

A REVIEW OF RURAL AND RESIDENTIAL RESOURCE CONSENT APPLICATIONS



PREPARED AS IN INPUT TO
PLAN CHANGE 50: RURAL AND RESIDENTIAL REVIEW

Prepared for Upper Hutt City Council

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1 EXECUTIVE SUMMARY

This report has considered a sample of resource consents processed by the Upper Hutt City Council in respect of the rural and residential zones of the city. Its purpose is to inform the Council of what District Plan rules development proposals are triggering, so that the Council can consider what amendments may be required in its review of these four chapters of the Upper Hutt District Plan.

The key findings of this report are that:

- The bulk and location requirements that are principally breached relate to site coverage and boundary setback non-compliances;
- It is not uncommon for subdivision consent applications to not meet net site area requirements, but that Council is exercising its discretion appropriately in supporting such applications;
- Non-compliance with bulk and location requirements triggers a resource consent requirement as a discretionary activity. This is overly onerous, potentially uncertain, does not reflect best practice plan drafting, and is out of step with other District Plans that were considered as part of this research;
- The Council should consider changing the activity status for 'complying' subdivisions from controlled activities to restricted discretionary activities; and
- There were a number of minor changes that the Council could consider in preparing its plan change.

The report also flags that further research may be required to better ascertain the effects of certain non-compliances. This is particularly so for site coverage breaches by Comprehensive Residential Developments where it is suggested that a greater sample size is considered and that this is complemented by specific urban design review.

2 INTRODUCTION

Urban Perspectives Ltd has been engaged by Upper Hutt City Council to undertake a review of a selection of resource consents granted by the Council. This research will be used as one input into the Council's impending review of the Residential and Rural zone provisions of the Upper Hutt District Plan. The review will culminate in Plan Change 50 ("PC50") which will be notified for submissions in accordance with the First Schedule of the Resource Management Act 1991 ("RMA" or "the Act").

The review of resource consents is focussed on the application of development controls, with a particular reference on the following standards or activity types for the Residential zone(s):

- Multi-unit developments and the development controls that applications are triggering;
- Net site area non-compliances (either for subdivision or additional dwellings without subdivision);
- Site coverage;
- Height;
- Sunlight access planes;
- Parking and turning; and
- Home occupations.

And in respect of the Rural zones:

- Yard setbacks;
- Net site area and subdivision; and
- Non-residential activities.

The scope of this work was limited to resource consents granted over the previous two years. This was done in order to coincide with the enactment of the Resource Legislation Amendment Act 2017 ("RLAA") which made a range of amendments to the consenting framework under the Act. In addition, given the volume of resource consents that the Council processes, and the timeframes and budget available, it was not within the scope of this work to review every resource consent processed by the Council over, say, the previous ten years. Rather, all resource consents within the rural and residential areas for the period of October 2017- October 2019 were collated and then further refined to a sample of 73 consents (51 for the residential zones and 22 for the rural zones) being approximately 20% of the consents granted over this time. These were then individually reviewed by considering the Council file for each resource consent – application documents, plans and Council resource consent reports.

Site visits were undertaken to the majority of the reviewed resource consent sites. It is noted that not all development that had been consented had progressed at the time of visiting the site, or was only in progress. Some developments were complete.

There are limitations to the scope of this research:

- It is not the purpose of this work to review the decisions made on the resource consent "on the merits".
- It is not the purpose of this work to review design outcomes given the subjective nature of design assessment that was applied to some of the resource consents.
- Resource consents that triggered matters outside of the immediate zone provisions, or those provisions that aren't within the scope of the research, weren't considered. For example – transmission lines, fault band provisions, earthworks etc.
- It is not the purpose of this work to recommend specific amendments to any individual activity standards. For instance, where a current setback from the front boundary is 4m, this report will not advise that the Council should change this standard to 3m. This report may identify situations where a standard is being repeatedly breached and will suggest that such a standard should be considered by PC50.

2.1 REPORT STRUCTURE

After this introduction, the report is structured as follows:

- Section 3 provides a summary of the existing regulatory approach of the Upper Hutt District Plan to subdivision and development matters generally.
- Section 4 provides an analysis of consent data from the Council. It further provides an assessment of the outcomes of this consent data.
- Section 5 sets out a brief assessment of a selection of other District Plans and the approaches adopted towards comparable issues.
- Section 6 draws together and discusses the above threads, provides a conclusion and recommendations to the Council.

2.2 METHODOLOGY

The methodology for the review, as agreed with the Council, has been to:

- understand the existing District Plan approach;
- analyse Council consents data – a selection of resource consents have been reviewed in order to better understand which District Plan rules are being ‘tripped’ by proposals;
- undertake a comparative assessment of a selection of other District Plans. The other District Plans were selected following a discussion with the Council to undertake a selection that is representative of areas with similar issues to Wellington, of similarly sized Councils, and seeking best practice in the form of recently prepared District Plans;
- provide a summary discussion and recommendations for the Council to consider through its development process for PC50.

3 EXISTING DISTRICT PLAN

3.1 CURRENT DISTRICT PLAN APPROACH

3.1.1 Residential – Subdivision

The District Plan adopts a minimum lot size approach to subdivision. If a proposal meets minimum net site area and shape factor¹ requirements, and complies with access standards, the Council must grant consent to the new subdivision as a controlled activity. There is no subdivision design guide in place for the majority of the residential zone.

The Council's ability to impose conditions is limited to the matters over which it has retained control. These are:

- Design, appearance and layout of the subdivision.
- Landscaping.
- Provision of and effects on network utilities and/or services.
- Standard, construction and layout of vehicular access.
- Earthworks.
- Provision of esplanade reserves and strips.
- Protection of any special amenity feature.
- Financial contributions.

Non-compliance with either net site area or shape factor requirements means resource consent is required as a discretionary activity. Non-compliance with access standards requires resource consent as a restricted discretionary activity.

Subdivision around existing lawfully established dwellings, that does not create a new vacant lot, is a controlled activity also. Such subdivision does not need to comply with net site area requirements but does need to meet the relevant access standards.

And subdivision of a Comprehensive Residential Development ("CRD"), where it is applied for concurrently with an application for a CRD, is a restricted discretionary activity.

3.1.2 Residential – Land Use

The approach of the District Plan is to manage the effects of development by way of performance standards. For example, the activity table in Rule 18.2 provides for one dwelling on a site as a permitted activity. Then, beginning at Rule 18.5, it lists a range of standards for permitted (and controlled) activities that a permitted dwelling needs to comply with. Failure to comply with one or more of those standards results in a resource consent requirement, generally as a discretionary activity.

Permitted activity standards principally relate to bulk and location standards, or put another way, standards that control the location and scale of buildings. The main standards are:

- Boundary setback requirements;
- Building height;
- Sunlight access planes;
- Site coverage; and
- Outdoor living court.

A fuller list of standards is set out in greater detail in Appendix 1.

There are some types of activity where such an approach is inadequate, or more particularly where certain activities require an additional level of assessment that cannot be solely achieved through permitted activity

¹ Shape factor refers to the ability of a proposed allotment to be able to accommodate a theoretical square of certain dimensions. This ensures that the design of an allotment can accommodate a suitable building platform.

standards. An example is how the District Plan provides for CRDs² where approval of a development is required as a restricted discretionary activity. That activity is subject to an assessment against the Design Guide for CRDs and in addition is itself subject to standards, referencing back to the general bulk and location standards previously mentioned.

In terms of the specific aspects that are within the brief of this report to cover, the following provides a summary of the regulatory approach of the District Plan:

Single Dwelling on a site:

Permitted activity subject to meeting permitted activity standards.

Resource consent is required as a discretionary activity where compliance cannot be achieved³. As a discretionary activity, the Council's discretion is unfettered, though is guided by certain "matters for consideration" as outlined in Rule 18.36 of the Plan.

More than one dwelling on a site:

Controlled activity subject to meeting the net site area requirements for the zone for each dwelling. In addition, the second or further additional dwelling must comply with the relevant permitted activity standards. The Council retains control in terms of consent conditions over the same matters as for subdivision.

Resource consent is required as a discretionary activity where compliance cannot be achieved for either net site area, or with the bulk and location permitted activity standards⁴.

Comprehensive Residential Development:

Applicable only within the Residential (Centres Overlay) Area. Any CRD requires resource consent as a restricted discretionary activity. A CRD is required to meet bulk and location requirements and is subject to an assessment against the Design Guide for Residential (Centres Overlay) Areas.

A CRD that does not meet the applicable standards requires resource consent as a discretionary activity.

The relevant rule precludes the public notification of an application for a CRD, but still allows for limited notification.

Other

Outside of these main residential aspects, the District Plan may specifically list other activities as a particular activity type, for example 'Marae' are provided for as a controlled activity and 'Early Childhood Centres' as a restricted discretionary activity. Activities that are not specifically provided for, require resource consent as a discretionary activity.

3.1.3 Rural – Subdivision

In much the same way as for residential subdivision, subdivision in the rural area relies on a minimum lot size approach. Provided that net site area and access requirements are complied with, consent must be granted as a controlled activity.

Non-compliance with the minimum net site area requirements requires resource consent as a discretionary activity; non-compliance with the access standards as a restricted discretionary activity.

² Defined by the District Plan as a residential development of at least 3 dwellings, located within the 'Centres Overlay' area (a sub-set of the residential zone) at a density greater than the usual density applicable to the residential zone.

³ With the exception of non-compliance with access standards, where resource consent is required as a restricted discretionary activity.

⁴ Ibid.

Subdivision around existing lawfully established dwellings, that does not create a new vacant lot, is a controlled activity also. Such subdivision does not need to comply with net site area requirements but does need to meet the relevant access standards.

For completeness, though of little relevance for the main focus of this report, it is noted that subdivision in the Blue Mountains Area sub-zone is a non-complying activity due to the particular constraints that apply in this area.

3.1.4 Rural – Land Use

Again the approach applicable to the rural zone mirrors that of the residential zone. One dwelling per site is permitted subject to standards, along with a family flat. Non-compliance with permitted bulk and location standards requires resource consent as a discretionary activity for a dwelling, and restricted discretionary activity for a family flat. Non-compliance with access standards requires resource consent as a restricted discretionary activity.

Two or more dwellings on a site are a non-complying activity.

Other permitted land use activities include farming activities, forestry and home occupations.

3.1.5 Matters for Assessment

Where a resource consent is required as a restricted discretionary activity, the District Plan clearly specifies the restricted matters of discretion. There is some variation in how these rules are written, which is reflective of the evolution in drafting as the District Plan has been amended through various plan changes.

An example of this is Rule 18.25A which addresses CRD's and specifies the relevant standards and terms applicable, and then outlines the restricted matters for discretion. Other restricted discretionary rules simply note the matters over which discretion is restricted.

For discretionary activities, where discretion is unfettered, the District Plan at the end of each zone chapter outlines more generic "matters for consideration" which it notes may be relevant for the consideration of any resource consent application other than for a restricted discretionary activity.

3.1.6 Permitted Boundary Activities

A recent change to the RMA through the RLAA brought in the concept of 'permitted boundary activities' into section 87BA of the Act. In essence it provides that where a proposal triggers a boundary activity (for instance a boundary setback encroachment or a sunlight access plane breach) and the affected neighbour(s) has provided their written approval, the Council should treat the proposal as if it were a permitted activity (and confirm the same).

The Council should see this process as running independently of its District Plan and accordingly there are no implications for the drafting of its District Plan through PC50. The District Plan bulk and location standards, in concert, prescribe a minimum level of residential amenity that can be relied on by the community. Non-compliance with these standards triggers a resource consent requirement, and the permitted boundary activity process provides an alternative pathway to the usual resource consent process. However, where neighbour approval cannot be obtained the fallback position is that of the normal resource consent path, which will continue to rely on District Plan provisions.

Appendix 1 notes where permitted boundary activity applications have been processed by the Council.

Relatedly, section 87BB was also introduced into the Act through the RLAA. It provides, in a similar manner as 'permitted boundary activities', for certain activities to be 'deemed permitted activities' where non-compliances are marginal or temporary. Ultimately a decision made under this section is entirely discretionary for the Council. Accordingly, it should be viewed as an ancillary process and in much the

same way as for boundary activities, it is not considered that the Council should specifically look to accommodate changes to the District Plan.

4 CONSENTS ANALYSIS

4.1 Residential Zone

The Residential zone is split into four parts:

- Residential – being the general residential zone and the main residential zoning applicable in the city;
- Residential (Centres Overlay) Area – a sub-zone located around commercial centres that promotes and provides for a higher density of development;
- Residential Conservation – a lower density sub-zone that has historically maintained mature vegetation; and
- Residential Hill – a lower density sub-zone applicable to steeper areas on the periphery of the main urban valley floor.

Over the two-year time period considered by this report, the Council processed 265 resource consents across the residential zones. The 265 consents were split across the following zones:

- 43 consents in the Residential (Centres Overlay) Area;
- 202 consents in the Residential zone;
- 5 consents in the Residential Hill sub-zone; and
- 15 consents in the Residential Conservation sub-zone.

From those applications, 51 resource consents were sampled from the zones as follows:

- 13 consents in the Residential (Centres Overlay) Area;
- 33 consents in the Residential zone;
- 2 consents in the Residential Hill sub-zone; and
- 3 consents in the Residential Conservation sub-zone.

And of these applications, the following activity status classifications applied⁵:

- 46 applications were processed as discretionary activities;
- 3 applications were processed as restricted discretionary activities; and
- 2 applications were processed as permitted boundary activities.

4.1.1 Residential (Centres Overlay) Area

The Residential (Centres Overlay) Area was created as an overlay to the residential zone through Plan Change 18 (and Variation 1) to the District Plan. Its purpose was to create areas where higher density residential development was encouraged, and located these areas around commercial centres and associated transport nodes (railway stations principally) which were considered the most appropriate given the availability of transport options and commercial services.

The Council has seen strong uptake of development in these areas. Development typologies are typically still single storey dwellings but generally of a smaller footprint and arranged at a higher density than development in the residential zone.

⁵ Where more than one activity status applies to a proposal, the highest activity status has been taken. Most often this occurs when a subdivision application also has a land use consent component. Appendix 1 provides a fuller breakdown of these joint applications.

The sample considered for this report included 11 CRDs⁶ from the 13 consents relevant to this zone. The other two consents were for subdivisions around previously consented CRDs. All of the 11 consented CRDs were visited in preparing this report.



Photograph 1: A 3 dwelling Comprehensive Residential Development.



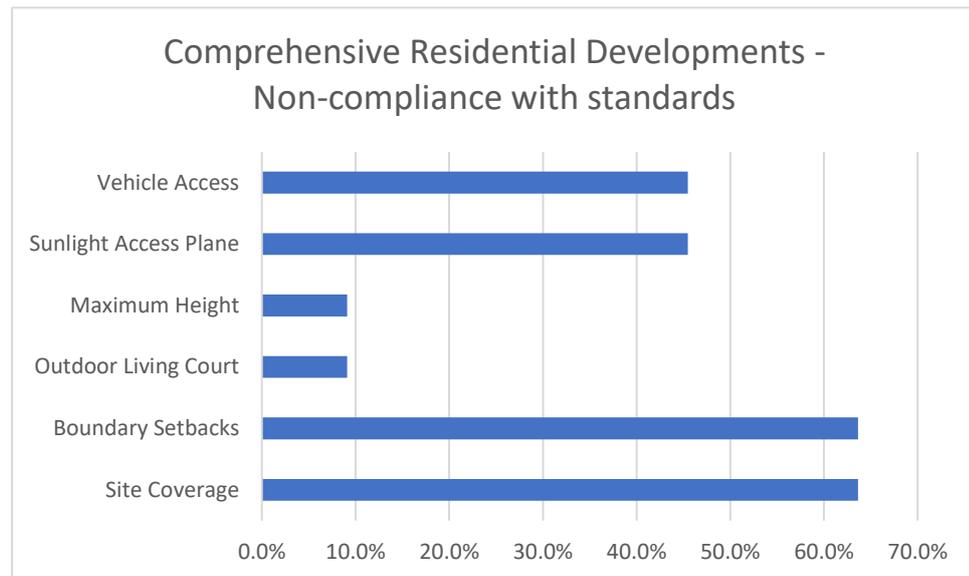
Photograph 2: A 6 dwelling Comprehensive Residential Development.

⁶ One of which was incorrectly coded as being in the Residential Zone.

Of those 11 applications, only 2 (or 18%) maintained a restricted discretionary activity status for their land use component. The other 9 needed resource consent as a discretionary activity. In other words, only two of the 11 applications complied with all of the relevant bulk and location standards applicable to a CRD.

This poses a question. If only 18% of applications (as per the sample) are complying with the relevant activity standards, are those standards set at the correct level, are those applications pushing the boundaries too far⁷, or is the level broadly correct and is it entirely appropriate to test those breaches through the resource consent process i.e. is the current approach working correctly?

The following breaches were the most common in the sample considered:



All of the sampled applications complied with the on-site soakage requirement.

The 11 consented CRDs created a total of 40 residential units, or 3.6 units on average. The median number of units created was 3. This highlights that the form of development occurring is generally constrained to individual residential lots. , While there are no minimum lot size requirements for a CRD, assuming a typical residential lot size of between 600-800m² prior to development, and accounting for access requirements, would result in an approximate yield of 3-4 dwellings per CRD.

From considering the consent application documents, and subsequent site visits, the following observations are made:

- There is a predominance of single storey development occurring in the CRDs considered as part of the sampled resource consents. This has implications for site coverage (discussed further below) and for site layout options in concert with car parking and access, and resulting open space provision. The Council could give consideration to how it may encourage greater uptake of the height limit that is already available to these developments through existing District Plan standards;
- The development that is occurring, in general, represents a miniaturisation of traditional development typologies i.e. a 150m² house that may be located on a 400m² section becomes, for example, a 90m² house on a 250m² section;

⁷ Again noting that the applications are being consented and it is not the purpose of this exercise to review those decisions on the merits.

- With only one exception in the sample considered, all of the CRDs occurred on a single site i.e. there is little amalgamation of more than one site occurring. This limits potential site layout options and leads to a limitation on development yield also – an average of 3.6 units and median of 3 units per site in the sample considered;
- The only development that occurred across two sites however still maintained a very similar site layout and development typology. Effectively this was a 'traditional' three dwelling CRD except that the driveway servicing the development was 'centred' with three dwellings on each side of the central driveway i.e. a mirror image of the development across the driveway;
- Resultingly there is a high degree of similarity between the various CRD developments;
- The predominance of single storey dwellings limits site layout options, and depending on the site, potentially affects development yield i.e. greater yield may be able to be realised with smaller dwelling footprints occupying less site area but at a greater height;
- A contrast can be drawn between the nature of CRDs occurring in this zone, and one that has occurred in the general Residential zone at 21-27 Ruahine Street⁸ which is discussed in the following section. While not an 'apples with apples' comparison, the development occurring at Ruahine Street has a number of positive qualities that can be encouraged in other areas targeted for CRDs;
- Site coverage can be a useful measure of the overall density of development and can signal where over-development is occurring. While this report does not make a conclusion in this regard, it is telling that a clear majority of developments are breaching the 45% site coverage standard. This is coupled with a clear preference for single storey development;
- In terms of the breaches of site coverage for CRDs, these range from breaches of 2-3% at 47-48% total coverage, to a number of sites that are over 50% (51.5%, 52.4%, 54.3%, and 56.2%). These are significant breaches of a baseline site coverage which is already permissive at 45%. In one particular example, one allotment of a particular development was to have site coverage of 69%; and
- Effects stemming from site coverage can be cumulative. That is, whilst one development considered individually may have negligible effects, progressive subdivision and development of neighbouring sites that also breach site coverage rules and are of a similar density can have, over time, the effect of eroding some of the character and amenity values of an area. Whilst this report does not reach a definitive view on this matter, the Council should give further consideration to this matter, such as through an examination of a greater sample of CRD's to get a better picture of CRDs and their related site coverage effects, potentially also through specific urban design advice.

4.1.2 Residential

The Residential zone is the main residential zone in the city. The sample considered by this report spanned a range of consent types from new dwellings, additions and alterations and subdivisions.

General Bulk and Location Requirements

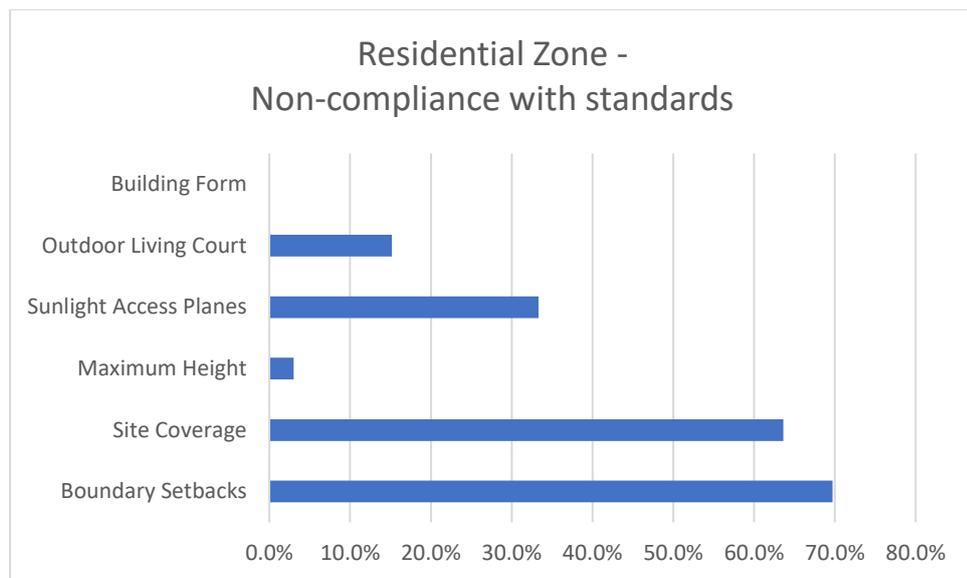
As set out in Appendix 1, there were a number of consents that triggered one or more bulk and location non-compliances.

As noted earlier, the purpose of this report is not to assess the merits of those proposals and the decisions. Nor is it the purpose of this report to assess the level at which the standard is set, for example, whether a front boundary setback should be 4 metres or 5 metres.

Rather, it is possible at a more thematic level to identify what standards are more commonly breached, and examine the District Plan structure that applies to these activities. Of the 33 consents considered as part of the Residential zone, the following bulk and location standards were breached⁹:

⁸ Noting that by definition of the District Plan, the development at Ruahine Street is not classified as a CRD. However, for all intents and purposes it is a multi-unit development that fits the definition of what a CRD is.

⁹ This refers to the number of applications for a breach of each standard, and not the amount of times a standard was breached. For example, one application for 30 dwellings contained multiple breaches of one or more standards.



These proportions are similar to that for CRDs with yard setbacks and site coverage being the principal areas of non-compliance.

All proposals complied with the building form standard, and no consent in the overall sample breached this standard. The standard requires that where 3 or more dwellings are attached, a 'step' of at least 3 metres is provided between every second unit. While this standard may be more likely to apply to CRDs or other multi-unit developments, its effect is more likely to be addressed through the design assessment process that applies to CRDs. Given that the rule is not being triggered (based on the sample) it appears to be superfluous and it is recommended that the Council consider deleting the rule.

Proposals triggering the outdoor living court rule either did not comply by a negligible amount i.e. a 5.8m diameter circle in lieu of 6m, or approached outdoor living space in a different way such as through decking on a steep site. The purpose of the rule, to ensure that an adequate area of useable open space is provided for each dwelling, remains valid and non-compliance with this rule remains appropriately assessed through a resource consent process. Again, no comment is made on the suitability of the standard itself.

Approximately one third of the sampled applications required a resource consent for a breach of sunlight access planes. Such breaches are appropriately addressed through a resource consent process given their importance in maintaining a certain level of sunlight access, resultant shading and managing bulk and dominance effects. No comment is made on the detailed sunlight access plane standard, but it is noted that it is comparable to other similar standards around the region and in the District Plans considered in the following section.

Site coverage breaches were the second most prevalent in the sample considered. The current standard allows for 35% of the net site area of a site to be covered. The breaches seen in the sample ranged from 0.7% to 6.8%. Overall there does not appear to be a consistent issue across these applications, with the common theme being that new dwellings accounted for the overwhelming majority of breaches suggesting that perhaps the design of new dwellings has seen an increase in overall dwelling size on average. These breaches are overall minor. The question that arises is whether the current standard remains appropriate and on balance the conclusion reached by this report is that it is. The Council could consider moving the standard to a 40% site coverage to align with some other District Plans. In the current sample, such an move would eliminate all but four of the required resource consents.

And lastly in terms of yard setbacks, 23 applications required resource consent for one or more yard setback breaches. A number of those breaches were 'internal' to a development for boundaries that would be created, meaning that there were no 'external' effects outside of the development site. There appears to be at least some level of association between site coverage breaches and setback breaches. Of the 21

applications for site coverage breaches, 15 also had various setback breaches. However it is difficult to suggest that such a correlation equals causation; various site layout decisions can cause setback breaches.

Overall the existing District Plan setback requirements are considered to be appropriate and to provide sufficient flexibility in site layout options¹⁰. Setback encroachments alone are not particularly onerous given that they can be dealt with via a 'permitted boundary activity' with minimal regulatory cost where neighbours approval can be obtained. Moreover, the setback standards maintain, in concert with other bulk and location standards, a baseline of residential amenity. Their breach therefore, when coupled with other bulk and location breaches, or where they cannot be dealt with as a permitted boundary activity, is appropriately assessed through a resource consent process.

The principal issue identified from the consideration of the Residential Zone consents is in the way the Plan utilises activity statuses. Where a proposal does not comply with a particular activity standard, for example a boundary setback, it will in nearly all cases default to a discretionary activity status. However, in the example of the boundary setback encroachment, the effects of that encroachment are generally narrowly focussed. Similarly in the example of a breach of sunlight access planes, the effects of such a breach are generally confined to a single property or a small number of properties, and relate to shading and dominance. They are accordingly very defined effects and an unrestricted discretionary status is not required. A restricted discretionary activity status would suffice, with the Council restricting its discretion to the effects of the relevant non-compliance. The Council can also limit notification where it considers this necessary, or introduce thresholds above which the activity status might increase to a non-complying activity status. For instance, a breach of yard setback requirements might be considered as a restricted discretionary activity, but breaches of more than half the setback may be considered as a non-complying activity.

Resultingly, in preparing Plan Change 50 it is recommended that the Council consider moving to a restricted discretionary activity status. Discretion can in such an instance be restricted to the effects of the non-compliance, bringing a much narrower focus to any future consent applications and which would in any case reflect the Council's current practice.

The Council may also wish to give consideration to the introduction of thresholds for some standard breaches, above which the activity status changes from restricted discretionary to non-complying.

Illustrating this last point, of the 33 consents in the sample, 30 were for discretionary activities, 1 for a restricted discretionary activity (for non-compliance with access standards), and 2 were dealt with as a permitted boundary activity.

As noted elsewhere, outside of the Centres Overlay Area, the District Plan does not specifically provide for multi-unit development. This is in large part as the Council has decided to target multi-unit development in the form of CRDs to certain areas of the city. From the sample considered this does not appear to be a significant issue as the Council still appears to be consenting larger multi-unit developments as discretionary activities as demonstrated by the two consents granted in Ruahine Street. These two sites are somewhat unique 'windfall' sites resulting from redevelopment of larger blocks of land and is quite distinct to the form of development seen elsewhere through smaller CRDs. Such an approach i.e. of considering unique sites on a discretionary basis, is fundamentally sound. This is particularly so in the context of the NPS-UDC and the Council's need to provide for development capacity. Consideration could however be given to whether 'multi-unit' development is specifically provided for outside of the Centres Areas so as to directly reference matters such as the design guide for multi-unit development. A policy reference may be sufficient.

¹⁰ A beneficial approach is allowing for accessory buildings to be built to a 0m side and rear yard setback provided the length of the building is no greater than 8m. This is also the case where an accessory building (i.e. a garage) forms a part of a dwelling and is not stand alone.

Subdivision

17 of the 33 applications considered as part of this sample were either for subdivision, or a combined subdivision and land use application. Only three of those subdivision consent applications were assessed as a controlled activity.

Of the remainder, 6 were processed as a restricted discretionary activity. This related to non-compliance with access standards where the Council restricts its discretion to a narrow range of matters relevant to the access non-compliance. Such an approach is considered to be appropriate given the importance of ensuring access arrangements are properly provided for and that the specific effects are readily identified.

The remaining 8 resource consents were processed as discretionary activities. The reason for the discretionary classification was principally caused by non-compliance with net site area, except for one occasion where the non-compliant aspect was shape factor. Consideration of the net site area non-compliances shows that:

- For a number of the applications the non-compliance was minor. For instance, one application where the two lots created each had a net site area of 396m² in lieu of the prescribed 400m², or another instance where one of the two lots created has a non-compliance of 8m².
- Two applications for 'multi-unit' developments that were comprehensive redevelopments of a site created lots that were significantly under-sized as compared to the prescribed density. However in these instances the subdivision occurred in concert with the comprehensively designed development. On the assumption that the development was considered to be acceptable (and by granting the consent it can be concluded that it was) it follows that a subdivision around those dwellings is also appropriate.
- And lastly are applications that create some undersized lots, with other lots that are over size such that, on average, the site yields an amount of development that might be expected from a site under the normal net site area standards. The consented development at 49 Kiln Street in the current sample is an example.

In terms of the sole shape factor non-compliance, the purpose of the shape factor standard is to ensure that a new allotment is regularly shaped so that a new dwelling can be accommodated on the site in a complying way. In the instance of this non-compliance was minor at 11.44m in lieu of the 12m standard.

All of the above represent an appropriate exercise of the Council's discretion.

As noted in Section 2, a subdivision that complies with the net site area requirements and access standards of the District Plan, must be granted consent as a controlled activity. The Council has restricted its control over a list of matters that it can impose conditions on:

- Design, appearance and layout of the subdivision.
- Landscaping.
- Provision of and effects on network utilities and/or services.
- Standard, construction and layout of vehicular access.
- Earthworks.
- Provision of esplanade reserves and strips.
- Protection of any special amenity feature.
- Financial contributions.

What the Council cannot do, in a regulatory sense outside of its ability to negotiate outcomes with a given developer, is to influence the design and layout of a subdivision. In a hypothetical example, the Council receives an application for a new development of 50 residential allotments. All of the lots meet minimum net site area requirements and access standards and consent must be granted as a controlled activity. If the Council considers that the site would benefit from a small pocket park, and the Council cannot negotiate the inclusion of the park, the Council's ability to achieve that outcome is limited to it writing in a condition under the auspices of its control over the 'design, appearance and layout' of the subdivision requiring that one lot be utilised as a park. Inevitably at this point the horse has somewhat bolted and the Council is left trying to retrofit an already designed subdivision, which is not an optimal outcome.

An alternative approach, and one that is recommended by this report, would be to maintain discretion in consenting a subdivision.

For example, obtaining a subdivision consent as a restricted discretionary activity would give the Council greater ability to achieve desirable outcomes in its negotiations. If a developer were unwilling in the hypothetical example to provide a park, then consent could in theory be declined if the Council's pre-application discussions were unsuccessful. The Council would simply need to retain discretion over the same matters that it currently retains control over. Moreover, it could expressly specify that such applications would be processed on a non-notified basis thus ensuring that a level of surety is provided in respect of notification. Furthermore, the Council could take a more refined approach and retain the current controlled activity rule for smaller subdivisions, for instance for those creating 10 or less lots, and shift the activity status to a restricted discretionary activity for subdivisions of more than 10 allotments.

Access and Car Parking

Briefly it is noted that a number of applications did not comply with the access standards of the District Plan. Such proposals were assessed as a restricted discretionary activity. These were often technical non-compliances and were assessed in reliance on expert traffic engineering assessment. Such an approach is supported as it calls on expert advice to assess what are often important safety matters.

It is noted that the Council requires 2 car parking spaces for the residential development, except for CRDs which require 1 car parking space per dwelling (with some exceptions). Four of the 33 applications did not comply with car parking requirements. Two of those were for multi-unit developments. The two other applications were for CRDs in areas where two car parking spaces were required (i.e. they fitted the aforementioned exceptions) where only one per unit was provided. The Council accepted this provision.

Whilst immediately outside of the scope of this work, it is anecdotally noted that Councils are increasingly moving away from a requirement of two car parking spaces for each dwelling, with 1 on-site car parking space becoming more common. For multi-unit development, the Council could give consideration to a visitor car parking requirement and could draw on similar standards such as those used by Wellington City Council.

4.1.3 Residential Hill and Residential Conservation

Given the similarities between these two sub-zones, including the relevant bulk and location standards, and the relatively smaller sample size, they have been grouped together for the purposes of this report.

The sample considered by this report spanned five resource consent applications, two in the Residential Hill zone, and three in the Residential Conservation zone. One consent was for a three-lot subdivision, the remaining four were for new dwellings.

In terms of the subdivision, it was processed as a discretionary activity due to not complying with net site area requirements. The basis for granting the subdivision was that the overall 'parent' lot could accommodate a three lot subdivision in compliance with District Plan requirements. Due to particular site requirements the applicant chose to create two undersized lots with the third lot containing an existing dwelling. Such an approach is supported and continues to maintain the underlying policy intention of the zone. Clearly there would be a point where an undersized lot may be too small despite the balancing size of an oversized lot, but such considerations need to be made on a case by case basis which the Council's current approach allows for.

There are no specific findings in respect of the Residential Conservation and Hill zones. The general finding in respect of the Residential zone concerning the activity status of activities applies here also.

4.2 Rural Zone

The Rural zone is made up of three sub-zones:

- Rural Lifestyle – represents the rural-residential areas where individual lots are generally smaller, with a minimum lot size of 1 hectare.
- Rural Valley Floor – this sub-zone contains larger rural lifestyle lots with some small scale productive activity occurring. The minimum lot size for the zone is 4 hectares.
- Rural Hill – applies to the steeper and more peripheral rural areas of the city. The District Plan prescribes a minimum net site area of 20 hectares.

Over the two year time period considered by this report, the Council processed 76 resource consents across the rural zones. The 76 resource consents were split across the following zones:

- 29 consents in the Rural Valley Floor sub-zone;
- 24 resource consents in the Rural Hill sub-zone;
- 8 resource consents in the Rural Lifestyle sub-zone; and
- 15 resource consents were of mixed zoning¹¹.

From those applications, 22 consents in total were sampled for the rural zones. Of those consents:

- 3 are in the Rural Lifestyle sub-zone;
- 12 are in the Rural Valley Floor sub-zone;
- 3 are in the Rural Hill sub-zone; and
- 4 were of mixed zoning.

And of these applications, the following activity status classifications applied:

- 10 applications were processed as discretionary activities;
- 3 applications were processed as restricted discretionary activities;
- 2 applications were processed as controlled activities;
- 1 application was processed as a non-complying activity; and
- 6 applications were processed as permitted boundary activities.

It is noted that none of the consents considered by the Council over the two year period considered by this work were for non-residential/non-rural activities. Accordingly, none were considered by this sample.

4.2.1 Rural Lifestyle

Three consents were considered in the Rural Lifestyle sub-zone. One was for a two lot subdivision which was processed as a controlled activity as it met the required net site area and access requirements.

The second consent was for an addition to an existing dwelling encroaching a boundary setback. This was dealt with as a permitted boundary activity. And the third consent was for a water tank also encroaching a boundary setback. This was also dealt with as a permitted boundary activity. Further comment on water tanks is made in the following section.

There are no issues arising in this sub-zone outside of the general commentary already made about the activity classification of complying subdivisions and the use of a controlled activity standard.

4.2.2 Rural Valley Floor

Ten applications were considered here. The consents sampled for this work related exclusively to subdivisions and boundary encroachments (with one having an earthworks component).

¹¹ Mixed zoning refers to a site containing more than one of the rural sub-zones.

Of the ten applications considered, seven were for a subdivision consent. Of those only two were for subdivision as a controlled activity (i.e. meeting both net site area and access standards) with five of the seven not meeting net site area requirements. Only one did not comply with access standards and this was due to the proposal gaining access from a paper road (with the road to be formed as part of the subdivision).

While a number of the consents were considered as discretionary activities due to being under the required net site area standard, on closer inspection non-compliances were either very marginal, or there were cases of 'over and under' where some lots exceeded net site area standards while some were under. The area at which net site area standards are set is not something considered by this report. The underlying policy intent of maintaining a suitable lot size (to maintain the desired rural character and amenity) for the zone appeared to be met by the consent decisions. The application of the net site area standards and resultant activity status classifications accordingly appears to be working well.

As for the residential zone, the controlled activity classification means that the Council can only impose conditions on the matters over which control is retained. The Council may wish to consider whether a restricted discretionary status would better serve its needs in providing it with greater powers to require certain outcomes from subdivisions that a controlled activity status cannot provide. Such an approach could still reference to the underlying net site area standards, could still maintain a high-level of certainty around notification, but would allow the Council, in particular circumstances, to have discretion to decline applications.

In terms of the operability of the boundary encroachment rules (and by extension other bulk and location matters) the only issue identified by this report mirrors that relating to the residential zone, being the use of a discretionary activity status where compliance is not achieved. A restricted discretionary activity status will be just as suitable in considering the relevant effects and is a much more targeted approach that can provide greater certainty to applicants, and would be more reflective of a contemporary plan drafting approach.

On one occasion in the Rural Valley Floor zone, and on a further occasion in the Rural Lifestyle zone mentioned above, a consent was required for the placement of water tanks which are defined as buildings and are therefore subject to a 12m boundary setback. Both were dealt with as a 'permitted boundary activity'. The Council could consider providing an exemption to the setback rule for water tanks (or require a smaller setback such as 3 metres) as their placement nearer a boundary may be beneficial to site layout options and their relative effect is likely lesser than residential dwellings or other rural buildings.

4.2.3 Rural Hill

Three consents¹² were considered for this zone. One application was for a boundary encroachment that was dealt with as a permitted boundary activity.

The second application was for a seven lot subdivision and associated earthworks. The subdivision was processed as a discretionary activity due to some of the lots not complying with net site area requirements, and not complying with access standards. As for the Rural Valley Floor zone, the subdivision created some undersized allotments but with some lots oversized such that in the round the net effect was for a subdivision that overall meets or is close to the zone requirements (in this instance average lot size was 19.3 hectares). Such an approach is positive in that it allows for allotments to be created that might better respond to landform and logical site boundaries, rather than artificially designing lot boundaries just to comply with a minimum net site area requirement.

And the third consent considered was for a family flat encroaching into a boundary setback, and associated earthworks. In this instance a decision was made in the context of the particular site considerations that approved the consent on a non-notified basis. It is also noted in respect of this particular site in the Rural Hill (Blue Mountains) sub-zone that the site was more akin to a large lot residential property, but was of such a size that it did not benefit from a setback exemption that applies to sites of 1500m² or less.

¹² Two additional sites with Rural Hill zoning were considered under the 'Mixed Zone' category i.e. they contain more than one zone.

4.2.4 Mixed Zones

Given the size of rural allotments, and the basis for zoning being in part topographical (i.e. flatter valley areas and steeper hillsides), there are a number of sites with a mixed zoning. Four such sites were identified in the sample considered for this work. When each consent was considered in more detail, two further sites were identified that needed to be included in this sub-section of the sample, as they were originally incorrectly coded in the data received from the Council.

Five of the six consents under this category were for subdivisions, with the sixth consent being for earthworks to create a building platform. Three of the five subdivisions met net site area requirements with one not complying due to a zone overlap resulting in a technical non-compliance, and the other also a technical non-compliance due to creating one under-sized allotment which was to be vested with the Council.

There are no issues arising with this sub-sample of consents that have not been previously addressed above.

4.3 Findings and Recommendations

From the examination of the resource consents considered, and the above commentary, the following findings are highlighted:

- The Council's approach to managing density, through a minimum net site area requirement, is fundamentally sound. The purpose of this report has not been to make any judgement on the appropriate setting for minimum net site area requirements. However, as an option the Council could consider removing minimum net site area standards and managing density through bulk and location standards. This report does not expand on this concept but notes that such an approach may aid in the Council's obligations under the National Policy Statement on Urban Development Capacity and increasing available development capacity from the existing urban area.
- No applications have triggered the 'Building Form' standard from Chapter 18 – Residential Zone and it serves little purpose. Accordingly it should be removed.
- Non-compliance with bulk and location permitted activity standards requires resource consent approval as a discretionary activity. This is overly broad and should be amended to a restricted discretionary activity with discretion restricted to the effects stemming from the standard not complied with. The Council could maintain a further degree of surety (more so than presently available) by considering the use of non-notification statements associated with the change to restricted discretionary activities.
- And relatedly the Council should consider introducing a threshold for certain standards under the restricted discretionary classification, particularly so for site coverage, above which the activity status could increase to non-complying. This should also apply to Comprehensive Residential Developments. No judgement is made as to the level of this threshold.
- The Council undertake further research, by way of a greater sample of Comprehensive Residential Developments, to better establish their degree of compliance and non-compliance with the prescribed site coverage standard. Related to the previous finding, should that work show that coverage is routinely breaching the 45% threshold and resource consents being granted for those applications, the Council could consider introducing a non-complying activity status at a higher site coverage threshold, for instance above 50%.

- An related issue to site coverage, and an alternative way to view the issue, is to ensure that sufficient open space is being provided with developments, and particularly CRDs where the outdoor space requirement is relatively small. Increasing this requirement would require a compromise through a reduction in site coverage. The two matters, site coverage and open space provision and strongly related.
- In tandem with the above research, the Council may wish to consider commissioning urban design advice that considers the outcomes of the expanded sample of Comprehensive Residential Developments with a particular focus on site coverage.
- Consider ways by which greater uptake of the height limits available to Comprehensive Residential Developments might be encouraged. Such an approach may be beneficial in terms of firstly increasing yield for certain developments, as well as having positive effects in site layout options, lowering site coverage and increasing open space availability.
- In respect of subdivision for both the residential and rural area, while the use of a controlled activity status provides a high degree of certainty, and the Council has retained control over matters that are useful for the imposition of appropriate conditions, it does leave the Council somewhat “toothless” in being able to positively influence some types of applications.
- Accordingly, it is recommended that the Council consider moving to a restricted discretionary activity status for subdivisions that comply with minimum net site area and access standards. A threshold could be introduced for when this higher activity status applies, for instance for applications of 10 or more lots. In other words, the Council could keep a controlled activity standard for subdivisions of up to 10 lots that comply with net site area standards, and for 10 or more lots, apply a restricted discretionary activity standard.
- Related to the previous finding, the Council could couple such a change with the introduction of appropriate non-notification statements to ensure that a high degree of surety remains for the development community in respect of notification, akin to that provided by a controlled activity status. A change to a restricted discretionary status would however enable the Council to decline a subdivision consent.
- The Council's approach to subdivision that does not meet net site area requirements is sound and appears to meet the underlying policy intention.
- The Council consider whether a setback exemption may be appropriate for water tanks on rural sites.

5 COMPARATIVE DISTRICT PLAN ASSESSMENT

In undertaking the preceding review, consideration was also given to a selection of other District Plans to, briefly, consider how those plans approach similar issues. A selected summary of the findings is presented below.

The following District Plans reviewed:

- Wellington City District Plan
- Hutt City District Plan (incl. Plan Change 43)
- Whanganui District Plan
- Waipa District Plan
- Auckland Unitary Plan.

The following themes emerge:

Wellington City does not have, with some minor exceptions, a minimum lot size requirement across its residential zones. Rural subdivision is much more tightly controlled however. Non-compliance with permitted activity standards will generally result in a resource consent requirement as a restricted discretionary activity. For some standards, notably for site coverage and sunlight access planes, there is a threshold above which resource consent is required as a non-complying activity.

Multi-unit development in Wellington is provided for across the entire residential zone, but also targeted to Medium Density Residential Areas where bespoke provisions apply.

Residential subdivision in Wellington is provided for as a controlled activity for subdivisions of less than five lots (subject to standards) and restricted discretionary above that. For the rural zone, any subdivision is a discretionary activity.

Auckland and Hutt City have the most up to date District Plan provisions from those District Plans that were considered in regard to residential development (and for Auckland rural).

In Auckland's 'Single House Zone' the bulk and location standards that need to be achieved are typical with site coverage 35%, 8m height, 2.5m plus 45 degree recession planes from side and rear boundaries, 40% permeable surface area, 3m front yards and 1m side yards, no car parks for single bedroom units and 1 car park required for any other dwelling. Non-compliance with permitted activity standards is to be assessed as a restricted discretionary activity.

The 'Residential - Mixed Housing Suburban Zone' is the most widespread residential zone in Auckland. The planned character for this zone is predominantly two storeys with a variety of typologies. Up to three dwellings are permitted per site with no minimum site size. Bulk and location standards relate to:

- 40% site coverage;
- 8m height;
- 2.5m plus 45 degrees recession planes from side and rear boundaries;
- 40% permeable surface area;
- 3m front and side yards;
- a minimum amount of 'landscaped area' of 50% of the front yard;
- minimum 'outlook space' and 'daylight' standards;
- 20m² outdoor living space with 4m minimum dimension for ground floor dwellings and 8m² for above ground two-bedroom dwellings; and

- car parking is required at 0.5m per single bed dwelling with 1 car park required for two or more bedroom units. More than four units becomes a restricted discretionary activity.

As for the Single House Zone, non-compliance with the bulk and location standards requires resource consent as a restricted discretionary activity.

For subdivision, the Auckland Unitary Plan generally provides for residential subdivision as either a restricted discretionary activity, or a discretionary activity, dependant on a range of variables. Boundary adjustments or the conversion of cross lease developments are provided for as controlled activities. Rural subdivision is most often provided for as a discretionary activity, again dependant on a number of variables.

Hutt City have removed minimum section sizes in the General Residential Activity Area which is most of the valley floor, but not the hillside suburbs. Most of the bulk and location standards are typical with 8m height, 40% site coverage, 2.5m plus 45-degree recession planes, 1m side and rear yards. Outdoor living space is high at 50m² with a minimum dimension of 4m, although minor additional dwellings only require 20m². A minor additional dwelling may be no larger than 50m². Stormwater retention is also required.

Under Plan Change 43 for Hutt City, non-compliance with permitted activity standards requires resource consent as a restricted discretionary activity.

In terms of the Whanganui District Plan:

- Non-compliance with permitted activity standards requires resource consent as a restricted discretionary activity;
- Permitted activity standards, with minor variations, are comparable to those used by UHCC. Notable variations are a maximum height of 10m in the residential zone, sunlight access planes being measured from a 2m height, and general site coverage of 40%.
- Subdivision is provided for as a restricted discretionary activity in the first instance and subject to compliance with standards. Boundary adjustments are provided for as a controlled activity.
- With the exception of subdivision, there are no significant variations between the two plans in respect of rural matters that are relevant to the issues highlighted by this report. As for residential, non-compliance with performance standards generally results in a resource consent requirement as a restricted discretionary activity.

And for the Waipa District Plan:

- In the residential and rural zones, non-compliance with permitted activity standards requires resource consent as a restricted discretionary activity, except for some standards (maximum height and site coverage for example in the residential area) which default to a discretionary activity status;
- Residential permitted activity standards are broadly similar to those used by UHCC. Two areas that differ are similar to those in Whanganui, being a maximum height of 10m and site coverage of 40%.
- Rural permitted activity standards are broadly similar to those used by UHCC where comparable. Waipa District clearly has a larger productive base and accordingly there are a range of permitted activity standards which are specifically tailored. It is noted that Waipa District employs a site coverage for its rural zone – 10% for sites of less than 1 hectare, and 3% for sites of more than 1 hectare.
- In terms of subdivision, the Waipa District Plan is similar to the Whanganui District Plan in providing, generally, for new subdivision as a restricted discretionary activity. Boundary adjustments are provided for as a controlled activity.

6 CONCLUSION AND RECOMMENDATIONS

The assessment that has been undertaken has considered a selection of resource consents processed by the Upper Hutt City Council over the preceding two years. The purpose was to understand the nature of consents being processed, understand what District Plan triggers were occurring, and to make any recommendations in respect of those matters to inform an impending review of the rural and residential chapters of the Upper Hutt District Plan.

For the residential zone(s) of the District Plan, the following recommendations are made:

- Remove the building form permitted activity standard;
- Amend the activity classification for non-compliance with permitted activity bulk and location standards from discretionary to restricted discretionary. Restrict discretion to the effects associated with the non-compliance;
- Relatedly, consider imposing a threshold for some bulk and location standards, notably for site coverage, above which resource consent would be required as a non-complying activity. This includes for Comprehensive Residential Developments;
- Consider the removal, as an alternative to the management of density, of net site area standards and manage density solely through bulk and location standards;
- Undertake further research, by way of a greater sample of Comprehensive Residential Developments, to better establish their degree of compliance and non-compliance with the prescribed site coverage standard;
- Consider ways by which greater uptake of the height limits available to Comprehensive Residential Developments might be encouraged; and
- Consider moving to a restricted discretionary activity status for subdivisions that comply with minimum net site area and access standards. A threshold could be introduced for when this higher activity status applies, for instance for applications of 10 or more lots while retaining the current controlled activity status for subdivisions of less than 10 lots.

For the rural zone(s) of the District Plan, the following recommendations are made:

- Consider moving to a restricted discretionary activity status for subdivisions that comply with minimum net site area and access standards. A threshold could be introduced for when this higher activity status applies, for instance for applications of 10 or more lots while retaining the current controlled activity status for subdivisions of less than 10 lots;
- Amend the activity classification for non-compliance with permitted activity bulk and location standards from discretionary to restricted discretionary. Restrict discretion to the effects associated with the non-compliance; and
- The Council consider whether a setback exemption may be appropriate for water tanks on rural sites.

While outside of the scope of this work, consequential amendments will be required to the relevant objectives and policies of the District Plan.

APPENDIX 1- RESOURCE CONSENT DATA

RC Number	Site Address	Zone	Zone 2	Overlay	Proposal	Activity Status	Affected Party Approval?	Boundary Activity	NES - Contamination	Minimum Net Site Area and Shape Factor	Access Standards	Setbacks	Height	Sunlight Access	3 Waters	Light	Forestry	Home Occupations	Relocated Building	Cut and Fill Height	Area	Slope
1710140	281B Katherine Mansfield Drive, Upper Hutt	Mixed Use	Rural Valley Floor and Rural Lifestyle	Southern Hills and Ridgeline	Four Lot Subdivision	Restricted Discretionary	No	No	No	Complies	Complies	N/A	N/A	N/A	Conditions	N/A	N/A	N/A	N/A	N/A	N/A	N/A
1810013	1342 Akatarawa Road, Upper Hutt	Mixed Use	Rural Hill and Rural Lifestyle	N/A	Four Lot Subdivision	Controlled	No	No	No	Complies	Complies	N/A	N/A	N/A	Conditions	N/A	N/A	N/A	N/A	N/A	N/A	N/A
1810002	281 Katherine Mansfield Drive, Upper Hut	Mixed Use	Rural Valley Floor and Rural Lifestyle	Southern Hills and Ridgeline	13 Lot Subdivision and Earthworks	Discretionary	No	No	No	Does Not Comply (Technical Non-compliance due to zone overlap)	Complies	N/A	N/A	N/A	Conditions	N/A	N/A	N/A	N/A	N/A	N/A	N/A
1810151	41 Mt Mania Drive, Upper Hutt	Mixed Use	Rural Hill and Rural Lifestyle	Southern Hills	Earthworks for Building Platform	Discretionary	No	No	No	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	Cut 4.8, Fill 3.4	2175m2	N/A
1810160	281A KATHERINE MANSFIELD DRIVE, UPPER HU	Mixed Use	Rural Valley Floor and Rural Lifestyle	N/A	Four Lot Subdivision	Discretionary	No	No	No	No - technicality one lot to vest does not comply	Complies	N/A	N/A	N/A	Conditions	N/A	N/A	N/A	N/A	N/A	N/A	N/A
1910053	281F KATHERINE MANSFIELD DRIVE, UPPER HU	Mixed Use	Rural Valley Floor and Rural Lifestyle	N/A	Two Lot Subdivision	Non-Complying	No	No	No	Complies	Does Not Comply - Access from Paper Road	N/A	N/A	N/A	Conditions	N/A	N/A	N/A	N/A	N/A	N/A	N/A
PB190002	20B Stroma Way, Upper Hutt	Rural Hill	N/A	N/A	Boundary Encroachment	Permitted Boundary Activity	Yes	Yes	No	N/A	N/A	1.5m setback in lieu of 12m	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
1810062	16688 AKATARAWA ROAD, UPPER HUTT	Rural Hill	N/A	N/A	Seven Lot Subdivision and Earthworks	Discretionary (S) RD (LU)	No	No	No	Some lots comply	Does not comply	N/A	N/A	N/A	Conditions	N/A	N/A	N/A	N/A	5m cut	6180m2	N/A
1810124	BLUE MOUNTAINS ROAD, UPPER HUTT	Rural Hill	N/A	N/A	Family flat encroaching setback and earthworks	Discretionary	No	No	No	N/A	N/A	Various extent 1.1m for the family flat in lieu of 12	N/A	N/A	N/A	N/A	N/A	N/A	N/A	Up to 5.1m	270m2	N/A
1710181	320 Merchant Road, Upper Hutt	Rural Valley Floor	N/A	N/A	Sevel Lot subdivision (5 new lots)	Discretionary	No	No	No	No - some lots do not comply	Complies	N/A	N/A	N/A	Conditions	N/A	N/A	N/A	N/A	N/A	N/A	N/A
1810035	155A Mangaroa Hill Road, Upper Hutt	Rural Valley Floor	N/A	N/A	Relocated building encroaching setback	Discretionary	No	No	No	N/A	N/A	1.87 and 5.3m setbacks	N/A	N/A	N/A	N/A	N/A	N/A	Yes	N/A	N/A	N/A
1810048	866 Whitemans Valley Road, Upper Hutt	Rural Valley Floor	N/A	N/A	Boundary Encroachment	Restricted Discretionary	No	No	No	N/A	N/A	2m encroachment	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
PB180015	262 MANGAROA VALLEY ROAD, UPPER HUTT	Rural Valley Floor	N/A	N/A	Boundary Encroachment	Permitted Boundary Activity	Yes	Yes	No	N/A	N/A	Unknown extent	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
1810116	92 Merchant Road, Upper Hutt	Rural Valley Floor	N/A	N/A	11 Lot Subdivision and Earthworks	Restricted Discretionary - Earthworks, Controlled - S	No	No	Yes	Complies	Complies	N/A	N/A	N/A	Conditions	N/A	N/A	N/A	N/A	1.8m cut and 2m fill	4356m2	N/A
PB190005	301 Merchant Road, Upper Hutt	Rural Valley Floor	N/A	N/A	Boundary Encroachment - Water Tanks	Permitted Boundary Activity	Yes	Yes	No	N/A	N/A	Unknown extent	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
1910034	92 PARKES LINE ROAD, UPPER HUTT	Rural Valley Floor	N/A	N/A	Two Lot Subdivision and Side Yard Encroachment	Discretionary (LU) Controlled (S)	No	No	No	No - subdivision around two existing dwellings	Yes	Yes - resulting from new boundary, 2.59 in lieu of 12m	N/A	N/A	Conditions	N/A	N/A	N/A	N/A	N/A	N/A	N/A
PB190022	266 PLATEAU ROAD, UPPER HUTT	Rural Valley Floor	N/A	N/A	Boundary Encroachment - Shed	Permitted Boundary Activity	Yes	Yes	No	N/A	N/A	6m in lieu of 12m	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
1910123	155A Merchant Road, Upper Hutt	Rural Valley Floor	N/A	N/A	Two lot Subdivision and Yard Encroachment	Discretionary	Yes - NZTA	No	No	No - subdivision around two existing dwellings	N/A	2m for dwelling, 10.7 for existing shed	N/A	N/A	Conditions	N/A	N/A	N/A	N/A	N/A	N/A	N/A
1910079	761 WHITEMANS VALLEY RD, UPPER HUTT	Rural Valley Floor	N/A	N/A	Two Lot Subdivision	Discretionary	No	No	No	No - for one lot.	Complies	N/A	N/A	N/A	Conditions	N/A	N/A	N/A	N/A	N/A	N/A	N/A
1710134	165B KATHERINE MANSFIELD DRIVE, UPPER HUTT	Rural Lifestyle	N/A	N/A	Two Lot Subdivision	Controlled	No	No	No	Complies	Complies	N/A	N/A	N/A	Conditions	N/A	N/A	N/A	N/A	N/A	N/A	N/A
PB190003	1258B AKATARAWA ROAD, UPPER HUTT	Rural Lifestyle	N/A	N/A	Boundary Encroachment - Water Tank	Permitted Boundary Activity	Yes	Yes	No	N/A	N/A	1m in lieu of 3m	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
PB190008	2A MACLAREN STREET, UPPER HUTT	Rural Lifestyle	N/A	N/A	Addition encroaching a yard setback	Permitted Boundary Activity	Yes	Yes	No	N/A	N/A	Unknown extent into 3m setback - approx. 1m	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A