RMA-EHS. • The NPS-UD seeks to enable growth by requiring local authorities to provide development capacity to meet the diverse demands of communities, address overly restrictive rules, and encourage quality, liveable urban environments. It also aims to provide for growth that is strategically planned and results in vibrant cities. I am of the opinion that the relief sought by Kāinga Ora will be more in line with outcomes expressed in the NPSUD.

	<ul style="list-style-type: none"> • The risk of not acting is that the rule framework remains unnecessarily restrictive and complex.
Decision about more appropriate action	<ul style="list-style-type: none"> • The recommended amendments as set out in my evidence are therefore considered to be more appropriate in achieving the purpose of the RMA than the IPI.

Table 8: City Centre Zone expansion

Effectiveness and efficiency	<ul style="list-style-type: none"> • Retaining the CCZ as zoned in the Operative District Plan (plus a small extension at the CCZ fringes) will assist in implementing the centres hierarchy as proposed in the CMU-O4, with the CCZ being the principal centre and main focal point of the city. • Council's proposed reduction in the spatial extent of the CCZ would not encourage this objective being met • Including MUZ on the fringes of the city is inefficient and will not deliver comprehensive zone outcomes due to spot zoned sites.
Costs/Benefits	<ul style="list-style-type: none"> • The proposed change has a greater chance of accommodating a broader range of activities, which would provide greater benefit and amenity to residents in the surrounding HRZ. • A greater spatial extent of the CCZ (when compared to the Upper Hutt IPI) will provide enhanced opportunities to provide for the wide-range of commercial, cultural, recreational, civic and residential activities that are anticipated in the zone. • The Upper Hutt IPI proposes sites on the edge of the CCZ be rezoned as MUZ, however CMU-O4 does not recognise the MUZ as part of the Centres Hierarchy, and imposing this zone on the edge of the principle centre in the city undermines the application of the Centres Hierarchy.
Risk of acting or not acting	<ul style="list-style-type: none"> • I consider that the appropriateness of adopting the relief sought must be considered in the context of the direction set out in higher order policy documents and in particular the NPS-UD. • The NPS-UD seeks to enable growth by requiring local authorities to provide development capacity to meet the diverse demands of communities, address overly restrictive rules, and encourage quality, liveable urban environments. It also aims to provide for growth that is strategically planned and results in vibrant cities. I am of the opinion that the relief sought by Kāinga Ora will be more in line with outcomes expressed in the NPS-UD. • The risk of not acting is that intensification or redevelopment opportunities are not taken up or are unnecessarily prevented from occurring.
Decision about more appropriate action	<ul style="list-style-type: none"> • The recommended amendments as set out in my evidence are therefore considered to be more appropriate in achieving the purpose of the RMA than the Upper Hutt IPI or the proposed changes set out in the section 42A report

Table 9: Local Centre Zone expansion

Effectiveness and efficiency	<ul style="list-style-type: none"> Expanding the LCZ will assist in implementing the centres hierarchy as proposed in the CMU-O4, with the LCZ providing goods and services to surrounding local residents while also accommodation, community and residential activities. Council's proposed limited spatial extent of the LCZ would not encourage this objective being met to the same extent as if the LCZ is delivered as recommended by Kāinga Ora.
Costs/Benefits	<ul style="list-style-type: none"> The proposed change has a greater chance of accommodating a broader range of activities, which would provide greater benefit and amenity to residents in the surrounding MRZ. A greater spatial extent of the LCZ will provide greater opportunities to provide activities that are anticipated in the zone.
Risk of acting or not acting	<ul style="list-style-type: none"> I consider that the appropriateness of adopting the relief sought must be considered in the context of the direction set out in higher order policy documents and in particular the NPS-UD. The NPS-UD seeks to enable growth by requiring local authorities to provide development capacity to meet the diverse demands of communities, address overly restrictive rules, and encourage quality, liveable urban environments. It also aims to provide for growth that is strategically planned and results in vibrant cities. I am of the opinion that the relief sought by Kāinga Ora will be more in line with outcomes expressed in the NPS-UD. The risk of not acting is that intensification or redevelopment opportunities are not taken up or are unnecessarily prevented from occurring and planned outcomes for the role and function of the LCZ are not delivered.
Decision about more appropriate action	<ul style="list-style-type: none"> The recommended amendments as set out in my evidence are therefore considered to be more appropriate in achieving the purpose of the RMA than the Upper Hutt IPI or the proposed changes set out in the section 42A report.

Table 10: Changes to management of Indigenous Biodiversity

Effectiveness and efficiency	<ul style="list-style-type: none"> The proposed indigenous biodiversity precinct has been determined by Council as being areas of significant indigenous vegetation and habitat that require protection in accordance with s6(c) of the RMA. The management and protection of these indigenous biodiversity values would be more effective if these areas were identified as an overlay with the relevant provisions and rules located in a district wide ECO chapter. This would be consistent with the National Planning Standards and the plan would be more legible and more readily understood by all users, making implementation more effective and efficient.
Costs/Benefits	<ul style="list-style-type: none"> The recommended amendments will simplify the Plan to the extent that the relevant indigenous vegetation and habitat protection framework is logically located in the plan, and is clear and not unduly complex.

	<ul style="list-style-type: none"> • There are no costs associated with the amendment recommended and will improve implementation.
Risk of acting or not acting	<ul style="list-style-type: none"> • The approach within the IPI is not legible, compared with the proposed alternative, and therefore there is a risk that the management regime relevant to the protection of indigenous biodiversity is poorly implemented
Decision about more appropriate action	<ul style="list-style-type: none"> • The changes sought by Kāinga Ora and recommended in the evidence of the Kāinga Ora experts are considered to be more appropriate in achieving the purpose of the RMA.

Appendix C: High Density Residential Zone Provisions

High Density Residential Zone

The High Density Residential Zone provides opportunities for the development of high density, multi-storey housing 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

The purpose of the zone is to enable efficient use of land and infrastructure, increase the capacity of housing and ensure that residents have convenient access to services, employment, education facilities, retail and entertainment opportunities, public open space and public transport in close proximity to the City Centre and Rapid Transit Stops.

Building heights in the High Density Residential Zone are enabled to at least 6 storeys, with greater height and density enabled near the City Centre Zone in response to the scale and primacy of this zone. It is anticipated that the form, appearance and amenity of neighbourhoods within the High Density Residential Zone will change over time as existing housing stock is redeveloped with more intensive typologies and densities. Development within the zone is expected to achieve quality urban design outcomes and manage transitions in building bulk and scale at the zone interface with lower density zones.

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.

The development of papakāinga is also provided for within the Zone. This zone also provides for a range of non-residential activities so that residents have convenient access to these activities and services while maintaining the urban residential character of these areas.

Objectives

HRZ-01	High Density Residential Development
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The High Density Residential Zone provides for predominantly residential activities at a density and scale that enables higher-intensity residential development of at least 6 storeys.

HRZ-02	Planned Urban Form
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The form, appearance and amenity of neighbourhoods within the High Density Residential Zone will change over time to a more intensive urban built form. The planned urban built environment in the High Density Residential Zone is characterised by:

1. A planned built form of terraced housing and apartments buildings, predominantly 6 storeys in height, with greater height enabled in identified Height Variation Control area around the City Centre Zone;
2. A greater intensity of buildings than anticipated in the Medium Density Residential Zone;
3. A quality-built environment that provides for the health and well-being of people and communities residing in the Zone; and
4. An urban environment that is visually attractive, safe, easy to navigate and convenient to access.

HRZ-03	Well-functioning Urban Environments
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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.	
HRZ-O4	Housing Variety
Relevant residential zones provide for a variety of housing types and sizes that respond to: <ol style="list-style-type: none"> 1. Housing needs and demand; and 2. The neighbourhood's planned urban built character, including 6-storey buildings. 	
HRZ-O5	Design Outcomes and Amenity Values
Achieve a level of residential amenity within the zone that contributes to quality urban form outcomes, and reflects and supports the planned built form and desired compact urban settlement pattern.	
HRZ-O6	Development Efficiency
Development in the zone seeks to maximise efficiency of the underlying land, recognising that residential intensification provides opportunity to leverage economies of scale in the provision and maintenance of community facilities and infrastructure.	
HRZ-O7	Housing Choice and Affordability
To meet diverse community needs by increasing the amount of high density housing that: <ol style="list-style-type: none"> 1. Is of densities, locations, types, attributes and size that meets the social and economic wellbeing needs of households in suitable urban locations; 2. Is affordable and adequate for lower income households; and 3. Can respond to the changing needs of residents, regardless of age, mobility, health or lifestyle preference. 	
HRZ-O8	Non-Residential Activities
Non-residential activities provide for the community's social, economic and cultural well-being, while being compatible with the scale and intensity of development anticipated by the zone so as to contribute to the amenity of the neighbourhood.	
HRZ-O9	Hydraulic Neutrality
There is no net increase in the peak demand on stormwater management systems and increase in flooding from subdivision and development.	
Policies	
HRZ-P1	MDRS – Policy 1
Apply the high density development and performance standards within the High Density Residential Zone 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).	
HRZ-P2	MDRS – Policy 2
Encourage development to achieve attractive and safe streets and public open spaces, including by providing for passive surveillance.	
HRZ-P3	MDRS – Policy 3
Enable housing to be designed to meet the day-to-day needs of residents.	
HRZ-P4	MDRS – Policy 4

Provide for more intensive housing developments and encouraging best practice urban design outcomes.	
HRZ-P5	MDRS – Policy 5
Enable a variety of housing typologies with a mix of densities within the Zone, including attached dwellings and multi-storey apartments of up to 6-storeys.	
HRZ-P6	Residential Amenity
Ensure that the bulk and scale of buildings in the zone is of a height and bulk which continues to provide reasonable daylight access and standard of privacy and minimise visual dominance effects on the site and on adjoining sites, taking into consideration the planned urban built form and resulting amenity values anticipated within the zone.	
HRZ-P7	Achieving positive urban design outcomes
Provide for residential intensification of a site where the development achieves positive urban design outcomes and living environments, taking into consideration the following design principles, development type, and the planned urban built environment of the High Density Residential Zone:	
<ol style="list-style-type: none"> 1. Ensure the building location, form and appearance is comprehensively designed with the landscape and is compatible with the planned urban built character of the zone. 2. Achieve a positive frontage that engages and interacts with the street with a focus on human activity and scale. 3. Achieve visual interest and aesthetic coherence using architectural and landscape design techniques. 4. Minimise the impact of driveways, manoeuvring and parking areas on the quality of the site and street, while ensuring safety. 5. Integrate building form and open space design to achieve high amenity, safe and functional outcomes for residents in both private and communal spaces, while respectful of neighbouring sites. 6. Achieve reasonable sunlight, daylight, and outlook for all residential units and associated outdoor spaces where possible, while minimising overlooking of neighbouring living and private outdoor spaces. 7. Provide reasonable internal visual privacy for all units through well considered location of elements, rather than relying on window coverings. 8. Achieve quality, legible, safe and efficient circulation. 9. Provide for servicing that is suitably generous, convenient, and visually discreet. 	
HRZ-P8	Residential Intensification
Enable residential intensification on land close to and surrounding Rapid Transit Stops and the City Centre, and in doing so:	
<ol style="list-style-type: none"> 1. Recognise the social, economic, and environmental benefits arising from enabling residential activities at scale close to community facilities and the commercial activities within key commercial centres. 2. Recognise the economic and environmental benefits of higher intensity development that efficiently utilises existing and planned investment in transport and three waters infrastructure. 	
HRZ-P9	Ancillary Activities
Allow activities which are ancillary to residential activities, where the scale is appropriate and compatible with surrounding residential uses;	

HRZ-P10	Non-Residential Activities
Provide for and manage non-residential activities to ensure that they do not detract from the purpose and amenity values anticipated within the zone, while recognising the benefits that such activities can provide to the well-being of the community.	
HRZ-P11	Hydraulic Neutrality
New buildings and development will be designed to achieve hydraulic neutrality.	

Rules	
District-wide matters	
Each activity in the High Density Residential Zone must comply with the relevant qualifying matter area rules and standards, and the relevant rules and standards in the District-wide matters of the Plan.	
HRZ: R1	Residential Activities
1.	<p>Activity Status: Permitted</p> <p>Where:</p> <p>a. No more than 3 residential units occupy the site.</p>
2.	<p>Activity Status: Restricted Discretionary</p> <p>a. Where compliance with HRZ:R1(1)(a) cannot be achieved.</p> <p><u>Matters of discretion:</u></p> <p>Matters of discretion are restricted to:</p> <p>i) The scale, form, and appearance of the development is compatible with the planned urban built form of the zone;</p> <p>ii) The development contributes to a safe and attractive public realm and streetscape;</p> <p>iii) The degree to which the development delivers quality on-site amenity and occupant privacy that is appropriate for its scale; and</p> <p>iv) The extent and effects on the three waters infrastructure, achieved by demonstrating that at the point of connection the infrastructure has the capacity to service the development.</p> <p><u>Restriction on notification:</u></p> <p>An application for resource consent made which does not comply with PER1 is precluded from being either publicly or limited notified.</p>
HRZ: R2	Rest homes and community care housing
1.	<p>Activity Status: Permitted</p> <p>Where the following are complied with:</p> <p>a. No more than 10 people, including staff and their dependents reside on site.</p> <p>b. Staff providing supervision for managed care facilities accommodating eight or more residents shall be present on site at all times that residents are in occupation.</p> <p>c. No part of any site or premises used as a managed care facility shall contain a secure unit.</p>
2.	<p>Activity Status: Restricted Discretionary</p> <p>Where compliance is not achieved with HRZ:R2(a), (b) and/or (c).</p> <p><u>Matters of discretion:</u></p>

	<p>Matters of discretion are restricted to:</p> <ul style="list-style-type: none"> i) The effect of non-compliance with the relevant standard. ii) The extent to which the intensity and scale of the activity adversely impacts on the planned urban built form and residential amenity values of nearby residential properties and the surrounding neighbourhood. <p><u>Restriction on notification:</u></p> <p>An application for resource consent for a restricted discretionary activity under this rule is precluded from being publicly notified.</p>
HRZ: R3	Home Based Business
	<p>1. Activity Status: Permitted</p> <p>Where the following are complied with:</p> <ul style="list-style-type: none"> a. At least one of the persons engaged in the home business shall live on the site as their principal place of residence. b. No more than three non-resident persons may be engaged in the home business at any one time. c. The repair or maintenance of vehicles or engines, other than those belonging to the residents, is not permitted. d. The site shall not be used as a depot for any heavy vehicle associated with a trade. e. 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. f. 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. g. Equipment used shall not interfere with radio and television reception. h. Not exceed 30% of the total gross floor area of buildings on the site. <p>For the avoidance of doubt, if an activity does not comply with all of the standards specified, it is not a home-based business.</p>
	<p>2. Activity Status where compliance not achieved with HRZ:R3(a) to (g): Restricted Discretionary</p> <p><u>Matters of discretion:</u></p> <p>Matters of discretion are restricted to:</p> <ul style="list-style-type: none"> i) The effect on residential amenity values and the extent to which the intensity and scale of the activity may adversely impact on the amenity of the surrounding residential properties. ii) Whether the business is compatible with the surrounding neighbourhood, or whether it would be better located in a Centre. iii) The extent to which the activity may adversely impact on traffic generation, road safety, onsite and street parking, and access.
HRZ: R4	New buildings and structures, and any minor works, additions or alterations to any building or structure.
	<p>1. Activity Status: Permitted</p>

	<p>Where the following are complied with:</p> <p>a. HRZ Standards S1 to S10.</p>
	<p>2. Activity Status where compliance is not achieved with HRZ:R4(1)(a): Restricted Discretionary</p> <p><u>Matters of discretion:</u></p> <p>Matters of discretion are restricted to:</p> <p>i) The effect of noncompliance with the relevant standard as specified in the associated assessment criteria for the infringed standard.</p> <p><u>Restriction on notification:</u></p> <p>An application for resource consent made in respect of rule HRZ-R4 which results from non-compliance with Standard 1, 2, 3, 4, 9 or 10 is precluded from being publicly notified.</p> <p>An application for resource consent made in respect of rule HRZ-R4 which results from non-compliance with 5, 6, 7, or 8 is precluded from being either publicly or limited notified.</p>
HRZ:R5	Commercial Activities
	<p>1. Activity Status: Restricted Discretionary</p> <p>Where the following are complied with:</p> <p>a. The commercial activity is limited to the ground floor of an apartment building.</p> <p>b. The gross floor area of the commercial activity/activities shall not exceed 200m².</p> <p>c. Hours of operation shall be limited to:</p> <p style="padding-left: 20px;">i. 7:00am to 9:00pm Monday to Friday</p> <p style="padding-left: 20px;">ii. 8:00am to 7:00pm Saturday, Sunday, and public holidays.</p> <p><u>Matters of discretion:</u></p> <p>Matters of discretion are restricted to:</p> <p>i) The effect on residential amenity values and the extent to which the intensity and scale of the activity may adversely impact on the amenity of the surrounding residential properties.</p> <p>ii) Whether the business is compatible with the surrounding neighbourhood, or whether it would be better located in a Centre.</p> <p>iii) The extent to which the activity may adversely impact on traffic generation, road safety, onsite and street parking, and access.</p>
	<p>2. Activity Status where compliance not achieved with HRZ:R5(1)(a) to (c): Discretionary</p>
HRZ:R6	Early Childhood Centre
	<p>1. Activity Status: Restricted Discretionary</p> <p>Where the following are complied with:</p> <p>a. The activity shall have a maximum gross floor area for all buildings of 250m².</p> <p>b. The hours of operation are between 7.00am and 7.00pm, Monday to Friday.</p> <p><u>Matters of discretion:</u></p>

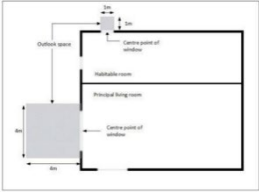
	<p>Matters of discretion are restricted to:</p> <ul style="list-style-type: none"> i) The extent and effect of non-compliance with the relevant standard as specified in the associated assessment criteria for the infringed standard. ii) The extent to which the intensity and scale of the activity may adversely impact on the planned urban built form of nearby residential properties and the surrounding neighbourhood. iii) The extent to which the activity may adversely impact on traffic generation, road safety, onsite and street parking, and access. <p><u>Restriction on notification:</u></p> <p>An application for resource consent for a restricted discretionary activity under this rule is precluded from being publicly notified.</p>
	<p>2. Activity Status where compliance not achieved with HRZ:R6(1)(a) and/or (b): Discretionary</p>
HRZ:R7	Retirement Village
	<p>Activity Status: Restricted Discretionary</p> <p><u>Matters of discretion:</u></p> <p>Matters of discretion are restricted to:</p> <ul style="list-style-type: none"> i) The extent to which the intensity and scale of the activity may adversely impact on the planned urban built form of nearby residential properties and the surrounding neighbourhood. <p><u>Restriction on notification:</u></p> <p>An application for resource consent for a restricted discretionary activity under this rule is precluded from being publicly notified.</p>
HRZ:R8	Visitor Accommodation
	<p>1. Activity Status: Restricted Discretionary</p> <p>Where the following are complied with:</p> <ul style="list-style-type: none"> a. The maximum occupancy for visitor accommodation shall be 10 guests. b. Visitor accommodation shall not provide for the sale of liquor through an ancillary facility such as a bar or a restaurant. <p><u>Matters of discretion:</u></p> <p>Matters of discretion are restricted to:</p> <ul style="list-style-type: none"> i) The extent to which the intensity and scale of the activity may adversely impact on the planned urban built form of nearby residential properties and the surrounding neighbourhood. <p><u>Restriction on notification:</u></p> <p>An application for resource consent for a restricted discretionary activity under this rule is precluded from being publicly notified.</p>
	<p>2. Activity Status where compliance not achieved with HRZ:R8(1)(a) and/or (b): Discretionary</p>
HRZ:R9	Emergency Services Facilities

	<p>Activity Status: Restricted Discretionary</p> <p><u>Matters of discretion:</u></p> <p>Matters of discretion are restricted to:</p> <p>i) The extent to which the intensity and scale of the activity may adversely impact on the planned urban built form of nearby residential properties and the surrounding neighbourhood.</p> <p><u>Restriction on notification:</u></p> <p>An application for resource consent for a restricted discretionary activity under this rule is precluded from being publicly notified.</p>
HRZ:R10	Marae
	<p>1. Activity Status: Controlled</p> <p><u>Matters of control:</u></p> <p>Council may impose conditions over the following matters:</p> <p>a. Bulk, location, appearance and design of the buildings.</p> <p>b. Design and layout of car parking, loading, manoeuvring and access areas.</p> <p>c. Provision of and effects on utilities and/or services.</p> <p>d. Landscaping, including the retention of existing trees.</p> <p>e. Hours of operation.</p>
HRZ:R11	Community Centre, Education Facility, Healthcare Facility, Veterinary Facility, Places of Assembly
	<p>1. Activity Status: Restricted Discretionary</p> <p>Where the following are complied with:</p> <p>a. The maximum gross floor area of all buildings on a site will not exceed 250m².</p> <p>b. The hours of operation will be restricted to 0700- 2200 hours</p> <p>c. Once per calendar year a special event may operate from 0700-2200 hours</p> <p><u>Matters of discretion:</u></p> <p>Matters of discretion are restricted to:</p> <p>i) The extent to which the intensity and scale of the activity may adversely impact on the planned urban built form of nearby residential properties and the surrounding neighbourhood.</p> <p><u>Restriction on notification:</u></p> <p>An application for resource consent for a restricted discretionary activity under this rule is precluded from being publicly notified.</p>
	<p>2. Activity Status where compliance not achieved with HRZ:R11(1)(a) to (c): Discretionary</p>

HRZ:R12	Any commercial, industrial or retail activity that is not listed as a permitted, controlled, restricted discretionary or discretionary activity.
	Activity Status: Non-Complying Activity

Standards		
Standards for Permitted Activities		Matters of discretion where Permitted Activity Standard is not met
HRZ: S1	<p>Building height</p> <ol style="list-style-type: none"> 1. Buildings and structures must not exceed a height of: <ol style="list-style-type: none"> (a) 22 metres; or (b) The height limit identified on the Planning Maps as a Height Variation Control 	<p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. Whether topographical or other site constraints make compliance with the standard impractical. 2. Streetscape and visual amenity effects; 3. Dominance, privacy and shading effects on adjoining sites; and 4. Wind effects (where a building exceeds 22m).
HRZ: S2	<p>Height in relation to boundary</p> <ol style="list-style-type: none"> 1. Where no more than 3 residential units occupy the site: <ol style="list-style-type: none"> (a) Buildings and structures must not project beyond a 60° recession plane measured from a point 5 metres vertically above ground level along all boundaries; 1. Where four or more units occupy the site: <ol style="list-style-type: none"> (a) Buildings and structures must not project beyond a 60° recession plane measured from a point 19m vertically above ground level along the first 21.5m of the side boundary as measured from the road frontage. (b) 60° recession plane measured from a point 8m vertically above ground level along all other boundaries (c) Except no part of any building or structure may project beyond a 60° recession plane measured from a point 4 metres vertically above ground level along any boundary that adjoins a site: <ol style="list-style-type: none"> a. in the Medium Density Residential Zone; b. containing a scheduled historic heritage building or structure or an area scheduled as waahi tapu and other places and areas of significance to Māori. <p>Note: Where the boundary forms part of a legal right of way, entrance strip, access site, or pedestrian access way, the height in relation to</p>	<p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. Dominance, privacy and shading effects on adjoining sites.

	<p>boundary applies from the farthest boundary of that legal right of way, entrance strip, access site, or pedestrian access way.</p> <p>This standard does not apply to:</p> <ol style="list-style-type: none"> 1. a boundary with a road; 2. existing or proposed internal boundaries within a site; 3. site boundaries where there is an existing common wall between 2 buildings on adjacent sites or where a common wall is proposed. 											
HRZ: S3	<p>Setbacks</p> <p>Buildings and structures must be set back from the relevant boundary by the minimum depth listed in the yards table below:</p> <table border="1" style="margin-left: 40px;"> <thead> <tr> <th colspan="2">HRZ-Table x – Yard setbacks</th> </tr> <tr> <th>Yard</th> <th>Minimum depth</th> </tr> </thead> <tbody> <tr> <td>Front</td> <td>1.5 metres</td> </tr> <tr> <td>Site</td> <td>1 metre</td> </tr> <tr> <td>Rear</td> <td>1 metre (excluded on corner sites)</td> </tr> </tbody> </table>	HRZ-Table x – Yard setbacks		Yard	Minimum depth	Front	1.5 metres	Site	1 metre	Rear	1 metre (excluded on corner sites)	<p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. Streetscape and visual amenity effects; and 2. Dominance, privacy and shading effects on adjoining sites.
HRZ-Table x – Yard setbacks												
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Site	1 metre											
Rear	1 metre (excluded on corner sites)											
HRZ: S4	<p>Building coverage</p> <p>The maximum building coverage must not exceed 50% of the net site area.</p>	<p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. Streetscape and visual amenity effects; 2. Dominance effects on adjoining properties; and 										
HRZ: S5	<p>Outdoor living space (per unit)</p> <ol style="list-style-type: none"> 1. A residential unit at ground floor level must have an outdoor living space that is at least 20m² and that comprises ground floor, balcony, patio, or roof terrace space that: <ol 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 8m² and has a minimum dimension of 1.8 metres; and (c) is accessible from the residential unit; and (d) may be: <ol style="list-style-type: none"> i. grouped cumulatively by area in 1 communally accessible location; or 	<p>Matters of discretion are restricted to:</p> <p>The extent to which:</p> <ol style="list-style-type: none"> 1. Any proposed outdoor living space provides a good standard of amenity relative to the number of occupants the space is designed for; 2. Other on-site factors compensate for a reduction in the size or dimension of the outdoor living space; and 3. The availability of public open space in proximity to the site. 										

	<ul style="list-style-type: none"> ii. located directly adjacent to the unit; and iii. 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 8m² 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. 	
HRZ: S6	<p>Outlook space (per unit)</p> <p>1. An outlook space must be provided for each residential unit as specified in this standard:</p> <ol style="list-style-type: none"> 1. An outlook space must be provided from habitable room windows as shown in the diagram below:  <ol style="list-style-type: none"> 2. The minimum dimensions for a required outlook space are as follows: <ul style="list-style-type: none"> i. a principal living room must have an outlook space with a minimum dimension of 4 metres in depth and 4 metres in width; and ii. all other habitable rooms must have an outlook space with a minimum dimension of 1 metre in depth and 1 metre in width. 3. The width of the outlook space is measured from the centre point of the largest window on the building face to which it applies. 4. Outlook spaces may be over driveways and footpaths within the site or over a public street or other 	<p>Matters of discretion are restricted to:</p> <p>The extent to which:</p> <ol style="list-style-type: none"> 1. Acceptable levels of natural light are provided to habitable rooms; and 2. The design of the proposed unit provides a healthy living environment.

	<p>public open space.</p> <ol style="list-style-type: none"> 5. Outlook spaces may overlap where they are on the same wall plane in the case of a multi-storey building. 6. Outlook spaces may be under or over a balcony. 7. Outlook spaces required from different rooms within the same building may overlap. 8. Outlook spaces must: <ol style="list-style-type: none"> i. be clear and unobstructed by buildings; and ii. not extend over an outlook space or outdoor living space required by another dwelling. 	
HRZ: S7	<p>Windows to street</p> <p>Any residential unit facing the 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>	<p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. Streetscape and visual amenity effects; and 2. Passive surveillance and safety
HRZ: S8	<p>Landscaped area</p> <ol style="list-style-type: none"> 1. A residential unit 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. <p>The landscaped area may be located on any part of the development site, and does not need to be associated with each residential unit.</p>	<p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. Streetscape and visual amenity effects; and 2. Hard surfacing is minimised as far as practicable.
HRZ: S9	<p>Fences and walls</p> <ol style="list-style-type: none"> 1. Fences, walls and retaining structures adjoining any Natural Open Space or Open Space Zone, esplanade, access strip or public walkway, or within 1.5 metres of the road boundary shall have a combined height of: <ol style="list-style-type: none"> (a) 1.2 metres; or (b) 1.8 metres for no more than 50 percent of the site frontage and 1.2 metres for the remainder; or (c) 1.8 metres if the fence is at least 50 percent visually permeable as viewed perpendicular to the boundary. 2. Any fence or standalone wall, retaining wall or combination of these structures, must not exceed a maximum height of 2 metres above ground level where within 1 metre of any side or rear boundary. 3. Any fence or standalone wall, retaining wall or combination of these structures, must not exceed a maximum height of 2 	<p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. Streetscape and visual amenity effects; and 2. Passive surveillance to the street, public open space or public walkway.

	metres above ground level where within 1 metre of any side or rear boundary.	
HRZ: S10	<p>Minimum privacy separation to a boundary</p> <p>Any outdoor living space or habitable room window above ground floor level must be at least 2m from any boundary except a road or a railway boundary</p>	<p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. Privacy effects on adjoining sites