

# Horowhenua District Plan

## Section 42A Report

### Proposed Plan Change 2

*(Review of Residential Development Provisions – Amendments relating to the extent of the Medium Density Overlay and infill subdivision; provision for second residential dwelling units and Integrated Residential Development; revision of the Medium Density Residential Development Design Guide; minor corrections or amendments)*

May 2018

## Contents

<b>1</b>	<b>Executive Summary</b> .....	<b>3</b>
<b>2</b>	<b>Introduction</b> .....	<b>4</b>
<b>2.1</b>	<b>Qualifications</b> .....	<b>4</b>
<b>2.2</b>	<b>Outline</b> .....	<b>4</b>
<b>3</b>	<b>Proposed Plan Change 2</b> .....	<b>5</b>
<b>3.1</b>	<b>Background</b> .....	<b>5</b>
<b>3.2</b>	<b>Consultation &amp; Process</b> .....	<b>6</b>
<b>3.2.1</b>	<b>Late Submissions</b> .....	<b>7</b>
<b>4</b>	<b>Statutory Requirements</b> .....	<b>7</b>
<b>4.1</b>	<b>Resource Management Act 1991</b> .....	<b>7</b>
<b>4.2</b>	<b>National Policy Statements/National Environmental Standards</b> .....	<b>8</b>
<b>4.3</b>	<b>New Zealand Coastal Policy Statement</b> .....	<b>8</b>
<b>4.4</b>	<b>Horizons Regional Council One Plan</b> .....	<b>9</b>
<b>4.5</b>	<b>Operative Horowhenua District Plan</b> .....	<b>9</b>
<b>5</b>	<b>Analysis of Submissions</b> .....	<b>10</b>
<b>5.1</b>	<b>Amendment 1</b> .....	<b>10</b>
<b>6</b>	<b>Conclusion</b> .....	<b>40</b>
<b>7</b>	<b>Appendices</b> .....	<b>42</b>
<b>7.1</b>	<b>Appendix 1: RMA Extracts</b> .....	<b>42</b>
<b>7.2</b>	<b>Appendix 4: Plan Change 2 within the District Plan as per officer's recommendations</b> .....	<b>48</b>

# 1 Executive Summary

---

A full review of the former District Plan (1999) was undertaken between 2009 and 2013, with the Horowhenua District Council (the Council) making its second generation District Plan operative on 1 July 2015. The objectives, policies and rules currently included in the Residential chapter of the Plan represent the outcome of this review process.

However, in response to projected increases in population and housing growth in the district over the next 20 years, and to meet the requirements of the National Policy Statement on Urban Development Capacity, the Council has recently undertaken a review of the effectiveness of the current residential provisions in the plan. As a result of this it is now proposing a limited range of targeted amendments which are intended to enable a wider diversity of residential development and associated housing choice within established urban areas in the district. These include:

- Provision for sites between 500m<sup>2</sup> and 900m<sup>2</sup> in Levin, Foxton, Foxton Beach and Shannon to be subdivided and create infill lots of a minimum size of 250m<sup>2</sup> as a Restricted Discretionary Activity, and consequential changes to relevant bulk and location controls;
- Provision for up to two residential dwelling units on a site as a Permitted Activity (subject to compliance with conditions);
- Specific provision to enable large-scale, integrated residential developments to be assessed in a comprehensive manner as a Restricted Discretionary Activity;
- Minor corrections relating to the application of private outdoor living area and accessory building provisions, and removal of the title date pre-requisite condition relating to residential infill subdivision;
- Replacement of the Medium Density Residential Development Design Guide; and
- Extension of the area to which the Medium Density Overlay applies in Levin.

Through the public notification process, a number of submissions were received supporting and opposing the proposed plan change. These ranged from submissions in support requesting adoption of specific provisions as proposed, through to others that requested changes to wording or the deletion of specific changes.

The purpose of this report is to summarise the key issues raised in submissions and to provide advice on these matters to the Hearings Panel. All the individual submission points raised have been evaluated in this report, with specific recommendations provided for each point. The recommendations also include suggested amendments to the proposed plan change, including the introduction or deletion of provisions and refinements to some of the wording.

## 2 Introduction

---

### 2.1 Qualifications

My full name is Gregory Martin Vossler and I am a Principal: Senior Planner with Boffa Miskell Limited, a firm of consulting planners, ecologists, and landscape architects. I hold a Bachelor of Regional Planning degree from Massey University, along with a Masters in Heritage Conservation from the University of Sydney. I am a full Member of the New Zealand Planning Institute.

I have over 30 years' experience as a planner/policy analyst, the first 20 years of which were at Palmerston North City Council where I was largely employed in various District Plan policy roles, followed by 5 years at the Ministry for the Environment where I provided policy advice relating to implementation of the Resource Management Act.

For the past 7 years I have been a consulting planner based in Wellington, and have been involved in advising a wide range of clients, including local authorities, and central government agencies on a range of public policy, resource management and district plan related matters. This experience includes District Plan reviews and plan changes for several local authorities including the Horowhenua District Council (District Plan Review - Heritage Chapter), Porirua City Council (Plan Change 15 - Heritage, District Plan review – draft Major Facilities Chapter) New Plymouth District Council (District Plan Review – draft Major Facilities Chapter) and Nelson City Council (Natural Resources Plan Review – draft Suburban Commercial Chapter).

In late 2016, Boffa Miskell was engaged by the Horowhenua District Council (HDC) to assist with a review of the residential development provisions in the operative District Plan, including facilitating workshops with relevant Council staff and representatives of the local development community, and to prepare this subsequent Plan Change. We also assisted the Council in reviewing and revising the Medium Density Residential Development Design Guide. I was primarily responsible and involved with this work.

### 2.2 Outline

This report considers submissions and further submissions which were received in response to Proposed Plan Change 2 (Proposed PC2) to the District Plan. This report has been prepared in accordance with section 42A of the Resource Management Act 1991 to assist the Hearing Panel with its consideration of submissions received in respect of this Plan Change.

This report is structured according to the following format:

- An overview of Proposed PC2
- Statutory Requirements
- Analysis of Submissions
- Recommended Amendments to Proposed PC2

The report discusses each submission or groups of similar submissions and includes a recommendation from the reporting officer on each submission received; it should be noted that **the recommendation does not represent the decision of the Council**.

Following consideration of all the submissions and supporting evidence, if any, presented by the submitters and further submitters at the hearing, the Hearing Panel will make recommendations to the full Council. The Council will consider those recommendations and then make a decision concerning each submission. The report includes recommendations to accept, accept in part, reject or reject in part individual submission points and any amendments to Proposed PC2.

The amendments to the District Plan arising from the staff recommendations discussed throughout this report are listed in full in Appendix 4. The suggested amendments are set out in the same style as the District Plan.

The Analysis of Submissions section has been structured by grouping submission points according to individual amendments in the proposed plan change. As far as possible, the individual submission points are listed in order to match the contents of each amendment. The submission points relating to text or maps in each amendment are listed first. Each submission and further submission has been given a unique number (e.g. 02/01), with the prefix referring to the plan change number and the final two numbers referring to the submitter.

Where a submission relates to several different parts of the same amendment an additional number has been added to the submission number (e.g. 02/01.1) to help distinguish within the report which part of the submission is being discussed.

This report contains selected text from the plan change documents, either when changes have been requested by a submitter or where a change is recommended by the reporting officer. Where new text is included in this report the following protocols have been followed:

- Text introduced by way of Proposed PC2 is shown as underlined (i.e. abcdefghijkl)
- Text requested to be deleted by Proposed PC2 is struck-out (i.e. ~~abcdefghijkl~~)
- Amendments recommended by the reporting officer are highlighted, with additional text underlined and deleted text struck-out (i.e. ~~abcdefghijkl~~)

## 3 Proposed Plan Change 2

---

### 3.1 Background

Since the review of the Horowhenua District Plan in 2009 - 2013 there has been a substantial change in the level of projected population and housing growth in the district. This lead to Council 'testing' some of the current District Plan provisions to understand the extent to which they would be able to provide for anticipated growth in a sustainable way.

As a result, Proposed PC2 seeks to introduce a number of amendments to the Residential zone provisions in the District Plan. The proposed amendments solely relate to the Residential zone and only apply to residentially zoned properties located within existing

urban settlements in the district (i.e. no additional re-zoning of land is proposed). The proposed amendments include:

- Provision for sites between 500m<sup>2</sup> and 900m<sup>2</sup> in Levin, Foxton, Foxton Beach and Shannon to be subdivided and create infill lots of a minimum size of 250m<sup>2</sup> as a Restricted Discretionary Activity, and consequential changes to relevant bulk and location controls;
- Provision for up to two residential dwelling units on a site as a Permitted Activity (subject to compliance with conditions);
- Specific provision to enable large-scale, integrated residential developments to be assessed in a comprehensive manner as a Restricted Discretionary Activity;
- Minor corrections relating to the application of private outdoor living area and accessory building provisions, and removal of the title date pre-requisite condition relating to residential infill subdivision;
- Replacement of the Medium Density Residential Development Design Guide; and
- Extension of the area to which the Medium Density Overlay applies in Levin.

### **3.2 Consultation & Process**

As an input to Proposed PC2 a series of workshops was convened by the Council with representatives of the local development community and relevant Council staff. The purpose of these workshops was to explore provisions in the operative District Plan that were seen to be inhibiting residential growth and development opportunities in the district. The workshops were also used to test the scale and significance of the issues raised by participants, with the outcome of this engagement used to help frame and inform the matters addressed in this proposed change.

In addition, letters were sent to the Ministry for the Environment, the Manawatu-Wanganui (Horizons) Regional Council, adjacent territorial authorities and iwi authorities in accordance with clause 3(1), Schedule 1 of the Resource Management Act (RMA) outlining the nature and scope of the proposed change and inviting comment. A copy of the draft plan change was also supplied to all parties including iwi authorities.

The only response received was from the Ministry for the Environment. In its response it noted that a proposed change to Rule 15.6.4(b) requiring the written approval of occupiers as well as landowners for any side or rear boundary encroachment by an accessory building appeared to be contrary to the intent of the 'boundary activity' provisions introduced by the Resource Legislation Amendment Act 2017 (i.e. only landowner approval required for any boundary activity infringement). Following further consideration of this matter the reference to 'occupiers' in Rule 15.6.4(b) was deleted from Proposed PC2 as publicly notified.

The plan change was publicly notified on 3 November 2017, with the period for making a submission closing on 5 December 2017. A total of 19 submissions were received. The summary of submissions was notified on 2 February 2018, with the further submission period closing on 19 February 2018. A total of 5 further submissions were received.

The submissions received were from a variety of individuals and organisations ranging from Horizons Regional Council and Heritage New Zealand, through to land development companies, residential property owners and members of the community.

### 3.2.1 Late Submissions

Two further submissions were received approximately one week after the closing date. These were from:

- Christine Moriarty on behalf of HDRRA Inc (02/104)
- Vivienne Bold (02/105)

Given that these were further submissions their late receipt has had no material bearing on any person who may have had an interest in submitting on the matters raised. Additionally, as the submissions are able to be addressed in this report, I see no reason why they should be excluded from being considered. Consequently, I recommend that the Hearings Panel grant an extension of time under Section 37(1) of the RMA to admit the late submissions listed above.

In doing so the Hearing Panel would be confirming their status as a submitter to Proposed PC2, including their ability to exercise subsequent rights of appeal on the proposed change to the Environment Court.

## 4 Statutory Requirements

---

### 4.1 Resource Management Act 1991

In preparing any plan change there are a number of statutory requirements in the RMA that need to be satisfied. These include:

- Part II, comprising Section 5, Purpose and Principles of the Act; Section 6, Matters of National Importance; Section 7, Other Matters; and Section 8, Treaty of Waitangi;
- Section 31, Functions of Territorial Authorities;
- Section 32, Duty to consider alternatives, assess benefits and costs;
- Section 72, Purpose of district plans;
- Section 73, Preparation and change of district plans;
- Section 74, Matters to be considered by territorial authorities; and
- Section 75, Contents of district plans.

I have summarised below the key matters relating to the above requirements that are particularly relevant to this proposed plan change.

Section 6(h) of the RMA requires those exercising functions and powers under it to recognise and provide for *'the management of significant risks from natural hazards'*, while under Section 7 particular regard needs to be had to:

*(b) the efficient use and development of natural and physical resources;*

*(c) the maintenance and enhancement of amenity values;*

*(f) maintenance and enhancement of the quality of the environment; and*

*(g) any finite characteristics of natural and physical resources.*

Territorial authorities have a functional obligation, under Section 31, to:

---

*(a) establish, implement, and review objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district;*

*(aa) establish, implement, and review objectives, policies, and methods to ensure that there is sufficient development capacity in respect of housing and business land to meet the expected demands of the district; and*

*(b) control of any actual or potential effects of the use, development, or protection of land, including the avoidance or mitigation of natural hazards.*

Under Section 75(3) the content of district plan, including that introduced by way of a plan change, is also required to give effect to any regional policy statement, in this case the Horizons One Plan.

The relevant aspects of the above matters have been considered in the analysis of the submissions in Section 5 of this report.

#### **4.2 National Policy Statements/National Environmental Standards**

Under Section 75(3)(a) of the RMA a District Plan must also give effect to any National Policy Statement (NPS) that has been issued. Of the five NPSs currently in place, the only one of relevance to this proposed change is the National Policy Statement on Urban Development Capacity (NPS-UDC).

The NPS-UDC provides direction to Councils on planning for urban environments. Under this NPS all Councils are required to give effect to the full range of objectives identified, including:

- OA2: Urban environments that have sufficient opportunities for the development of housing and business land to meet demand, and which provide choices that will meet the needs of people and communities and future generations for a range of dwelling types and locations, working environments and places to locate businesses.

These objectives are further underpinned by a series of policies that apply in any urban environment where growth is anticipated, including:

- PA1: Ensuring sufficient housing and business land development capacity in the short, medium and long term; and
- PA3: Providing for dwelling type and locational choice; promoting efficient use of land and infrastructure; limiting adverse effects on competition.

There are no National Environmental Standards relevant to this proposed change.

#### **4.3 New Zealand Coastal Policy Statement**

Under Section 75(3)(b) of the Resource Management Act, a District Plan must give effect to any New Zealand Coastal Policy Statement (NZCPS). There are no specific provisions in the NZCPS which are considered directly relevant to Proposed PC2.



#### **4.4 Horizons Regional Council One Plan**

Under Section 75(3)(c) of the RMA, a District Plan must give effect to any Regional Policy Statement which, in this instance, is the Horizons Regional Council's 'One Plan' (which comprises a combined Regional Policy Statement and Regional Plan).

Chapter 4 of the One Plan sets out the regionally significant issues, objectives, policies and methods relating to land management, with a particular focus on accelerated erosion including large-scale earthworks. These are considered to be largely immaterial to Proposed PC2 as the amendments proposed are unlikely to result in major development involving large-scale earthwork activities.

#### **4.5 Operative Horowhenua District Plan**

A full review of the former District Plan (1999) was undertaken between 2009 and 2013, with the Council making its second generation District Plan operative on 1 July 2015. The purpose of the review was to update existing plan provisions and to introduce some new provisions to ensure that land use and subdivision in the district continued to be effectively provided for and managed.

As a result of the review the four previous residential zones were condensed into a single Residential zone, and the Issues, Objectives, Policies, Methods, Anticipated Environmental Results, Explanation and Principal Reasons relating to the Residential, Commercial and Industrial zones were updated and rationalised.

The review also introduced provision for medium density residential development, via overlays, to discrete areas within Levin, Foxton Beach and Waitarere Beach, retained the approach in the former Operative Plan to infill subdivision within Levin, Foxton and Shannon and made consequential changes to a number of rules/ standards (e.g. Residential Zone density table).

## 5 Analysis of Submissions

### 5.1 Amendment 1

Amendment 1 proposes to remove policy 6.3.6 from Chapter 6 – Urban Environment and amend rules 15.3(k) Restricted Discretionary Activities, 15.4(l) Discretionary Activities, 15.6.6 Private Outdoor Living Area, and 15.8.15 Matters of Discretion and Conditions for Restricted Discretionary Activities and Table 15-4 Standards Applying to Subdivision and Residential Dwelling Units.

#### 5.1.1 Submissions Received

Submission Number	Submitter Name	Provision/Issue	Support/ Oppose	Submission Summary	Decision Sought
02/18.2	Landlink Limited	Policy 6.3.6	Not specified	Notes that the removal of Policy 6.3.6 seems unnecessary, and suggests a substantial rewording should be considered instead. This could involve targeting the area adjacent to the expanded medium density housing overlay to create an urban transition.	Retain and amend the wording of Policy 6.3.6.
02/18.4	Landlink Limited	Rule 15.3 Restricted Discretionary Activities	Not specified	Notes there are no changes to Chapter 25 to assist with the assessment of infill subdivision and integrated residential development applications, and that this should be considered.	Requests consideration of amendments to Chapter 25 – Assessment Criteria to assist with assessment of infill subdivision and integrated residential development applications.
02/18.6	Landlink Limited	Rule 15.6.6 Private Outdoor Living Area	Not specified	Notes that 20m <sup>2</sup> with a 2.5m circle is an arbitrary outdoor living area, and will result in the smallest of spaces being squeezed in around the largest possible dwelling. Suggests consideration of a ratio to bedrooms or building floor area to encourage spaces that are fit for purpose.	Requests consideration of a ratio to bedrooms or building floor area to determine outdoor living area instead of 20m <sup>2</sup> with a 2.5m circle.
02/04.1	Heritage New Zealand	Rule 15.8.15 Infill Subdivision	In-part	Supports matter of discretion (viii) as infill subdivision has the potential to adversely affect heritage resources in the vicinity of development.	Retain (viii) as proposed.
02/15.7	Truebridge Associates Limited	Rule 15.8.15 Infill Subdivision	In-part	Queries whether building plans are required at the time of subdivision or would they just make for a better application, noting that most subdividers want to create a new section to sell but not develop.	Clarify whether building plans are a requirement for subdivision applications involving lots of less than 330m <sup>2</sup> in net site area.
02/18.8	Landlink Limited	Rule 15.8.15 Infill Subdivision	Not specified	Notes that the list of restricted discretion is too long and generates too much uncertainty, and that some	Amend 15.8.15 as follows: <ul style="list-style-type: none"> <li>Replace references to</li> </ul>

				<p>matters of discretion are duplicated with the RMA and NES's (i.e. (iii), (iv), (vi), (vii), (ix), (x) and (xv)). Suggests that references to 'character' should be changed to 'amenity values', that Chapter 24 – Subdivision and Development should be a matter of discretion and that provision should be made for non-notification of infill subdivision.</p> <p>Also notes that a lot area approach assumes a fee simple pattern of development, and suggests that a better approach would be to identify the built form outcomes sought and allow boundaries to come naturally from design led development proposals.</p>	<p>'character' with 'amenity values'.</p> <ul style="list-style-type: none"> <li>• Make Chapter 24 – Subdivision and Development a matter of discretion.</li> <li>• Include provision for infill subdivision to be treated on a non-notified basis.</li> <li>• Remove Matters of Discretion (iii), (iv), (vi), (vii), (ix), (x) and (xv).</li> </ul> <p>Requests consideration of an alternative approach to that proposed which is based on the built form development outcomes sought.</p>
02/09.2	Geoffrey Maurice McGruddy	Infill subdivision	In-part	Suggests retention of infill subdivision as a permitted or controlled activity, and to rely on the rules for permitted activities such as Rules 15.6.1, 15.6.6 and 15.6.8 to create certainty for developers.	Amend the plan change so permitted activity rules are applied evenly across infill and new subdivision. Class both activities as controlled (providing they meet the permitted activity rules) and evenly apply a minimum lot size of 250m <sup>2</sup>
02/13.2	Horowhenua District Council	Infill subdivision in general	In-part	Notes that more clarity is required regarding which rule to apply for infill subdivision (i.e. pre-requisite conditions). Also suggests the need for specific policies and objectives relating to infill subdivision to give direction to developers in the planning stage and to assist decision makers in considering affected parties and desired environmental outcomes.	Amend Table 15-4 to include:  <u>Sites that are between 900m<sup>2</sup> and 1500m<sup>2</sup> shall not create more than three lots, and the minimum net site area of each site shall be 330m<sup>2</sup>.</u>  <u>Sites larger than 1500m<sup>2</sup> shall not create lots less than 330m<sup>2</sup> and average of lots shall not be less than 600m<sup>2</sup>.</u>
02/13.3	Horowhenua District Council	Infill subdivision of 250m <sup>2</sup> sections	In-part	Notes that the main focus in assessing infill subdivision should not be character but the desired environmental outcomes sought (i.e. design, site layout, access, services).	Delete the following Matters of Discretion in Rule 15.8.15: ii iii vii ix x

					xv And delete: <del>Note: Council encourages applicants to submit building plans (i.e. site plan and floor plan) at the time of subdivision where lots of less than 330m<sup>2</sup> in net site area are proposed, to demonstrate that a complying dwelling unit can be sited on each proposed lot.</del>
02/15.2	Truebridge Associates Limited	Infill subdivision	In-part	<p>Is uncertain about the activity status of infill subdivision, noting that the definition of it is rather vague and Table 15.4 and proposed Table 15.5 both refer to infill subdivision but with differing activity status and associated conditions. Considers that certainty of activity status is required for subdivision and suggests that the proposed new infill rule could be renamed to avoid confusion.</p> <p>Also notes that if the idea is to capture infill subdivision under both the current and proposed rules that this will make subdivision of larger lots more difficult, as to have a controlled activity will mean not doing infill and attaining an 18m diameter shape factor rather than a 13m one.</p>	Requests the proposed infill rule in Table 15.5 be renamed and that the activity status of residential infill subdivision is clarified.
02/16.1	Janice Swanwick	Infill subdivision	Oppose	<p>Notes that the proposed 250m<sup>2</sup> minimum lot size is too small, and that it would change the character of Levin and affect sun, privacy and views of existing residents. Other effects noted include: on biodiversity due to a loss of mature trees and extensive home gardens; on infrastructure (i.e. stormwater runoff into Lake Horowhenua) and water supply; increased disposal of fill to the landfill, which already has problems (leaching); and increased pressure on health services. Also suggests that changing Levin and smaller towns in the District would make them less attractive to retirees and homes suitable for families would become unaffordable,</p>	Withdraw Plan Change 2 and revisit proposals to increase section availability.

				reducing the District's ability to attract young families.	
--	--	--	--	--	--

### 5.1.2 Further Submissions Received

Sub. No.	Submitter Name	Original Sub. No.	Support/ Oppose	Provision/ Issue	Reasons
02/102	Powerco	02/18 Landlink Limited	Oppose in part	Rule 15.8.15 Infill Subdivision	The submitter supports the matters of discretion for infill subdivision as they are currently proposed if provision (vi) is amended to include gas and an additional matter is inserted relating to network utilities. The submitter disagrees with the presumption that these matters are covered by a National Environmental Standard. They believe the suggested amendment of (vi) will give effect to the National Policy Statement on Urban Development Capacity.
02/103	Horizons Regional Council	02/13 Horowhenua District Council	Oppose in part	Rule 15.8.15 Infill Subdivision	Opposes the removal of matter (x) which relates to natural hazards. This matter gives effect to One Plan Policy 9-1(c) which allocates responsibility for development of provisions to control the use of land to avoid or mitigate natural hazards to territorial authorities. The Resource Management Act specifies that the control of the effects of use, development or protection of land for the purpose of avoiding or mitigating natural hazards is a function of territorial authorities. As rule 15.8.15 has restricted discretionary activity status, deleting this matter would also remove the expectation that the effects of natural hazards will be considered when applications are processed.

Eleven submissions were received in relation to the package of provisions included as part of Amendment 1, with the majority centred on provision 15.8.15 Matters of Discretion for Infill Subdivision. Two further submissions were received, one supporting the proposed matters of discretion and the other opposing a request to delete a matter of discretion relating to natural hazards.

### 5.1.3 Discussion and Evaluation

#### *Policy 6.3.6*

1. Landlink Limited (02/18.2) requests that Policy 6.3.6 be retained and amended to target the area adjacent to the expanded medium density housing overlay to create an urban transition.

Although the intent of the suggested amendment by Landlink Limited (02/18.2) is acknowledged, the fact that the infill subdivision provisions apply across the full extent of the Residential Zone, including areas that are at some distance to the amenities offered within the townships of Levin, Foxton, Foxton Beach and Shannon, renders the current wording of this policy redundant as it does not align with the direction reflected in other policies in the District Plan, namely Policies

6.3.7, 6.3.8 and 6.3.9, as well as the proposed rules. Accordingly, it is recommended that this submission is rejected.

#### *Rule 15.3*

2. Landlink Limited (02/18.4) requests the consideration of amendments to Chapter 25 to assist with the assessment of infill subdivision and integrated residential development applications.

Although the matter noted by the submitter is acknowledged, the decision requested is silent on the nature of suggested consequential changes to Chapter 25 – Subdivision. As these two matters are either a Controlled or Restricted Discretionary Activity, matters of control and discretion are listed to inform the assessment of infill subdivision and integrated residential development applications. As a number of these matters mirror the assessment criteria in Chapter 25 the addition of further assessment criteria within this chapter is not considered to make these provisions more effective or efficient and could result in unnecessary repetition in the plan. Therefore, it is recommended that this submission point is rejected.

#### *Rule 15.6.6*

3. Landlink Limited (02/18.6) requests that Rule 15.6.6 be amended to use a ratio of bedrooms or building floor area to determine outdoor living area instead of 20m<sup>2</sup> with a 2.5m circle.

The approach applied to provision of a minimum outdoor living area in Proposed PC2 is based on an accepted, conventional approach that has been adopted in many District Plans around the country. Although consideration of an alternative approach based on a ratio to bedrooms or building floor area suggested by Landlink Limited (02/18.6) is noted, the decision requested provides no clear indication as to what the alternative provision might look like (e.g. dimensions or thresholds). In the absence of these details, it is not possible to assess the benefits, costs, efficiency or effectiveness of this request. Consequently, it is recommended that this submission is rejected. The submitter may wish to provide more details on this matter at the hearing.

#### *Rule 15.8.15*

4. Heritage New Zealand (02/04.1) requests that Rule 15.8.15(a)(viii) be retained. Support for retaining Rule 15.8.15(a)(viii) from Heritage New Zealand (02/04.1) is noted.
5. Truebridge Associates Limited (02/15.7) seeks clarification on whether building plans are a requirement for subdivision applications involving lots less than 330m<sup>2</sup> in net site area, while Horowhenua District Council (02/13.3) requests removal of the Note encouraging applicants to submit building plans at the time of subdivision.

The intended purpose of including this note in the plan is to implement Policies 6.3.4 and 6.3.7 by ensuring that a complying building can be constructed on a proposed infill lot post-subdivision. As it is advisory in nature and does not have the force of a rule it is therefore not a pre-requisite to obtaining subdivision consent. However, it is considered that its removal could result in the inadvertent subdivision of sites that are unable to subsequently accommodate a complying dwelling, thereby undermining the policy intent in Policies 6.3.4 and 6.3.7. Consequently, it is recommended that submission point 02/15.7 is accepted in part and submission point 02/13.3 is rejected.

6. Landlink Limited (02/18.8) requests amending a number of matters of discretion in Rule 15.8.15(a) and that consideration is given to an alternative approach based on the built development outcomes sought. Horowhenua District Council (02/13.3) also requests amendments to Rule 15.8.15(a), with Horizons Regional Council (02/103) further opposing the suggested removal of Rule 15.8.15(a)(x). The further submission of Powerco (02/102) supports retention of the proposed matters of discretion for infill subdivision, subject to amending Rule 15.8.15(vi) to include gas and inserting an additional matter relating to network utilities.

The matters of discretions set out in Rule 15.8.15(a) largely mirror the matters of control applied more generally to land subdivision throughout the operative plan (e.g. Rules 15.7.5, 17.7.1, 16.7.1) and are consistent with this approach and appropriate to the circumstances. It is my understanding that the workability of the operative matters of control relating to land subdivision has not been identified as an issue, and as such the assertion that the matters set out in Rule 15.8.15(a) are overly lengthy and generate too much uncertainty is questionable. By contrast, the deletion of matters 15.8.15(a)(ii), (iii), (vii), (ix), (x) and (xv) would unnecessarily impede the Council's discretion to effectively manage the effects of infill subdivision to maintain and enhance residential character and good quality on-site amenity as directed by Policy 6.3.7. Removing these matters could also act to undermine the integrity and consistency of the land subdivision matters applied elsewhere across the plan. As to the request for an alternative approach to be considered, there appears to be neither a compelling reason to adopt a different approach at this juncture nor any clear indication as to what this might be comprised of. In the absence of these details, it is difficult to assess the effectiveness and efficiency of this different approach.

The further request by Powerco to include reference to gas in Rule 15.8.15(vi) is supported as this appears to have been an unintended omission at the time of drafting; however, the inclusion of an additional matter relating to network utilities is not supported as it is unclear what additional matters would need to be addressed over and above those already covered in Rule 15.8.15(vi).

On the basis of the above it is recommended that submission points (02/18.8) and (02/13.3) are rejected in part, and that the further submission of Horizons Regional Council (02/103) is accepted and that of Powerco (02/102) accepted in part.

Landlink Limited (02/18.8) also notes that there appears to be a focus of consideration in some of the matters of discretion in Rule 15.8.15(a) on 'character' as opposed to 'amenity values'. This is acknowledged, particularly in relation to the current drafting of 15.8.15(a)(ii). In part, this focus is a reflection of the wording of Policy 6.3.7 which relates to both character and amenity values. Consequently, it is recommended that matter 15.8.15(a)(ii) is amended to also address potential effects on the amenity values of the existing urban environment, and that submission point (02/18.8) is accepted in part.

7. Landlink Limited (02/18.8) also requests that infill subdivision is treated on a non-notified basis.

It is noted that none of the provisions relating to subdivision in the operative plan expressly state that this activity will be considered on a non-notified basis. Regardless, Section 95A(5)(b) of the RMA precludes notification of an application for resource consent where it relates to:

*(i) a controlled activity;*

*(ii) a restricted discretionary or discretionary activity, but only if the activity is a subdivision of land or a residential activity.*

As these legislative provisions are applicable to the way that infill subdivision is either already or is proposed treated in the plan it would therefore be exempt from notification under Section 95A(5)(b). Consequently, it is recommended that this decision point is accepted in part. No changes to the District Plan are considered necessary for this reason.

8. Truebridge Associates Limited (02/15.2) requests renaming the proposed infill rule in Table 15-5 and that the activity status of residential infill subdivision is clarified. In a similar vein, Horowhenua District Council (02/13.2) requests that Table 15-4 of the plan is amended to better clarify the relevant rules applicable to infill subdivision (i.e. pre-requisite conditions).

The points raised by both submitters are noted. The need for improved clarity regarding infill subdivision is acknowledged, particularly given that the distinction between residential infill anticipated as a controlled activity under Rule 15.7.5 (refer Table 15-4) and that envisaged under proposed Rule 15.18.5 (refer Table 15-5) is blurred by the proposed amendments.

On reflection, this situation is likely to be attributable to the extent of the text proposed to be deleted from the pre-requisite condition relating to Residential Infill Allotments in Table 15-4. As the primary intent of this amendment was to remove the need for an allotment to be contained in a certificate of title issued before 1/3/91, thereby providing increased opportunity for an increased number of sites to be subdivided.

However, the removal of the balance of the pre-requisite condition also removed the distinguishing characteristics that differentiate infill and greenfield subdivision. To rectify this situation, it is recommended that the area pre-requisites relating to residential infill in Table 15-4 are reinstated. Consequently, it is also recommended that both of these submission points are accepted in part. It is also recommended that an advice note be added to Table 15-4 to clarify how the infill subdivision rules should be applied.

9. Geoffrey Maurice McGruddy (02/09.2) requests that permitted activity rules are applied evenly across infill and new subdivision, and that both activities are classed as controlled (providing they meet the permitted activity rules) and evenly apply a minimum lot size of 250m<sup>2</sup>.

The operative district plan currently enables residential infill subdivision to a 330m<sup>2</sup> minimum as a controlled activity, with any subsequent development permitted subject to meeting relevant permitted activity conditions. Proposed PC2 introduces an additional residential infill option, being a 250m<sup>2</sup> minimum for proposed infill lots accommodating detached residential dwelling units as a restricted discretionary activity.

The intent behind this approach is to enable increased diversity of residential development within established urban areas to cater for the needs of existing and future residents (e.g. 1-2 bedroom dwellings). It is considered that the proposed approach provides an appropriate balance between providing certainty for developers while managing the potential effects of infill subdivision involving one or more detached residential units and reinforces the policy intent expressed in Policies 6.3.7, 6.3.8 and 6.3.9.



Treatment of all infill and greenfields subdivision as a permitted or controlled activity at 250m<sup>2</sup> as suggested, with reliance on permitted activity rules such as Rules 15.6.1, 15.6.6 and 15.6.8, overlooks the distinction between subdivision and subsequent development, with the rules referenced applicable to the latter and not the former except where a parallel land use consent is also sought. As such, the effectiveness of the approach in addressing matters such as the size, shape and positioning of lots, provision of infrastructure including roads, services and reserves and managing natural hazard risks is highly questionable and could result in unintended consequences. The suggested approach would also inhibit the Council from assessing the merits of such applications on a case-by-case basis and to decline an application where this is warranted.

Further, contrary to the suggested uniform application of a 250m<sup>2</sup> lot size across all urban settlements within the district, the proposed approach offers a graduated range of lot sizes to provide for the needs of the district in terms of providing opportunities for increased housing choice. It is also consistent with the policy intent expressed in Policies 6.3.7, 6.3.8 and 6.3.9. On the basis of the above it is recommended that this submission point is rejected.

10. Janice Swanwick (02/16.1) requests the withdrawal of PC2 and revisiting proposals to increase section availability.

Although the concern about the minimum size of infill lots is noted, the benefits of enabling infill subdivision include smaller housing units, increased housing choice and a means to help address housing affordability. The district is predicted to experience an increased level of housing and the intent behind Proposed PC2 is to make provision for some of this anticipated housing through enabling increased diversity of residential development within established urban areas to cater for the needs of existing and future residents (e.g. 1-2 bedroom dwellings).

To address the concerns expressed regarding the potential effects of enabling subdivision to a 250m<sup>2</sup> minimum, the proposed plan change renders such applications as a restricted discretionary activity. Rule 15.8.15 sets out a range of matters the Council can take into consideration in assessing the merits of an application along with conditions that need to be complied with. These include, amongst other matters, the design and layout of the subdivision, the location of building sites, separation distances, screening/landscape treatment, the provision of servicing, provision of reserves and avoidance or mitigation of natural hazards. Consequently, withdrawal of PC2 is considered unwarranted and it is recommended that this submission point is rejected.

#### **5.1.4 Reporting Officer's Recommendation**

##### *Policy 6.3.6*

1. Reject submission: Landlink Limited (02/18.2)

##### *Rule 15.3*

2. Reject submission: Landlink Limited (02/18.4)

##### *Rule 15.6.6*

3. Reject submission: Landlink Limited (02/18.6).

Rule 15.8.15

4. Accept submission: Heritage New Zealand (02/04.1)
5. Accept submission in part: Truebridge Associates Limited (02/15.7)
6. Reject submission: Horowhenua District Council (02/13.3)
7. Accept submission in part: Landlink Limited (02/18.8)
8. Accept further submission: Horizons Regional Council (02/103)
9. Accept further submission in part: Powerco (02/102)
10. Accept submission in part: Truebridge Associates Limited (02/15.2)
11. Accept submission in part: Horowhenua District Council (02/13.2)
12. Reject submission: Geoffrey Maurice McGruddy (02/09.2)
13. Reject submission: Janice Swanwick (02/16.1)

**5.1.5 Recommended Amendments to Plan Change: Amendment 1**

1. Amend Table 15-4 as follows:

Type of Allotment, or Subdivision	Pre-Requisite Conditions	Minimum Net Site Area/ Average Site Area	Minimum Shape Factor
Levin, Foxton, Foxton Beach and Shannon			
Residential Infill Allotments	<p>The allotment being subdivided: shall be contained in a certificate of title issued before 1.3.91; and</p> <ul style="list-style-type: none"> <li>• Shall have no more than 1200 square metres area and contain no buildings; or</li> <li>• Shall have no more than 2025 square metres area and shall contain a residential building or buildings.</li> </ul> <p>Subdivisions shall not create more than 3 infill allotments.</p>	330 square metres	13 metres diameter

Advice Note: Infill subdivisions shall be assessed according to the least restrictive activity status that is applicable. For example, a subdivision satisfying all Controlled Activity conditions contained within Table 15-4 shall be assessed as a Controlled Activity in accordance with Rule 15.2(e), not as a Restricted Discretionary Activity in accordance with Rule 15.3(k).

If an infill subdivision does not comply with the Controlled Activity standards set out in Table 15-4, but does comply with the Restricted Discretionary Standards set out in Table 15-5, the subdivision shall be assessed in accordance with Rule 15.3(k), not rule 15.7(b).

2. Amend proposed Rule 15.8.15(a)(ii) as follows:

(ii) The potential effects of the subdivision and development and level of change to the on residential character and on the amenity values of the existing urban environment.

**5.2 Amendment 2**

Amendment 2 proposes changes to rule 15.6.1 Number of Residential Dwelling Units and Family Flats, rule 15.4 Discretionary Activities and the definition of Notional Net Site Area

### 5.2.1 Submissions Received

Submission Number	Submitter Name	Provision/Issue	Support/ Oppose	Submission Summary	Decision Sought
02/18.5	Landlink Limited	Rule 15.6.1 Number of Residential Dwelling Units and Family Flats	In-part	Supports the increase in the number of residential dwellings permitted on a property, but considers that the concept of a notional net site area is ill-conceived as such a standard imposes a default fee simple subdivision and will fail to deliver a greater volume or diversity of housing.	Remove reference to notional net site area in Rule 15.6.1(a).
02/15.3	Truebridge Associates Limited	Rule 15.6.1 Notional Net Site Area	In-part	Queries whether 'notional net site area' means 250m <sup>2</sup> or 330m <sup>2</sup> .	Clarify the meaning of notional net site area.
02/13.6	Horowhenua District Council	15.4(c) Discretionary Activities	In-part	Notes there appears to be a discrepancy between the proposed amendment to Rule 15.6.1 and Rule 15.4(c) and a further change is suggested to improve the clarity of the rule.	Delete Rule 15.4(c) and replace with the following: <u>(c) Where the number of residential dwelling units and family flats does not comply with the permitted activity conditions in Rule 15.6.1</u>

Three submissions were received seeking amendments to the package of provisions included as part of Amendment 2.

### 5.2.2 Discussion and Evaluation

1. Landlink Limited (02/18.5) requests that the reference to notional net site in Rule 16.6.1(a) is removed. The submitter notes the concept of a notional net site area imposes a default fee simple subdivision and will fail to deliver a greater volume or diversity of housing.

The purpose behind the introduction of a notional net site area is to ensure that infill development maintains and enhances residential character and good quality on-site amenities as anticipated by Policy 6.3.7 of the plan. It would also mean there is the ability for a complying infill lot to be created in the event that a landowner decides to divest themselves of one of the residential dwellings located on the property. Although this could be construed as a 'default fee simple subdivision', the primary intention is to provide a level of certainty to landowners and that the future option to subdivide would not be unnecessarily or unintentionally impeded. Consequently, it is recommended that this submission point is rejected.

2. Truebridge Associates Limited (02/15.3) asks for clarification of the meaning of notional net site area and whether it means 250m<sup>2</sup> or 330m<sup>2</sup>.

Proposed Rule 15.6.1(a) is one of the conditions applicable to permitted activities and explicitly states that:

*(a) On sites greater than 330m<sup>2</sup>*

(i) Up to two One residential dwelling units per site, subject to demonstrating that a minimum notional net site area of 330m<sup>2</sup> can be provided for each unit;

or

(ii) One residential dwelling unit and one family flat of up to 50m<sup>2</sup> in maximum gross floor area plus a covered verandah up to 10m<sup>2</sup> per site.

Given the specific reference to ‘sites greater than 330m<sup>2</sup>’ it is considered that sufficient clarity is already provided by the current drafting and no further amendment is required. Consequently, it is recommended that this submission point is rejected.

3. Horowhenua District Council (02/13.6) requests Rule 15.4(c) is deleted and replaced with a rule that more clearly aligns with the proposed amendment to Rule 15.6.1.

The intent behind the inclusion of proposed Rule 15.4(c) is to signal the status of an activity that fails to meet the permitted activity conditions contained in Rule 15.6.1. While the proposed wording of Rule 15.4(c) broadly reflects this intent, it is currently clumsily worded and the suggested rewording is supported. Therefore, it is recommended that this submission point is accepted.

### 5.2.3 Reporting Officer’s Recommendation

1. Reject submission: Landlink Limited (02/18.5)
2. Reject submission: Truebridge Associates Limited (02/15.3)
3. Accept submission: Horowhenua District Council (02/13.6)

### 5.2.4 Recommended Amendments to Plan Change: Amendment 2

1. Delete Rule 15.4(c) and replace with the following:

~~(c) Two or On sites greater than 330m<sup>2</sup> more than two residential dwelling units, or one residential dwelling unit and one /family flats, per site.~~

(c) Where the number of residential dwelling units and/or family flats does not comply with the permitted activity conditions in Rule 15.6.1.

### 5.3 Amendment 3

Amendment 3 proposes to amend Policy 6.1.17 and insert a new policy relating to integrated residential development in Chapter 6 Urban Environments. The amendment also involves inserting a new clause in Rule 15.3 Restricted Discretionary Activities, inserting matters of discretion and a definition for integrated residential development.

#### 5.3.1 Submissions Received

Submission Number	Submitter Name	Provision/Issue	Support/ Oppose	Submission Summary	Decision Sought
02/18.3	Landlink Limited	Policy 6.3.10A	Not specified	Queries what “function in a coherent and integrated way” means, noting that the terms ‘coherent’ and ‘integrated’ are contradictory and that	Amend Policy 6.3.10A as follows:  Provide for integrated residential

				'integrated' appears to be a more logical choice. Suggests that the reference to scale and character should be removed as there is no mention of these in the RMA and they will result in NIMBY arguments against integrated residential development. Also suggests that environmental amenities should be replaced with the more commonly understood term "amenity values".	development where the design ensures that the site and built form function in an <del>coherent and</del> integrated way, and that the development complements <del>the scale and character of</del> the local area and does not significantly adversely affect local <del>environmental amenities</del> <u>amenity values</u> .
02/04.2	Heritage New Zealand	Rule 15.8.16 Matters of Discretion for Integrated Residential Development	Oppose	Notes that integrated residential development has the potential to adversely affect nearby heritage resources (e.g. the size or intensity of the development may be out of scale with a nearby heritage building), and that it is important that an appropriate matter of discretion is included so these effects can be considered.	Amend Rule 15.8.16(a) to include:  <u>vii. Effects on significant sites and features, including natural, cultural, archaeological and historical sites.</u>
02/15.8	Truebridge Associates Limited	Rule 15.8.16 Matters of Discretion for Integrated Residential Development	In-part	Notes that 15.8.16(b) should be deleted as it is not in line with the current Resource Management Act. It refers to out of date sections, also public notification is now precluded for residential activities.	Delete proposed Rule 15.8.16(b)
02/18.1	Landlink Limited	Definition of integrated residential development	Not specified	Notes that use of the word 'site' is too restrictive and that the requirement to design a development to function and be managed in a specific way provides no certainty to an applicant about what is required. Queries why a mix of housing types is required, and considers the requirement for a development to be constructed in one or more stages is superfluous because this approach is obvious.	Amend the word 'site' to allow for more than 1 site to comprise the 2,000m <sup>2</sup> .

Four submissions were received seeking amendments to the package of provisions included as part of Amendment 3.

### 5.3.2 Discussion and Evaluation

1. Landlink Limited (02/18.3) requests that Policy 6.3.10A is amended so the terms used do not contradict each other and that the reference to 'scale and character' and 'environmental amenities' are removed and in the case of environmental amenities replaced with amenity values.

The points raised are acknowledged and the suggested rewording of the policy is supported as it would improve clarity and better reflect the focus of the RMA. Therefore, it is recommended that this decision point is accepted.

- Heritage New Zealand (02/04.2) and Truebridge Associates Limited (02/15.8) request amendments to Rule 15.8.16. This includes adding a matter of discretion on the effects on significant sites and features and removing 15.8.16(b) which refers to non-notification.

It is noted that Proposed PC2 does not place any locational constraints on where integrated residential development can occur in the Residential Zone. As such, the point raised by Heritage New Zealand regarding the possibility that such development could have an adverse impact on adjacent heritage resources, particularly historic heritage buildings, structures and sites listed in Schedule 2 – Historic Heritage of the operative plan, is acknowledged and inclusion of an associated matter of discretion in Rule 15.8.16 is supported.

The points raised by Truebridge Associates Limited are acknowledged and supported. Although there is still provision under Section 77D of the RMA for Councils to exempt activities requiring a resource consent from being notified, Section 95A(5)(b) of the RMA precludes notification of an application for resource consent where it relates to:

*(ii) a restricted discretionary or discretionary activity, but only if the activity is a subdivision of land or a residential activity;*

with residential development defined in Section 95A(6) as ‘an activity that requires resource consent under a regional or district plan and that is associated with the construction, alteration, or use of 1 or more dwellinghouses on land that, under a district plan, is intended to be used solely or principally for residential purposes’. As this definition is also applicable to integrated residential development it would therefore be exempt from notification under Section 95A(5)(b). Consequently, it is recommended that this submission point is accepted.

- Landlink Limited (02/18.1) requests that the definition of integrated residential development be amended to allow for more than one site to comprise the 2000m<sup>2</sup> required for it to be considered an integrated residential development. The need to provide for a mix of housing types and staged construction is also queried.

The point relating to reference to ‘any site greater than 2000m<sup>2</sup>’ in the proposed definition of integrated residential development is acknowledged, particularly given the potential limitations of securing a single site capable of meeting this size threshold within existing urban areas in the district. It is therefore suggested that the definition is amended to accommodate either a single site or an amalgamation of sites.

As the intent behind the provision for integrated residential development and its associated definition is predominantly to cater for larger scale retirement village developments it is considered that the balance of the proposed definition relating to such matters as housing mix and staged construction is sufficiently fit for this purpose, bearing in mind that it may not suit every situation in which an integrated development is proposed (e.g. a private developer as opposed to a retirement village operator). For the reasons outlined above, and as no specific amendments were provided to indicate a suggested alternative to the proposed definition, it is recommended that this submission point is accepted in part.

### 5.3.4 Reporting Officer's Recommendation

1. Accept submission: Landlink Limited (02/18.3)
2. Accept submission: Heritage New Zealand (02/04.2)
3. Accept submission: Truebridge Associates Limited (02/15.8)
4. Accept submission: Landlink Limited (02/18.1)

### 5.3.5 Recommended Amendments to Plan Change: Amendment 3

1. Amend Policy 6.3.10A as follows:

Provide for integrated residential development where the design ensures that the site and built form function in a coherent and integrated way, and that the development complements the scale and character of the local area and does not significantly adversely affect local environmental amenities amenity values.

2. Amend Rule 15.8.16(a) as follows:

viii. The effects on significant sites and features, including natural, cultural, archaeological and historical sites.

3. Delete Rule\_15.8.16(b) as follows:

(b) Non-Notification

i. Under Section 77D of the RMA, an activity requiring resource consent under Rule 15.8.15 shall not be publicly notified, except where:

- The Council decides special circumstances exist (pursuant to Section 95A(4)), or
- The applicant requests public notification (pursuant to Section 95A(2)(b)).

4. Amend the definition of Integrated Residential Development as follows:

**Integrated Residential Development** means a residential development on any site or amalgamation of sites greater than 2000m<sup>2</sup> that:

- is designed to function and be managed as a single, integrated development;
- contains a mix of dwelling unit type (e.g. detached, semi-detached, multi-unit);
- includes provision for shared or communal facilities such as healthcare facilities, recreational/leisure facilities, open space, access, loading spaces, parking and manoeuvring, that are accessible from, and can be used by, the residents or tenants of the development and their visitors; and
- is constructed in one or more stages.

## 5.4 Amendment 4

Amendment 4 proposes to amend Rule 15.6.8 Accessory Buildings.

### 5.4.1 Submissions Received

Submission Number	Submitter Name	Provision/Issue	Support/ Oppose	Submission Summary	Decision Sought
02/15.6	Truebridge Associates Limited	Rule 15.6.8 Accessory Buildings	In-part	Supports amending Rule 15.6.8 to enable accessory buildings to project forward of a dwelling on rear sites as it would not be visible. Also notes that current site coverage requirements in Rule 15.6.7(b) can be an issue where rear sites have a long right of way/access as it could make the net site area much smaller than the site area. Suggests tidying this up as part of the plan change to avoid uncertainty on how to implement this rule.	Retain Rule 15.6.8(d) as proposed. Amend Rule 15.6.7(b) to allow 40% site coverage on rear sites with a net site area under 500m <sup>2</sup> and a total area of over 500m <sup>2</sup>
02/18.7	Landlink Limited	Rule 15.6.8 Accessory Buildings	Not specified	Notes that it should be clear what is expected to be constructed when it comes to accessory buildings. A double garage seems like a reasonable permitted standard.	Amend Rule 15.6.8 to reflect the size of accessory building that is anticipated to be constructed (i.e. a double garage).

Two submissions were received seeking amendments to the package of provisions included as part of Amendment 4.

#### 5.4.2 Discussion and Evaluation

1. Truebridge Associates Limited (02/15.6) requests that Rule 15.6.8(d) is retained as proposed and that Rule 15.6.7(b) is amended to allow 40% site coverage on rear sites with a net site area under 500m<sup>2</sup> and a total area of over 500m<sup>2</sup>.

Support for the retention of proposed Rule 15.6.8(d) is noted. Regarding the requested amendment to Rule 15.6.7(b) on maximum site coverage, as the breadth of changes proposed in PC2 is limited in scope and excludes any suggested amendments to this rule the request is therefore considered to be outside the range of matters that can be addressed within the context of this hearing. Consequently, it is recommended that this submission point is accepted in part.

2. Landlink Limited (02/18.7) requests that Rule 15.6.8 is amended to reflect the size of accessory building that is anticipated to be constructed (i.e. a double garage).

The point relating to the proposed maximum gross floor area of accessory buildings on sites less than 330m<sup>2</sup> is acknowledged, noting that it is inconsistent with the maximum currently referred to in Rule 15.6.8(e) of 36m<sup>2</sup>. As the intent behind setting this maximum is to enable a conventional accessory building like a double garage to be constructed it is recommended that the proposed maximum gross floor area is amended to 36m<sup>2</sup>. This would also align with the policy direction in Policies 6.3.21 and 6.3.22 and provides a more efficient and effective response. Consequently, it is recommended that this submission point is accepted.

#### 5.4.4 Reporting Officer's Recommendation

1. Accept submission in part: Truebridge Associates Limited (02/15.6)
2. Accept submission: Landlink Limited (02/18.7)



#### 5.4.5 Recommended Amendments to Plan Change: Amendment 4

1. Amend Rule 15.6.8(e) as follows:

(e) On sites less than 330m<sup>2</sup> the total maximum gross floor area of all accessory buildings shall not exceed 3036m<sup>2</sup>.

#### 5.5 Amendment 5

Amendment 5 proposes to amend the extent of the Medium Density Overlay on the Planning Maps.

##### 5.5.1 Submissions Received

Submission Number	Submitter Name	Provision/Issue	Support/ Oppose	Submission Summary	Decision Sought
02/16.2	Janice Swanwick	Planning Maps – Medium Density Overlay	Oppose	Notes that extending the Medium Density Overlay would make sections more valuable and increase rates, forcing people to subdivide or sell.	Withdraw Plan Change 2 and revisit proposals to increase section availability.

One submission was received regarding the package of provisions included as part of Amendment 5.

##### 5.5.2 Discussion and Evaluation

1. Janice Swanwick (02/16.2) requests the withdrawal of PC2 and revisiting proposals to increase section availability.

Although the concern about the proposed extension of the Medium Density Overlay is noted, as indicated earlier in this report the benefits of providing more increased opportunities to initiate medium density development include smaller housing units, increased housing choice and a means to help address housing affordability. The district is predicted to experience an increased level of growth and the intent behind Proposed PC2 is to make provision for some of this anticipated growth through enabling increased diversity of residential development, including medium density development, within established urban areas to cater for the needs of existing and future residents (e.g. 1-2 bedroom dwellings).

Furthermore, it is noted that the extension of the overlay will not, of itself, result in wholesale intensification of the area to which it applies. This will largely be dependent on the level of demand for medium density housing in the district and the level of corresponding take up by existing landowners within the area subject to the overlay to on-sell their properties. Equally, the contention that it will result in increased rates and force people to subdivide or sell is speculative, particularly in light of the fact that introduction of the Medium Density Development provisions into the plan in 2015 has not resulted in the indiscriminate subdivision of properties located within the current overlay nor, as it is understood, a substantive increase in rates. Furthermore, given the large spatial extent of the Medium Density Overlay it is unlikely to result in a distortion in the value of properties. Consequently, it is recommended that this submission point is rejected.

##### 5.5.3 Reporting Officer's Recommendation

1. Reject submission: Janice Swanwick (02/16.2).

#### 5.5.4 Recommended Amendments to Plan Change: Amendment 5

No recommended amendments.

#### 5.6 Amendment 6

Amendment 6 proposes to amend the heading of Rule 15.8.7 Medium Density Development within Levin, Foxton Beach and Waitarere Beach so it would refer to the correct provision and amend Rule 15.8.7(a) Matters of Discretion to include the word Development in Medium Density Residential Development Design Guide. Amendment 6 also relates to the deletion of the Medium Density Residential Development Design Guide in Schedule 10 of the Operative Plan and replacing it with the revised design guide included in Appendix 2 of Plan Change 2.

##### 5.6.1 Submissions Received

Submission Number	Submitter Name	Provision/Issue	Support/ Oppose	Submission Summary	Decision Sought
02/15.4	Truebridge Associates Limited	Section 2.1 Medium Density Residential Development Design Guide	In-part	Notes that the reference to infill subdivision in the Design Guide is confusing as it refers to proposed residential infill at 250m <sup>2</sup> being a Controlled Activity when this is actually classified as a Restricted Discretionary Activity in the proposed plan change.	Amend reference to the activity status of 250m <sup>2</sup> infill subdivision in Section 2.1 of the Design Guide to be consistent with the status in the proposed plan change.
02/17.1	Waitarere Beach Progressive Ratepayers Association (WBPR)	Sections 2.1, 4.4 and 4.5 Medium Density Residential Development Design Guide	Not specified	Notes that retaining the local character of Waitarere Beach was strongly advocated at WBPR's recent public planning meeting. Also notes the following regarding the Design Guide: <ul style="list-style-type: none"> <li>• Terraced housing is better suited to Levin than coastal settlements and it is strongly suggested that a height restriction of two storeys for all new builds or renovations be introduced at Waitarere Beach.</li> <li>• New developments should reflect the context of the neighbourhood allowing for attached dwellings in different styles.</li> <li>• Reducing the visibility of water tanks is agreed, but adequate size of tank relative to the building footprint should be specified.</li> <li>• There is no mention of grey water systems being introduced or compulsory installation of rainwater tanks, with grey water usage systems to better conserve and utilise water</li> </ul>	Requests consideration of a two storey height restriction on new builds and renovations at Waitarere Beach. Retain guideline 4.5.27 of the Design Guide as proposed. Requests specification of water tank size to ensure they are adequate relative to the building footprint. Requests consideration of planning for grey water usage to better conserve and utilise water for gardens.

				<p>for gardens being recommended.</p> <ul style="list-style-type: none"> <li>• Provide for more energy efficient dwellings so they receive more mid-winter sun and store natural heat.</li> <li>• There is no mention of the added stress additional housing will impose on existing infrastructure, particularly stormwater and sewage.</li> </ul>	
02/15.5	Truebridge Associates Limited	Medium Density Residential Development Design Guide	In-part	Notes that the Design Guide has been amended but not the associated rules. References page 17 of the Design Guide which shows different layout configurations for two lots when the definition of Medium Density Development means three or more units.	Review illustrations in the Design Guide to ensure that they align with the definition of Medium Density Development.

Three submissions were received seeking amendments to the package of provisions included as part of Amendment 6.

### 5.6.2 Discussion and Evaluation

1. Truebridge Associates Limited (02/15.4) requests that reference to the activity status of 250m<sup>2</sup> infill subdivision in Section 2.1 of the Medium Density Residential Development Design Guide is amended to be consistent with the status in the proposed plan change.

The point relating to inconsistent reference to the activity status of conventional, 250m<sup>2</sup> infill subdivision in Section 2.1 of the Medium Density Residential Development Design Guide is acknowledged, particularly as any proposed infill subdivision of this size is proposed to be considered as a restricted discretionary as opposed to controlled activity. Consequently, it is recommended that the activity status relating to 250m<sup>2</sup> infill subdivision referred to in Section 2.1 of the guide is amended to align with that proposed in PC2 and that this submission point is accepted.

2. Waitarere Beach Progressive Ratepayers Association (02/17.1) supports retention of guideline 4.5.27 of the Medium Density Residential Development Design Guide as proposed, and also requests consideration of a two storey height restriction on new builds and renovations at Waitarere Beach and planning for grey water usage to better conserve and utilise water for gardens, and specification of water tank size to ensure they are adequate relative to the building footprint.

Support for retaining guideline 4.5.27 of the Medium Density Residential Development Design Guide is noted. Regarding the request to consider a two storey height restriction on new builds and renovations at Waitarere Beach, as no amendments to the Residential Zone height rules were proposed as part of Proposed PC2 it is outside the scope of what can be considered by the Panel within the context of this hearing. Equally, it is considered that planning for greywater usage is a matter which would be more appropriately addressed by Council as part of its '3

waters' management role, noting however that guideline 4.5.27 of the Design Guide could also be applied to greywater as well given the reference to 'all water collection, storage and supply'.

As for specification of water tank size, this is considered to be beyond the general intent of the design guide and would be best addressed on a site specific basis. Based on the above, it is recommended that this submission point is accepted in part.

3. Truebridge Associates Limited (02/15.5) requests that the illustrations in the Medium Density Residential Development Design Guide are reviewed to ensure that they align with the definition of Medium Density Development.

As currently defined in the operative plan, medium density development refers to *'three (3) or more residential units, designed and planned in an integrated manner'*. Although the point is noted that not all of the diagrams in the Medium Density Residential Development Design Guide depict three or more units, their primary purpose is to visually illustrate the associated assessment guidelines in order to assist readers to better understand their stated intent. Given this, illustrating three or more units in every instance is considered unnecessary, with the consequential amendments incurring additional time/cost for no material benefit. Consequently, it is recommended that this submission point is rejected.

### 5.6.3 Reporting Officer's Recommendation

1. Accept submission: Truebridge Associates Limited (02/15.4)
2. Reject submission: Waitarere Beach Progressive Ratepayers Association (02/17.1)
3. Reject submission: Truebridge Associates Limited (02/15.5)

### 5.6.4 Recommended Amendments to Plan Change: Amendment 6

1. Amend the first paragraph under the heading 'Conventional Infill Subdivision' on page 7 of the Medium Density Residential Development Design Guide is amended as follows:

The Plan allows for more intensive subdivision, to a minimum lot size of 330m<sup>2</sup> as a Controlled Activity and 250m<sup>2</sup> as a Restricted Discretionary Activity, in Levin, Foxton, Foxton Beach and Shannon Development on small lots is managed by traditional "bulk and location" rules, along with some additional requirements to make sure that the increased density of housing does not result in poor outcomes. These rules and standards ensure that adverse effects such as shading, overlooking and street appearance are managed appropriately, subject to compliance with relevant conditions through the infill subdivision rules. Where an infill subdivision design does not comply with all of the relevant standards conditions, the 'activity status' of the consent changes to a Restricted Discretionary (330m<sup>2</sup>) or Discretionary Activity (250m<sup>2</sup>)

## 5.7 Miscellaneous and General Submissions

A number of miscellaneous and general matters have been raised in a number of submissions.

### 5.7.1 Submissions received

Sub. Number	Submitter Name	Issue/Provision	Support/ Oppose	Submission Summary	Decision Sought
02/09.4	Geoffrey McGruddy	Boundary setbacks	In-part	Notes that the restriction of building closer than 4m to a road boundary should be reduced to 1.5m to allow	Amend the plan to reduce the 4m setback requirement from a

				flexibility in living space and a larger private space at the rear of the house to be created.	front boundary to 1.5m.
02/13.1	Horowhenua District Council	Duplex-semidetached dwellings	In-part	Notes that further amendments to the daylight setback envelope and boundary setback are required to avoid the need for a land use consent if subdivision of a duplex or semi-detached dwelling is proposed.	Amend the plan so that where a party wall along two joined buildings is proposed, the recession plane and boundary setback requirements will not apply along the length and height of that wall.
02/13.4	Horowhenua District Council	Greenfield subdivisions	In-part	Notes that greenfield subdivisions in the Residential Zone should provide stormwater reticulation or attenuation systems, and not solely rely on soak pits. Considers that this is required to reduce the need for future capital expenditure when moving away from soak pits or on areas where soak pits do not work efficiently and there is poor soil drainage or a high water table.	Amend the plan change to include a requirement to make provision for stormwater reticulation or attenuation systems in residential greenfield subdivision.
02/07.1	Radha Sahar	Increase in the number of permitted residential units on a site; Provision for large-scale, integrated residential development	Support	Supports the plan change provided the 250m <sup>2</sup> sections are retained in the zone near the town centre as specified. Notes that several sustainability factors need to be more thoroughly taken into account and planned for in terms of environmental cost: <ul style="list-style-type: none"> <li>On-site generation and disposal of stormwater, including percentage of free-draining land, soak hole/pits, harvesting rainwater, and green space for families; and</li> <li>Sustainable building, including aspect, house size and style, provision of support/advice relating to 'green buildings', and planning for an eco-village or subdivision in the District.</li> </ul>	More thorough consideration of factors relating to stormwater and sustainable building.
02/09.3	Geoffrey McGruddy	Lot sizes	In-part	Suggests that site coverage should be maximised across both infill and new subdivision to enable more affordable houses to be built. Notes that a 200m <sup>2</sup> house would generally be built on an average subdivision lot size of 600m <sup>2</sup> , at 35% site coverage. However, on a 250m <sup>2</sup> lot, at 40% site coverage, would enable a more affordable 100 <sup>2</sup> house to be built.	Amend the plan to reduce the size of living circles and increase site coverage requirements (40%) applicable to all new houses to ensure consistency.

02/09.1	Geoffrey McGruddy	References to medium density lot sizes	In-part	Notes that there are a number of inconsistent references in the plan to lot sizes relating to medium density development, and that the plan should clearly state that in a medium density development 1 residential dwelling needs a minimum of 225m <sup>2</sup> , 2 dwellings 445m <sup>2</sup> , 3 dwellings 670m <sup>2</sup> and so forth.	Check references to medium density lot sizes throughout the plan to ensure they are consistent.
02/15.1	Truebridge Associates Limited	Section 32 Analysis	In-part	Notes that there are currently large amounts of residentially zoned land with no infrastructure in place to cater for projected growth, and that associated development cannot be achieved without this infrastructure. Suggests that as the plan change will increase the amount of allotments that can be created within these areas that Council supply an indicative timeline to provide landowners and developers with certainty as to when they would be able to subdivide and develop these areas.	Provide an indicative timeline of when infrastructure will be provided to those areas that are zoned Residential and are not currently serviced.
02/13.5	Horowhenua District Council	Site Coverage	In-part	Notes that site coverage of more than 40% on lots that are 250m <sup>2</sup> or less should be treated as a non-complying activity. This is to discourage the overdevelopment of small lots, as the potential for adverse visual effects is greater. Also suggests that policies and objectives need to be developed around desired developments on smaller 250m <sup>2</sup> lots.	Amend the plan change to make sites that are 250m <sup>2</sup> and less, and with site coverage of more than 40%, a non-complying activity. Also amend to include policies and objectives around desired developments on smaller 250m <sup>2</sup> lots.
02/11.1	Eco Tech Homes	Subdivision of existing residential properties	Support	The submitter's business supplies factory built houses that come constructed in units to the property and are assembled onsite. Concerns include: an increase in worker's injury risk due to moving heavy equipment into and out of smaller properties; trucks not being able to get a house onto the property; and the access required for a 100 tonne crane to assemble the house units. Notes that boundary setbacks will need to be amended to accommodate larger houses on smaller sections.	Requests that fencing of right of ways is policed so that access to a rear section is a 3m clear road.
02/01.1	Colleen Tyree	Whole plan change	In-part	Supports subdivisions but considers the area covered should include rural as well as residential areas.	Extend the area of proposed subdivision to include rural areas.
02/02.1	Che Elizabeth Lahmert	Whole plan change	Support	Supports the plan change as more housing and building options are needed.	Retain Plan Change 2 as proposed.

02/03.1	Anthonie van Rijn	Whole plan change	In-part	Supports the plan change as it will make development of medium density residential land at Foxton Beach that the submitter has interests in more economically viable.	Requests consideration be given to rezoning the block of land at Foxton Beach enclosed by Holben Parade, Barber Street and Chrystal Street to Medium Density Residential.
02/05.1	Geoffrey Roy Willmott	Whole plan change	Support	Supports the plan change for reasons including: changes in demographics, employment, interests, affordability, sustainability and practicality. Supports Council planning ahead and welcomes the opportunity to subdivide and sell. Is also sure that planning of related services to support future subdivision will be included to accommodate growth.	Retain Plan Change 2 as proposed.
02/06.1	Veronica Harrod	Whole plan change	Oppose	<p>Opposes adoption of the plan change, and considers that the proposed changes should be discussed and priorities determined as part of the 2018-2038 Long Term Plan (LTP) consultation process as the LTP dictates the extent and shape of residential land development. Also considers that the proposed changes:</p> <ul style="list-style-type: none"> <li>• will have repercussions on essential infrastructure such as water, stormwater and wastewater systems;</li> <li>• do not align with the current LTP community outcomes; and</li> <li>• have the potential to result in profoundly negative environmental and cultural effects such as increased discharge of stormwater into Lake Horowhenua, increased waste and pollution of waterways.</li> </ul> <p>Further suggests that provisions relating to installation of water tanks and alternative systems built on green principles are required.</p> <p>Notes that residential communities do not have the essential infrastructure capability to sustain growth, and that third parties who don't have a vested interest in land development need to be included in the conversation</p>	Defer the proposed plan change until 2018-2038 LTP consultation has been completed and development contributions are reintroduced.

				<p>around the nature and direction of future residential growth.</p> <p>Also suggests that development contributions should be reintroduced as existing residents should not bear financial responsibility for the impact of new development on existing essential infrastructure, and notes that there is a lack of detail concerning what 'large-scale integrated residential development' encompasses.</p>	
02/08.1	Potangotango	Whole plan change	Oppose	<p>Opposes the proposal to introduce more intensive types of housing as this will increase stormwater runoff and reliance on off-site disposal. Notes that existing stormwater systems are inadequate and that no provision has been made for diverting Levin's stormwater from Lake Horowhenua. Considers there is a need to ensure that adequate stormwater disposal provisions are in place before development commences.</p>	Place the plan change on hold until the infrastructure required to accommodate infill development is provided.
02/10.1	Powerco	Whole plan change	Neutral	<p>To ensure that it has the ability to continue to operate and maintain its established gas assets (including below ground distribution networks) and to offer an adequate and secure supply of gas to any new development it seeks the following to be taken into account in considering the plan change:</p> <ul style="list-style-type: none"> <li>• Avoidance of inappropriate development in close proximity to a pipeline</li> <li>• Early consultation in relation to early development proposals</li> <li>• Minimum setback (2m) of any new buildings, structures or concrete surfaces from existing underground gas pipes</li> <li>• Separation of new sensitive activities from established network utilities</li> <li>• The NZ Energy Strategy</li> <li>• Co-ordination of infrastructure provision with new development to minimise disruption and reduce cost</li> <li>• Required infrastructure upgrades to accommodate proposed increases in housing density</li> </ul>	<p>Retain Policies 6.1.4, 6.1.9, 6.1.18, 6.3.4, 6.3.34, and 6.3.56. Amend Policy 6.1.15 as follows: Avoid, remedy or mitigate the adverse effects of new development and activities on the safe and efficient functioning of the existing and future roading networks and existing utility infrastructure. Retain provisions in Chapter 15 relating to network utilities and energy activities. Amend 15.8.15 as follows: (vi) The provision of servicing, including water supply, wastewater systems, stormwater management and disposal, telecommunications, and electricity and gas (xvi) Manage the adverse effects of subdivision, use and development on network utilities, and require that new sensitive activities are</p>



					appropriately separated from network utilities to minimise conflict and/or reverse sensitivity effects on the safe and efficient operation, upgrading, maintenance and replacement of existing lawfully established network utilities. Retain the definition of a Network Utility in Chapter 26.
02/12.1	Assembly of God Church of Samoa	Whole plan change	Support	Supports the plan change.	Retain Plan Change 2 as proposed.
02/14.1	Horizons Regional Council	Whole plan change	In-part	Notes that the amendments would allow increased development in some areas within Flood Hazard Overlay Areas (FHOA), and that the existing provisions relating to FHOA will continue to give effect to Policy 9-2 of the One Plan. Suggests that Council may wish to consider whether it would be sensible, in terms of a risk reduction approach, to exclude areas within FHOA in the Residential Zone from the proposed provisions which allow increased density, noting that it has retained discretion to place conditions on consents for the avoidance or mitigation of natural hazards.	Requests that consideration be given to excluding residentially zoned areas within the FHOA from the proposed provisions which allow increased density.
02/19.1	Pirie Consultants Limited	Whole plan change	Support	Supports the plan change as it provides flexibility for continued development in the Residential Zone. Notes that the ability to develop sections of a small size within the controls will better utilise land without the need to expand the zone, and that the integrated development proposal enables a more appropriate range of development; especially in areas zoned Low Density Residential.	Retain Plan Change 2 as proposed.

### Further Submissions

Sub. No.	Submitter Name	Original Sub. No.	Support/ Oppose	Provision/ Issue	Reasons
02/100	Katie de Roo	02/06 Veronica Harrod	Support	Whole plan change	The plan change should be delayed until further consultation on the Long Term Plan 2018-38.  The submitter notes that consultation on the plan change has been insufficient and

					<p>the technical documents are lengthy, difficult to digest and not clear on the changes. Suggests a visual representation of what Medium Density could look like would be helpful.</p> <p>The submitter doesn't think the community has been given sufficient opportunity to engage. The fact that only 20 submissions were received shows that the community has not had appropriate consultation.</p>
02/101	Katie de Roo	02/07 Radha Sahar	Support	Limiting smaller sections to Medium Density Overlay; whole plan change; water harvesting; subdivision; and infrastructure	Concerns around subdivision of lots into 250m <sup>2</sup> outside main hub of Levin, it is too small and leads to loss of aesthetic. Suggests Council can facilitate the housing stock by endorsing developments which are not subdivisions with covenants. Also thinks an ecovillage is a good idea to support young people. In regards to stormwater, the submitter concurs that the infrastructure needs to be in place prior to development occurring.
02/102	Horizons Regional Council	02/06 Veronica Harrod	Neither support nor oppose	Whole plan change	The submitter notes their interest in any proceedings relating to the original submitter's points on the potential effects arising from the discharge of stormwater into Lake Horowhenua, increased pollution of waterways, and impacts on infrastructure.
02/103	Horizons Regional Council	02/08 Potangotango	Neither support nor oppose	Whole plan change	The submitter notes their interest in any proceedings relating to the original submitter's points on potential effects arising from increased discharges of stormwater.
LATE 02/104	Christine Moriarty (HDRRA Inc)	02/06 Veronica Harrod	Support (Inferred)	Miscellaneous	<p>The submitters lists the following:</p> <ul style="list-style-type: none"> <li>• Finances &amp; borrowing – rates funding forecasting</li> <li>• Community building</li> <li>• Developers fund</li> <li>• Restricted &amp; medium density plans</li> <li>• Water management</li> <li>• Exclusion of public</li> </ul>
LATE 02/105	Vivienne Bold	02/08 Potangotango	Support (Inferred)	Miscellaneous	<p>The submitter lists the following:</p> <ul style="list-style-type: none"> <li>• Finances</li> <li>• Developer fund</li> <li>• Restricted &amp; medium density plans</li> <li>• Water management</li> <li>• Exclusion of public</li> <li>• Auditor's findings</li> </ul>

Twenty submissions were received seeking amendments to a miscellaneous range of matters that were not directly attributable to specific amendments in Proposed PC2, along with five further submissions in support or opposition to the matters raised.

### 5.7.2 Discussion and Evaluation

1. Che Elizabeth Lahmert (02/02.1), Geoffrey Roy Willmott (02/05.1), the Assembly of God Church of Samoa (02/12.1) and Pirie Consultants Limited (02/19.1) support the plan change and request that PC2 is retained as proposed.

Support for retaining Proposed PC2 by these submitters is noted.

2. Geoffrey McGruddy (02/09.4) requests an amendment to reduce the 4m setback requirement from a front boundary to 1.5m.

It is noted that this request relates to Rule 15.6.4(a) – Building Setback from Boundaries of the operative plan. As the breadth of changes proposed in PC2 is limited in scope and excludes any proposed amendments to this rule or subject matter, the request is therefore considered to be outside the range of matters that can be addressed within the context of this hearing. Consequently, it is recommended that this submission point is rejected.

3. Horowhenua District Council (02/13.1) requests an amendment to ensure that where a party wall along two joined buildings is proposed, the recession plane and boundary setback requirements will not apply along the length and height of that wall.

It is noted that the request relates to Rules 15.6.3 – Daylight Setback Envelope and 15.6.4 – Building Setback from Boundaries of the operative plan. Although the point raised is acknowledged, as the breadth of changes proposed in PC2 is limited in scope and excludes any proposed amendments to these rules or subject matter, the request is therefore considered to be outside the range of matters that can be addressed within the context of this hearing. Consequently, it is recommended that this submission point is rejected.

4. Horowhenua District Council (02/13.4) requests an amendment to include a requirement to make provision for stormwater reticulation or attenuation systems in residential greenfield subdivision.

It is noted that the focus of Proposed PC2 is on infill and medium density residential subdivision and development as opposed to greenfield subdivision. As such, it is noted that the requested amendment extends beyond the matters specifically dealt with as part of Proposed PC2 and is therefore outside the scope of what can be considered within the context of this hearing. Consequently, it is recommended that this submission point is rejected.

5. Radha Sahar (02/07.1) supports Proposed PC2 but requests more thorough consideration of factors relating to stormwater and sustainable building. A further submission in support was received from Katie de Roo (02/101).

Support for Proposed PC2 is noted, along with the points raised concerning more thorough consideration of such factors as stormwater management and sustainable building as part of future subdivision and development. In terms of stormwater it is noted that all subdivision in the district is required to comply with the requirements set out in Chapter 24 – Subdivision and Development of the operative plan, including those in NZS 4404:2010 Land Development and Subdivision Infrastructure and Council's Subdivision and Development Principles and Requirements (Version: July 2014). Furthermore, the Medium Density Design Guide includes specific reference to stormwater management (guideline point 26).

As for sustainable building, the intent behind Proposed PC2 is to enable increased diversity of residential development within established urban areas in the district at a scale and price point that offers a wider range of housing choice to meet the needs of existing and future residents. Additionally, in terms of 'aspect' both the provisions in the operative plan, and the guidelines in

the Medium Density Residential Design Guide are premised on encouraging new development that is well oriented to the sun and provides good on-site amenity for residents.

Therefore, it is recommended that this submission point and the further submission of Katie de Roo (02/101) is accepted in part, noting that many of the matters raised with the further submission were outside the scope of those relevant to the originating submission of Radha Sahar (e.g. insufficient consultation on the proposed plan change and opportunities to engage, delay the change until further consultation on the Long Term Plan 2018-38 has occurred).

6. Geoffrey McGruddy (02/09.3) requests that the plan is amended to reduce the size of outdoor living area circles and to increase site coverage requirements (40%) applicable to all new houses to ensure consistency.

It is noted that this request relates to Rules 15.6.6 – Private Outdoor Living Area and 15.6.7 – Maximum Building Coverage of the operative plan. Given that no amendments to Rule 15.6.7 were proposed as part of Proposed PC2 it is therefore considered to be outside the scope of what can be addressed within the context of this hearing.

Regarding Rule 15.6.6, it is noted that the proposed change includes provision for a private outdoor living area which is at least 20m<sup>2</sup> in area for residential dwelling units on sites smaller than 330m<sup>2</sup>. Additionally, it clarifies the circumstances where provision of a minimum private outdoor living area of 40m<sup>2</sup> applies (i.e. residential dwelling units on sites 330m<sup>2</sup> or greater) along with its orientation; it does not, however, suggest any material change to the minimum area of 40m<sup>2</sup>. As such, the requested reduction in minimum private outdoor living area is outside the scope of what can be considered within the context of this hearing.

Based on the above, it is recommended that this submission point is rejected.

7. Geoffrey McGruddy (02/09.1) notes that there are a number of inconsistent references in the plan to lot sizes relating to medium density development and requests that references to medium density lot sizes throughout the plan are checked to ensure they are consistent.

The point raised is noted and a check of references has been made. Apart from those corrections addressed elsewhere in this report, no other inconsistencies have been identified. The submitter may wish to identify any other inconsistencies at the hearing. On this basis, it is recommended that this submission point is rejected.

8. Truebridge Associates Limited (02/15.1) requests an indicative timeline regarding provision of infrastructure to areas that are zoned Residential and are not currently serviced.

Although the point raised is noted, the request is considered to be an infrastructure funding and delivery matter and more appropriately addressed by Council through the Long Term Plan and its functional obligations under the Local Government Act. Consequently, it is recommended that the submission point is rejected.

9. Horowhenua District Council (02/13.5) requests an amendment to make sites that are 250m<sup>2</sup> and less, and with site coverage of more than 40%, a non-complying activity, and that additional policies and objectives are included in relation to desired developments on smaller 250m<sup>2</sup> lots.

This request appears to relate to Rule 15.6.7 – Maximum Building Coverage of the operative plan, with any non-compliance with this rule currently treated as Restricted Discretionary Activity under Rule 15.3(a). Although the point raised is noted, as the breadth of changes proposed in PC2 is limited in scope and excludes any proposed amendment to this rule the request is considered to be outside the range of matters that can be addressed within the context of this hearing. Consequently, it is recommended that this submission point is rejected.

10. Eco Tech Homes (02/11.1) requests that fencing of right of ways is policed so that access to a rear section is a 3m clear road.

Although the point raised is noted, the request is considered to be a compliance matter and more appropriately addressed by the Council through its monitoring and enforcement role. Consequently, it is recommended that the submission point is rejected. If the submitter is aware of any specific situation, these can be reported to the Council for investigation.

11. Colleen Tyree (02/01.1) supports Proposed PC2 but requests consideration be given to extending the area of proposed subdivision to include rural areas.

Support for Proposed PC2 by Colleen Tyree (02/01.1) is noted. However, the request to extend the proposed subdivision provisions to apply to rural areas is not supported as there is no justifiable reason for extending the provisions beyond established urban areas within the district and it would be contrary to the policy intent expressed in Policy 6.1.6, it could result in a sporadic and ad hoc pattern of residential growth that is contrary to the policy direction in the plan and would impose unrealistic and unaffordable demands on the Council in terms of infrastructure servicing. Consequently, it is recommended that this submission point is accepted in part.

12. Anthonie van Rijn (02/03.1) supports Proposed PC2 but requests consideration be given to rezoning the block of land at Foxton Beach enclosed by Holben Parade, Barber Street and Chrystal Street to Medium Density Residential.

Support for Proposed PC2 by Anthonie van Rijn (02/03.1) is noted. Although it is acknowledged that land adjacent to the block suggested for further extension is subject to the Medium Density Overlay that currently applies to the Foxton Beach township, it is understood that there is still considerable development capacity within the existing medium density area and therefore no pressing need to consider further extension of this area. However, the take up of land within this area will continue to be monitored by the Council, and further consideration will be given to future extension where demand for medium density development is projected to exceed the capacity of available land to absorb it. This approach ensures the efficient use and development of land, as well as meeting servicing and infrastructure needs. Therefore, it is recommended that this submission point is accepted in part.

13. Veronica Harrod (02/06.1) requests that Proposed PC2 is deferred until 2018-2038 Long Term Plan consultation has been completed and development contributions are reintroduced. Two further submissions were received in support from Katie de Roo (02/100) and Christine Moriarty (02/104), while a further submission that neither supports nor opposes this submission was received from Horizons Regional Council (02/102).

Potangotango (02/08.1) requests that Proposed PC2 is placed on hold until the infrastructure required to accommodate infill development is provided. One further submission in support was received from Vivienne Bold (02/105), while a further submission that neither supports nor opposes this submission was received from Horizons Regional Council (02/103).

The range of concerns expressed within this submission are noted, as is the request to defer Proposed PC2 until consultation on the Long Term Plan is completed and a development contributions regime introduced. Many of the concerns expressed relate to the adequacy of the existing infrastructure network to manage the additional demands and associated environmental impacts that might result as a consequence of introducing the proposed plan change.

The intent behind Proposed PC2 is to enable increased diversity of residential development within established urban areas in the district at a scale and price point that offers a wider range of housing choice to meet the needs of existing and future residents. It also represents a response to the imperative imposed on Councils under Section 31(aa) of the RMA and the National Policy Statement on Urban Development Capacity to ensure that there is sufficient housing land development to cater for demand in the short, medium and long term and that the efficient use of land and infrastructure is promoted.

Although the link between enabling residential development under this proposed change and ensuring adequate provision is made for associated infrastructure funding and delivery is acknowledged, there is no legislative impediment to the Council proceeding down a parallel path of advancing Proposed PC2 along with the draft Long Term Plan. Equally, it is not the domain of the RMA or its associated processes to fetter the exercise of Council discretion under the Local Government Act concerning the allocation and prioritisation of infrastructure expenditure and delivery.

In terms of infrastructure provision, it is also noted that this is largely reliant on processes and decisions generally unrelated to the District Plan. For example, the nature of services offered, and associated levels of service provided, are largely influenced by the Council's Infrastructure Strategy and associated Asset Management Plans, while infrastructure funding arrangements are dependent on the outcomes of its Long Term Plan/Annual Plan processes.

Regardless, under the proposed change any subdivision of a 250m<sup>2</sup> lot would be treated as a restricted discretionary activity and would need to satisfy the conditions contained in proposed Rule 15.8.15 – Infill Subdivision, including the adequacy of intended infrastructure provision. Where compliance cannot be achieved, the application resorts to being a discretionary activity, with full consideration applied under Section 104 of the RMA and the consent authority able to grant or refuse the application and impose any associated conditions under Section 104B. These provisions, in turn, would enable the Council to decline an application where inadequate infrastructure provision is proposed.

Regarding development contributions, it is noted that recent 2017 amendments to the RMA will remove the ability of the Council to rely on financial contributions as it does at present to meet the costs of servicing new growth. As this requirement takes effect from April 2022 it will therefore act as an incentive for the Council to actively reconsider alternative options such as the re-imposition of development contributions to finance the extension or development of bulk services or other infrastructure costs associated with development.

Council have signaled as part of the Long Term Plan 2018-2038 process the intent to explore options including development contributions to fund infrastructure growth. By the time of this hearing Council will have held deliberations on the Long Term Plan submissions and it is anticipated that the timeframe for considering development contributions will have been resolved by Council resolution.

Based on the above, it is recommended that these submission points are rejected.

14. Powerco (02/10.1) supports and seeks the retention of a number of relevant network utility policies in Chapter 6 – Urban Environments and associated rules in Chapter 15 – Residential Zone of the operative plan, but requests an amendment to Policy 6.1.15 along with amendments to Rule 15.8.15.

Support for retaining relevant network utility provisions in the plan by Powerco (02/10.1) is noted. Regarding the request to amend the wording of Policy 6.1.15 to include existing utility infrastructure to avoid reverse sensitivity effects, it is noted that as no amendments to this policy or subject matter were proposed as part of Proposed PC2 it is therefore outside the scope of what can be considered within the context of this hearing.

In terms of the requested amendments to Rule 15.8.15, these are supported subject to some further refinement of the requested wording as they will enable gas services and reverse sensitivity effects to be considered when assessing and determining applications for infill subdivision under this rule. Based on the above it is recommended that this submission point is accepted in part.

15. Horizons Regional Council (02/14.1) requests that consideration be given to excluding residentially zoned areas within Flood Hazard Overlay Areas from the proposed provisions which allow increased density.

The submitter observes that the proposed amendments will allow increased development in some areas covered by the Flood Hazard Overlay, noting that the particular areas where this would likely occur are not specifically identified by the submitter. However, on re-examining the planning maps relevant to those areas where opportunities for more intensive subdivision is proposed (i.e. Levin, Foxton, Foxton Beach, Shannon) there does not appear to be any instances where there is an obvious incursion into an identified flood hazard area.

Consequently, in the absence of evidence to the contrary it is recommended that this submission point is rejected. The submitter may wish to clarify this matter at the hearing.

### **5.7.3 Reporting Officer's Recommendation**

1. Accept submission: Che Elizabeth Lahmert (02/02.1)
2. Accept submission: Geoffrey Roy Willmott (02/05.1)
3. Accept submission: Assembly of God Church of Samoa (02/12.1)
4. Accept submission: Pirie Consultants Limited (02/19.1)
5. Reject submission: Geoffrey McGruddy (02/09.4)
6. Reject submission: Horowhenua District Council (02/13.1)
7. Reject submission: Horowhenua District Council (02/13.4)
8. Accept submission in part: Radha Sahar (02/07.1)
9. Accept further submission in part: Katie de Roo (02/101)

10. Reject submission: Geoffrey McGruddy (02/09.3)
11. Reject submission: Geoffrey McGruddy (02/09.1)
12. Reject submission: Truebridge Associates Limited (02/15.1)
13. Reject submission: Horowhenua District Council (02/13.5)
14. Reject submission: Eco Tech Homes (02/11.1)
15. Accept submission in part: Colleen Tyree (02/01.1)
16. Accept submission in part: Anthonie van Rijn (02/03.1)
17. Reject submission: Veronica Harrod (02/06.1)
18. Reject further submission: Katie de Roo (02/100)
19. Accept further submission in part: Horizons Regional Council (02/102)
20. Reject further submission: Christine Moriarty (02/104)
21. Reject submission: Potangotango (02/08.1)
22. Accept further submission in part: Horizons Regional Council (02/103)
23. Reject further submission: Vivienne Bold (02/105)
24. Accept submission in part: Powerco (02/10.1)
25. Reject submission: Horizons Regional Council (02/14.1)

#### 5.7.4 Recommended Amendments to Plan Change: Miscellaneous

1. Amend proposed Rule 15.8.15 as follows:

(vi) The provision of servicing, including water supply, wastewater systems, stormwater management and disposal, telecommunications, gas and electricity.

(xvi) The potential effects of the development on the safe and efficient operation, upgrading, maintenance and replacement of existing lawfully established network utilities.

## 6 Conclusion

---

Proposed Plan Change 2 seeks to enable a wider diversity of residential development and associated housing choice within established urban areas in the district.

A variety of submissions were received, ranging from submissions supporting and opposing various amendments within Proposed PC2. Several submissions requested a number of changes to the proposed plan change, while a small number of submitter requested its withdrawal pending finalisation of the current Long Term Plan process or until infrastructure capacity was understood and development contributions reintroduced.

The officer's recommendations on the key changes requested are:

- Reinstating two of the pre-requisite conditions relating to Residential Infill Allotments in Table 15-4
- Amending one of the Matters of Discretion relating to Infill Subdivision in Rule 15.8.15 to include a stronger emphasis on considering the effects of subdivision and development on amenity values



- Replacing one of the listed Discretionary Activities in Rule 15.4 to clarify the circumstances under which residential dwelling units and/or family flats will be treated as a discretionary activity
- Amending the policy relating to Integrated Residential Development to provide greater clarity regarding its intent
- Including a further Matter of Discretion in Rule 15.8.16 – Integrated Residential Development relating to effects on significant sites and features
- Deleting the non-notification provision in Rule 15.8.16 - Integrated Residential Development
- A minor amendment to the definition of Integrated Residential Development
- Amending the maximum floor area of accessory buildings on sites less than 330m<sup>2</sup>
- A minor amendment to one of the Matters of Discretion relating to service provision in Rule 15.8.15 – Infill Subdivision
- Including a further Matter of Discretion in Rule 15.8.15 – Infill Subdivision relating to effects of development on established network utilities

Overall, it is recommended that the Council proceed with Proposed PC2, subject to the amendments put forward in this report.

## 7 Appendices

---

### 7.1 Appendix 1: RMA Extracts

#### **Section 5 Purpose**

- (1) *The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- (2) *In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—*
  - (a) *sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
  - (b) *safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
  - (c) *avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

#### **Section 6 Matters of national importance**

*In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:*

- (a) *the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:*
- (b) *the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:*
- (c) *the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*
- (d) *the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:*
- (e) *the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:*
- (f) *the protection of historic heritage from inappropriate subdivision, use, and development:*
- (g) *the protection of protected customary rights:*
- (h) *the management of significant risks from natural hazards.*

#### **Section 7 Other matters**

*In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to—*

- (a) *kaitiakitanga:*
  - (aa) *the ethic of stewardship:*
- (b) *the efficient use and development of natural and physical resources:*

- (ba) the efficiency of the end use of energy:
- (c) the maintenance and enhancement of amenity values:
- (d) intrinsic values of ecosystems:
- (e) [Repealed]
- (f) maintenance and enhancement of the quality of the environment:
- (g) any finite characteristics of natural and physical resources:
- (h) the protection of the habitat of trout and salmon:
- (i) the effects of climate change:
- (j) the benefits to be derived from the use and development of renewable energy.

### **Section 8 Treaty of Waitangi**

*In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).*

### **Section 31 Functions of territorial authorities under this Act**

- (3) *Every territorial authority shall have the following functions for the purpose of giving effect to this Act in its district:*
  - (a) *the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district:*
    - (aa) *the establishment, implementation, and review of objectives, policies, and methods to ensure that there is sufficient development capacity in respect of housing and business land to meet the expected demands of the district:*
  - (b) *the control of any actual or potential effects of the use, development, or protection of land, including for the purpose of—*
    - (i) *the avoidance or mitigation of natural hazards; and*
    - (ii) *[Repealed]*
      - (iia) *the prevention or mitigation of any adverse effects of the development, subdivision, or use of contaminated land:*
    - (iii) *the maintenance of indigenous biological diversity:*
  - (c) *[Repealed]*
  - (d) *the control of the emission of noise and the mitigation of the effects of noise:*
  - (e) *the control of any actual or potential effects of activities in relation to the surface of water in rivers and lakes:*
  - (f) *any other functions specified in this Act.*
- (4) *The methods used to carry out any functions under subsection (1) may include the control of subdivision.*

### **Section 32 Requirements for preparing and publishing evaluation reports**

- (1) *An evaluation report required under this Act must—*
  - (a) *examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and*
  - (b) *examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—*
    - (i) *identifying other reasonably practicable options for achieving the objectives; and*

- (ii) *assessing the efficiency and effectiveness of the provisions in achieving the objectives; and*
    - (iii) *summarising the reasons for deciding on the provisions; and*
  - (c) *contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.*
- (2) *An assessment under subsection (1)(b)(ii) must—*
- (a) *identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—*
    - (i) *economic growth that are anticipated to be provided or reduced; and*
    - (ii) *employment that are anticipated to be provided or reduced; and*
  - (b) *if practicable, quantify the benefits and costs referred to in paragraph (a); and*
  - (c) *assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.*
- (3) *If the proposal (an amending proposal) will amend a standard, statement, national planning standard, regulation, plan, or change that is already proposed or that already exists (an existing proposal), the examination under subsection (1)(b) must relate to—*
- (a) *the provisions and objectives of the amending proposal; and*
  - (b) *the objectives of the existing proposal to the extent that those objectives—*
    - (i) *are relevant to the objectives of the amending proposal; and*
    - (ii) *would remain if the amending proposal were to take effect.*
- (4) *If the proposal will impose a greater or lesser prohibition or restriction on an activity to which a national environmental standard applies than the existing prohibitions or restrictions in that standard, the evaluation report must examine whether the prohibition or restriction is justified in the circumstances of each region or district in which the prohibition or restriction would have effect.*
- (4A) *If the proposal is a proposed policy statement, plan, or change prepared in accordance with any of the processes provided for in Schedule 1, the evaluation report must—*
- (a) *summarise all advice concerning the proposal received from iwi authorities under the relevant provisions of Schedule 1; and*
  - (b) *summarise the response to the advice, including any provisions of the proposal that are intended to give effect to the advice.*
- (5) *The person who must have particular regard to the evaluation report must make the report available for public inspection—*
- (a) *as soon as practicable after the proposal is made (in the case of a standard or regulation); or*
  - (b) *at the same time as the proposal is notified.*
- (6) *In this section,—*
- objectives means,—*
    - (a) *for a proposal that contains or states objectives, those objectives:*
    - (b) *for all other proposals, the purpose of the proposal*
  - proposal means a proposed standard, statement, national planning standard, regulation, plan, or change for which an evaluation report must be prepared under this Act*
  - provisions means,—*
    - (a) *for a proposed plan or change, the policies, rules, or other methods that implement, or give effect to, the objectives of the proposed plan or change:*

- (b) for all other proposals, the policies or provisions of the proposal that implement, or give effect to, the objectives of the proposal.

### **Section 74 Matters to be considered by territorial authority**

- (1) A territorial authority must prepare and change its district plan in accordance with—
- (a) its functions under section 31; and
  - (b) the provisions of Part 2; and
  - (c) a direction given under section 25A(2); and
  - (d) its obligation (if any) to prepare an evaluation report in accordance with section 32; and
  - (e) its obligation to have particular regard to an evaluation report prepared in accordance with section 32; and
    - (ea) a national policy statement, a New Zealand coastal policy statement, and a national planning standard; and
  - (f) any regulations.
- (2) In addition to the requirements of section 75(3) and (4), when preparing or changing a district plan, a territorial authority shall have regard to—
- (a) any—
    - (i) proposed regional policy statement; or
    - (ii) proposed regional plan of its region in regard to any matter of regional significance or for which the regional council has primary responsibility under Part 4; and
  - (b) any—
    - (i) management plans and strategies prepared under other Acts; and
    - (ii) [Repealed]
    - (iia) relevant entry on the New Zealand Heritage List/Rārangī Kōrero required by the Heritage New Zealand Pouhere Taonga Act 2014; and
    - (iii) regulations relating to ensuring sustainability, or the conservation, management, or sustainability of fisheries resources (including regulations or bylaws relating to taiapure, mahinga mataitai, or other non-commercial Maori customary fishing),—  
to the extent that their content has a bearing on resource management issues of the district; and
  - (c) the extent to which the district plan needs to be consistent with the plans or proposed plans of adjacent territorial authorities.
- (2A) A territorial authority, when preparing or changing a district plan, must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district.
- (3) In preparing or changing any district plan, a territorial authority must not have regard to trade competition or the effects of trade competition.

### **Section 75 Contents of district plans**

- (1) A district plan must state—
- (a) the objectives for the district; and
  - (b) the policies to implement the objectives; and

- (c) *the rules (if any) to implement the policies.*
- (2) *A district plan may state—*
  - (a) *the significant resource management issues for the district; and*
  - (b) *the methods, other than rules, for implementing the policies for the district; and*
  - (c) *the principal reasons for adopting the policies and methods; and*
  - (d) *the environmental results expected from the policies and methods; and*
  - (e) *the procedures for monitoring the efficiency and effectiveness of the policies and methods; and*
  - (f) *the processes for dealing with issues that cross territorial authority boundaries; and*
  - (g) *the information to be included with an application for a resource consent; and*
  - (h) *any other information required for the purpose of the territorial authority’s functions, powers, and duties under this Act.*
- (3) *A district plan must give effect to—*
  - (a) *any national policy statement; and*
  - (b) *any New Zealand coastal policy statement; and*
    - (ba) *a national planning standard; and*
  - (c) *any regional policy statement.*
- (4) *A district plan must not be inconsistent with—*
  - (a) *a water conservation order; or*
  - (b) *a regional plan for any matter specified in section 30(1).*
- (5) *A district plan may incorporate material by reference under Part 3 of Schedule 1.*

**Section 76 District rules**

- (1) *A territorial authority may, for the purpose of—*
  - (a) *carrying out its functions under this Act; and*
  - (b) *achieving the objectives and policies of the plan,—**include rules in a district plan.*
- (2) *Every such rule shall have the force and effect of a regulation in force under this Act but, to the extent that any such rule is inconsistent with any such regulation, the regulation shall prevail.*
  - (2A) *Rules may be made under this section, for the protection of other property (as defined in section 7 of the Building Act 2004) from the effects of surface water, which require persons undertaking building work to achieve performance criteria additional to, or more restrictive than, those specified in the building code as defined in section 7 of the Building Act 2004.*
- (3) *In making a rule, the territorial authority shall have regard to the actual or potential effect on the environment of activities including, in particular, any adverse effect.*
  - (3A)[Repealed]
  - (3B)[Repealed]
- (4) *A rule may—*
  - (a) *apply throughout a district or a part of a district:*
  - (b) *make different provision for—*
    - (i) *different parts of the district; or*
    - (ii) *different classes of effects arising from an activity:*
  - (c) *apply all the time or for stated periods or seasons:*
  - (d) *be specific or general in its application:*

- (e) require a resource consent to be obtained for an activity causing, or likely to cause, adverse effects not covered by the plan.
- (4A) A rule may prohibit or restrict the felling, trimming, damaging, or removal of a tree or trees on a single urban environment allotment only if, in a schedule to the plan,—
  - (a) the tree or trees are described; and
  - (b) the allotment is specifically identified by street address or legal description of the land, or both.
- (4B) A rule may prohibit or restrict the felling, trimming, damaging, or removal of trees on 2 or more urban environment allotments only if—
  - (a) the allotments are adjacent to each other; and
  - (b) the trees on the allotments together form a group of trees; and
  - (c) in a schedule to the plan,—
    - (i) the group of trees is described; and
    - (ii) the allotments are specifically identified by street address or legal description of the land, or both.
- (4C) In subsections (4A) and (4B),—
 

**group of trees** means a cluster, grove, or line of trees

**urban environment allotment** or **allotment** means an allotment within the meaning of section 218—

  - (a) that is no greater than 4 000 m<sup>2</sup>; and
  - (b) that is connected to a reticulated water supply system and a reticulated sewerage system; and
  - (c) on which there is a building used for industrial or commercial purposes or as a dwellinghouse; and
  - (d) that is not reserve (within the meaning of section 2(1) of the Reserves Act 1977) or subject to a conservation management plan or conservation management strategy prepared in accordance with the Conservation Act 1987 or the Reserves Act 1977.
- (4D) To avoid doubt, subsections (4A) and (4B) apply—
  - (a) regardless of whether the tree, trees, or group of trees is, or the allotment or allotments are, also identified on a map in the plan; and
  - (b) regardless of whether the allotment or allotments are also clad with bush or other vegetation.
- (5) A rule may exempt from its coverage an area or class of contaminated land if the rule—
  - (a) provides how the significant adverse effects on the environment that the hazardous substance has are to be remedied or mitigated; or
  - (b) provides how the significant adverse effects on the environment that the hazardous substance is reasonably likely to have are to be avoided; or
  - (c) treats the land as not contaminated for purposes stated in the rule.

## 7.2 Appendix 4: Plan Change 2 within the District Plan as per officer's recommendations

### Recommended Amendments to Plan Change: Amendment 1

1. Amend Table 15-4 as follows:

Type of Allotment, or Subdivision	Pre-Requisite Conditions	Minimum Net Site Area/ Average Site Area	Minimum Shape Factor
Levin, Foxton, Foxton Beach and Shannon			
Residential Infill Allotments	<p>The allotment being subdivided shall be contained in a certificate of title issued before 1.3.94; and</p> <ul style="list-style-type: none"> <li>• Shall have no more than 1200 square metres area and contain no buildings; or</li> <li>• Shall have no more than 2025 square metres area and shall contain a residential building or buildings.</li> </ul> <p>Subdivisions shall not create more than 3 infill allotments.</p>	330 square metres	13 metres diameter

Advice Note: Infill subdivisions shall be assessed according to the least restrictive activity status that is applicable. For example, a subdivision satisfying all Controlled Activity conditions contained within Table 15-4 shall be assessed as a Controlled Activity in accordance with Rule 15.2(e), not as a Restricted Discretionary Activity in accordance with Rule 15.3(k).

If an infill subdivision does not comply with the Controlled Activity standards set out in Table 15-4, but does comply with the Restricted Discretionary Standards set out in Table 15-5, the subdivision shall be assessed in accordance with Rule 15.3(k), not rule 15.7(b).

2. Amend proposed Rule 15.8.15(a)(ii) as follows:

(ii) The potential effects of the subdivision and development and level of change to the on residential character and on the amenity values of the existing urban environment.

### Recommended Amendments to Plan Change: Amendment 2

1. Delete Rule 15.4(c) and replace with the following:

~~(c) Two or On sites greater than 330m<sup>2</sup> more than two residential dwelling units, or one residential dwelling unit and one /family flats, per site.~~

(c) Where the number of residential dwelling units and/or family flats does not comply with the permitted activity conditions in Rule 15.6.1.

### Recommended Amendments to Plan Change: Amendment 3

1. Amend Policy 6.3.10A as follows:



Provide for integrated residential development where the design ensures that the site and built form function in a ~~coherent and~~ integrated way, and that the development complements ~~the scale and character of~~ the local area and does not significantly adversely affect local ~~environmental amenities~~ amenity values.

2. Amend Rule 15.8.16(a) as follows:

viii. The effects on significant sites and features, including natural, cultural, archaeological and historical sites.

3. Delete Rule 15.8.16(b) as follows:

(b) Non-Notification

ii. Under Section 77D of the RMA, an activity requiring resource consent under Rule 15.8.15 shall not be publicly notified, except where:

- The Council decides special circumstances exist (pursuant to Section 95A(4)), or
- The applicant requests public notification (pursuant to Section 95A(2)(b)).

4. Amend the definition of Integrated Residential Development as follows:

**Integrated Residential Development** means a residential development on any site or amalgamation of sites greater than 2000m<sup>2</sup> that:

- is designed to function and be managed as a single, integrated development;
- contains a mix of dwelling unit type (e.g. detached, semi-detached, multi-unit);
- includes provision for shared or communal facilities such as healthcare facilities, recreational/leisure facilities, open space, access, loading spaces, parking and manoeuvring, that are accessible from, and can be used by, the residents or tenants of the development and their visitors; and is constructed in one or more stages.

#### **Recommended Amendments to Plan Change: Amendment 4**

1. Amend Rule 15.6.8(e) as follows:

(e) On sites less than 330m<sup>2</sup> the total maximum gross floor area of all accessory buildings shall not exceed ~~3036m<sup>2</sup>~~.

#### **Recommended Amendments to Plan Change: Amendment 5**

No recommended amendments.

#### **Recommended Amendments to Plan Change: Amendment 6**

1. Amend the first paragraph under the heading 'Conventional Infill Subdivision' on page 7 of the Medium Density Residential Development Design Guide is amended as follows:

The Plan allows for more intensive subdivision, to a minimum lot size of 330m<sup>2</sup> as a Controlled Activity and 250m<sup>2</sup> as a Restricted Discretionary Activity, in Levin, Foxton, Foxton Beach and

Shannon Development on small lots is managed by traditional “bulk and location” rules, along with some additional requirements to make sure that the increased density of housing does not result in poor outcomes. These rules and standards ensure that adverse effects such as shading, overlooking and street appearance are managed appropriately, subject to compliance with relevant conditions through the infill subdivision rules. Where an infill subdivision design does not comply with all of the relevant standards conditions, the ‘activity status’ of the consent changes to a Restricted Discretionary (330m<sup>2</sup>) or Restricted Discretionary Activity (250m<sup>2</sup>)

## **Submitter Index**

### **A**

Anthonie van Rijn 30, 37

Assembly of God Church of Samoa 30, 32, 34

### **C**

C. Lahmert 30, 34

Colleen Tyree 30, 36, 37, 39

### **E**

Eco Tech Homes - Bruce Twidle 30, 36

### **G**

Geoffrey Maurice McGruddy 11,16,18,28,29,34,35,36

Geoffrey Roy Willmott 30, 34

### **H**

Heritage New Zealand - Finbar Kiddle Heritage New Zealand 10,14,21,22

Horizons Regional Council - Sarah Carswell 13,14,15,32,33,34,37,39

Horowhenua District Council - Robinson Dembetembe 11,13,14,16,19,20,28,30,34,35,36

### **J**

Janice Swanwick 12,17,25

### **L**

Landlink Limited - Ben Addington 10,13,14,15,17,19,20,21,22,24

### **P**

Pirie Consultants Limited - Philip Pirie 33,34

Potangotango - AnneMarie Hunt 31,34,37

Powerco Limited - Simon Roche 13,15,32,38

### **R**

Radha Sahar 29,33,35

### **T**

Truebridge Associates Limited - Susan Ingle 10,12,14,16,19,21,22,23,24,26,27,29,36

### **V**

Veronica Harrod 31,33,34,37

### **W**

Waitarere Beach Progressive Ratepayers Association - Sharon Freebairn 26,27