

**RESOURCE MANAGEMENT ACT 1991**

**HOROWHENUA DISTRICT PLAN - PLAN CHANGE 2**

**HEARINGS OF SUBMISSIONS**

**DECISION OF HEARING PANEL**

**HEARING DATE: 28<sup>th</sup> May 2018**

**HEARING PANEL: DEAN CHRYSTAL (Chair)  
BERNIE WANDEN**

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## 1. Introduction

- 1.1 We were appointed by the Horowhenua District Council to consider submissions on Proposed Plan Change 2 (PPC 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; and minor corrections or amendments.
- 1.2 The hearing into submissions received on PPC 2 was held on the 28<sup>th</sup> May 2018.
- 1.3 The hearing was closed on the 21<sup>st</sup> June 2018.

### Abbreviations

- 1.4 In preparing this decision we have used the following abbreviations:

HDC	Horowhenua District Council
Heritage NZ	Heritage New Zealand
Horizons	Horizons Regional Council
Officer's report	Report evaluating the submissions prepared by Ms Caitlin O'Shea for our assistance under s42A(1) of the RMA
District Plan	Horowhenua District Plan
RMA	Resource Management Act
The Act	Resource Management Act

## 2. Officer's Report

- 2.1 We were provided with and had reviewed the Officer's report prepared by Mr Gregory Vossler pursuant to s42A of the Act prior to the hearing commencing.
- 2.2 In his report Mr Vossler said that PPC 2 had been promulgated in response to projected increases in population and housing growth in the district over the next 20 years. He said that since the District Plan Review process there has been a substantial change in the level of projected population and housing growth in the district and that this had led 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.
- 2.3 Subsequently, in response and order to meet the requirements of the National Policy Statement on Urban Development Capacity (NPS-UDC), the Council had undertaken a review of the effectiveness of the current residential provisions in the plan. This had resulted in proposing a limited range of targeted amendments which were 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.
- 2.4 Mr Vossler noted that the proposed changes related solely 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). He said that input into PPC 2 was obtained via a series of workshops with representatives of the local development community and relevant Council staff. The purpose of these workshops had been to explore provisions in the operative District Plan that were seen to be inhibiting residential growth and development opportunities in the district and to test the scale and significance of the issues raised by participants, which was used to help frame and inform the matters addressed in the proposed change.
- 2.5 Mr Vossler said that submissions on PPC 2 ranged from those in support requesting adoption of specific provisions as proposed, through to others that requested changes to wording or the deletion of specific changes.

#### Late Submissions

- 2.6 Mr Vossler advised us that two further submissions had been received approximately one week after the closing date from Christine Moriarty on behalf of HDRRA Inc and Vivienne Bold. He considered that their late receipt as further submissions 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 his report, he could see no reason why they should be excluded from being considered. Consequently, Mr Vossler recommend that we grant an extension of time under Section 37(1) of the RMA to admit the two late submissions.
- 2.7 We agree with Mr Vossler's recommendation and confirm that an extension of time under Section 37(1) of the RMA is granted to the submissions of Christine Moriarty on behalf of HDRRA Inc and Vivienne Bold and they are therefore admitted as submissions for consideration.

#### Statutory Framework

- 2.8 Mr Vossler went on to highlight the relevant sections of the RMA, the relevant National Policy Statement, being the NPS-UDC, and the relevant planning documents.

### **3. Procedural Matter**

- 3.1. We were advised by Council staff at the beginning of the hearing that a number of further submitters on PPC 2 had not been notified of the hearing date. In order to rectify this situation the submitters concerned were offered the opportunity to provide a written statement to the hearing and/or request that the hearing be reconvened.
- 3.2. Four written responses were received by the 12<sup>th</sup> June 2018 and none of those responses requested that they also be heard. We sought a response to the written submissions by Mr Vossler and upon receiving that we closed the hearing on the 21<sup>st</sup> June 2018.

### **4. Submitters**

- 4.1. The following submitters made an appearance at the hearing:

- Ms A Hunt and Mr Taueki on behalf of the Potangotango Foundation
- Ms V Harrod
- Mr R Dembetembe of behalf of Horowhenua District Council Consents Team
- Ms S Freebairn on behalf of Waitarere Beach Progressive Ratepayers Association (WBPPRA)

4.2. In addition, written submissions were received from:

- Katie de Roo
- Simon Roche – Powerco
- Christine Moriarty – Horowhenua District Residents and Ratepayers Association
- Vivienne Bold

## **5. Evaluation**

- 5.1. Our evaluation of the plan change and the submissions received has, with one or two exceptions, been undertaken in the same order as appears in the Officer's Report for ease of reference.
- 5.2. Any text amendments are shown as bold/underlined where added and strikethrough where deleted.

### **Amendment 1**

- 5.3. This amendment sought 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.
- 5.4. A number of submissions were received on these amendments, the majority of which centred on provision 15.8.15 Matters of Discretion for Infill Subdivision.

### **Policy 6.3.6**

- 5.5. Landlink Limited requested 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.
- 5.6. Mr Vossler said the fact that the infill subdivision provisions applied across the full extent of the Residential Zone, including areas that were at some distance to the amenities offered within the townships of Levin, Foxton, Foxton Beach and Shannon, rendered the current wording of the policy redundant as it did 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. He recommended that the submission be rejected.
- 5.7. We have reviewed the submission and subsequent officer recommendation. We agree that Policy 6.3.6 would not align with the intent of PPC 2. We therefore adopt Mr Vossler's recommendation and reasons as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA and reject the submission by Landlink Limited.

### **Rule 15.3**

- 5.8. Landlink Limited requested the consideration of amendments to Chapter 25 to assist with the assessment of infill subdivision and integrated residential development applications.

- 5.9. Mr Vossler noted that the decision requested was silent on the nature of suggested amendments. He said that as the two matters were either a Controlled or Restricted Discretionary Activity and that the matters of control and discretion were listed to inform the assessment of infill subdivision and integrated residential development applications. He said that as a number of these matters mirrored the assessment criteria in Chapter 25 the addition of further assessment criteria within this chapter was not considered to make these provisions more effective or efficient and could result in unnecessary repetition in the plan. He recommended that the submission be rejected.
- 5.10. We have reviewed the submission and subsequent officer recommendation. We agree with Mr Vossler's conclusions and therefore adopt his recommendation and reasons as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA and reject the submission by Landlink Limited.

**Rules 15.6.6 and 15.6.7**

- 5.11. Geoffrey McGruddy requested that the plan be 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.
- 5.12. Landlink Limited requested 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.
- 5.13. In relation to the McGruddy submission, Mr Vossler noted that the request relates to Rules 15.6.6 and 15.6.7 and said given that no amendments to Rule 15.6.7 were proposed as part of PPC 2 it was therefore considered to be outside the scope of what can be addressed within the context of this hearing.
- 5.14. Regarding Rule 15.6.6, Mr Vossler noted that the proposed change included provision for a private outdoor living area which was 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. He said it did not, however, suggest any material change to the minimum area of 40m<sup>2</sup> and therefore the requested reduction in minimum private outdoor living area was outside the scope of what could be considered within the context of this hearing. He recommended the submission be rejected.
- 5.15. We note that we have already considered Rule 15.6.6 in relation to a submission from Landlink. We agree that any amendment to Rules 15.6.6 and 15.6.7 regarding the size of outdoor living area circles and site coverage requirements were beyond the scope of the plan change. We therefore adopt Mr Vossler's recommendation and reasons as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA and reject the submission by G McGruddy.
- 5.16. In terms of the Landlink submission, Mr Vossler indicated that the approach applied to the provision of a minimum outdoor living area in PPC 2 was based on an accepted, conventional approach that has been adopted in many District Plans around the country. He said the alternative approach suggested by the submitter based on a ratio to bedrooms or building floor area provided no clear indication as to what the provision itself might look like (e.g. dimensions or thresholds). He said that in the absence of these details, it was not possible to assess the benefits, costs, efficiency or effectiveness of this request and consequently, recommended that the submission be rejected.

- 5.17. We have reviewed the submission and subsequent officer recommendation. We agree that without a clear indication as to what an outdoor living area rule associated with a ratio of bedrooms or building floor area would look like the proposal was difficult to assess. We therefore adopt Mr Vossler's recommendation and reasons as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA and reject the submission by Landlink Limited.

**Rule 15.8.15**

**Rule 15.8.15(a)(viii)**

- 5.18. Heritage NZ requested that Rule 15.8.15(a)(viii) be retained. The support is noted and we recommended the submission be accepted.

**Rule 15.8.15(a)**

- 5.19. Landlink Limited requested amending a number of matters of discretion in Rule 15.8.15(a) and that consideration be given to an alternative approach based on the built development outcomes sought. HDC also requests amendments to Rule 15.8.15(a), with Horizons opposing the suggested removal of Rule 15.8.15(a)(x). The further submission of Powerco supported 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.
- 5.20. In his s42A report Mr Vossler said that the matters of discretion set out in Rule 15.8.15(a) largely mirrored 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 were consistent with this approach and appropriate to the circumstances. He was not aware that the workability of the operative matters of control relating to land subdivision were 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 was questionable. He said 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. Further, removing these matters could also undermine the integrity and consistency of the land subdivision matters applied elsewhere in the plan. Mr Vossler said there was neither a compelling reason to adopt a different approach at this juncture nor any clear indication as to what this might be comprised of and that in the absence of these details, it is difficult to assess the effectiveness and efficiency of this different approach.
- 5.21. Mr Vossler said he supported the further request by Powerco to include reference to "gas" in Rule 15.8.15(vi) as it appeared to be an unintended omission at the time of drafting; however, he did not support the inclusion of an additional matter relating to network utilities as it was unclear what additional matters would need to be addressed over and above those already covered in Rule 15.8.15(vi).
- 5.22. At the hearing Mr Dembetembe said that the HDC submission on behalf of the Consents Team was about ensuring that the proposed provisions from PPC 2 were able to be appropriately implemented and easily understood. He referred specifically to Rule 15.8.15(a) and considered that in terms of clause (ii) the character would change, that clause (iii) was covered in the subdivision section, that clause (vii) was unnecessary, that clause (ix) was addressed by the NES on contamination and that clause (x) was covered by Section 6 (of the RMA) and the national hazards overlays.

- 5.23. In response Mr Vossler said that although 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) it was acknowledged that a number unnecessarily replicate requirements contained in the RMA (e.g. ss.108 and 220 relating to conditions of resource/subdivision consents; ss.230 and 231 relating to esplanade reserves/strips) or relevant NESs (e.g. Assessing and Managing Contaminants in Soil to Protect Human Health). He said as this was contrary to the intent of the procedural principle in s.18A(b)(i) to address only those matters relevant to the purpose of the RMA, including avoiding regulatory repetition. He consequently recommended that matters 15.8.15(a)(iii), (vii), (ix) and (xv) be deleted and that the HDC submission be accepted in part.
- 5.24. In written statements Mr Roche on behalf of Powerco and Ms Carswell on behalf of Horizons supported Mr Vossler's recommendations.
- 5.25. Landlink Limited also noted in their submission that there appeared to be a focus in some of the matters of discretion in Rule 15.8.15(a) on 'character' as opposed to 'amenity values'.
- 5.26. We questioned Mr Vossler about the relevance of the word 'character' in these provisions in the context of a plan change which is enabling intensification also noting the comments from Mr Dembetembe above. In his written response Mr Vossler said the focus on character was a reflection of the wording of Policy 6.3.7 which relates to both character and amenity values. However he said that as there is no specific reference to the 'protection' or 'maintenance and enhancement' of character in Part II of the RMA it is recommended that matter 15.8.15(a)(ii) is amended to instead focus on the potential effects of infill subdivision on the amenity values of the existing urban environment. He said that as 'amenity values' extend to include such factors as screening and landscape treatment this amendment introduces an element of duplication with matter 15.8.15(a)(i). To rectify this he further recommended that, as a consequential amendment, the reference to 'screening and landscape treatment' in 15.8.15(a)(i) be deleted.
- 5.27. As a result of the above the following amendments to proposed Rule 15.8.15(a) were now recommended by Mr Vossler:
- (i) The design and layout of the subdivision, including the size, shape and position of any lot, as well as the future land use and development of each lot. In addition, the location of building sites, separation distance and orientation of buildings, ~~and screening/landscape treatment.~~
  - (ii) The potential effects of ~~the subdivision~~ and development ~~and level of change to the character~~ on the amenity values of the existing urban environment.
  - ~~(iii) The amalgamation of any proposed allotments or balance areas to existing titles of land.~~
  - (iv) The provision of access to the site, passing bays, car parking and manoeuvring areas, and any necessary easements.
  - (v) The management of traffic generated and potential adverse effects on the safety and efficiency of the street network.
  - (vi) The provision of servicing, including water supply, wastewater systems, stormwater management and disposal, telecommunications, gas and electricity.
  - ~~(vii) Provision of reserves, esplanade reserves, esplanade strips and access strips, including connections to existing and future reserves.~~
  - (viii) Effects on significant sites and features, including natural, cultural, archaeological and historical sites.
  - ~~(ix) Site contamination remediation measures and works.~~

- (x) Avoidance or mitigation of natural hazards. (Note: Refer to the “Risks and Responsibilities: Report of the Manawatu-Wanganui Regional Lifelines Project” (No. 2005/EXT/622) prepared by the Manawatu-Wanganui CDEM Group for information about natural hazards that may be relevant to the subject site).
- (xi) Management of construction effects, including traffic movements, hours of operation, noise, earthworks and erosion and sediment control.
- (xii) Staging of the subdivision.
- (xiii) In accordance with any applicable Structure Plan in Schedule 8.
- (xiv) Compliance with the Council’s Subdivision and Development Principles and Requirements (Version: July 2014).
- ~~(xv) Those matters described in Sections 108 and 220 of the RMA.~~

5.28. We have reviewed the amendments now proposed and consider them to be appropriate. In particular we are of the view that they are now better focussed and reduce duplication. We therefore adopt Mr Vossler’s reasons and recommended Rule 15.8.15(a) above as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. On this basis it is recommended that the submission by Landlink Ltd, the submission by HDC and the further submission by Powerco be accepted in part, and that the further submission by Horizons be accepted. We note here that a further matter raised by Powerco in relation to Rule 15.8.15(a) is addressed in the Miscellaneous and General Submissions section below.

#### Notification

- 5.29. Landlink Limited requested that infill subdivision be treated on a non-notified basis.
- 5.30. Mr Vossler indicated that none of the provisions relating to subdivision in the operative plan expressly state that the activity will be considered on a non-notified basis. He also noted that 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.
- 5.31. He said that as these legislative provisions were applicable to the way that infill subdivision is either already or is proposed to be treated in the Plan it would therefore be exempt from notification under Section 95A(5)(b). Consequently, he recommended that the submission be accepted in part.
- 5.32. We were not entirely in agreement with Mr Vossler in terms of the exempt from notification, although we accept that such subdivision is exempt from public notification pursuant to section 95A(5)(b) of the RMA. However, there remains an ability under section 95B to notify a subdivision application, including as a controlled activity, on a limited basis.
- 5.33. Having considered the intent of the submission we believe there remains the potential for infill subdivision to have localised effects which might meet the minor or more than minor thresholds and therefore providing for such subdivision on a blanket non-notified basis would not in our view be appropriate. We therefore recommend that the submission by Landlink Ltd be rejected.

#### Tables 15.4 and 15.5

- 5.34. Truebridge Associates Limited requested the renaming the proposed infill rule in Table 15-5 and that the activity status of residential infill subdivision be clarified. Similarly, HDC requested that Table 15-4 be amended to better clarify the relevant rules applicable to infill subdivision (i.e. pre-requisite conditions).
- 5.35. Mr Vossler acknowledged the need for improved clarity regarding infill subdivision, 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. He said that on reflection, this situation was 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 and that 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.
- 5.36. Mr Vossler considered that 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, he recommended that the area pre-requisites relating to residential infill in Table 15-4 be reinstated and that as a consequence, both these submissions be accepted in part. He also recommended that an advice note be added to Table 15-4 to clarify how the infill subdivision rules should be applied.
- 5.37. As a result of the above the following amendments to Table 15-4 were now recommended by Mr Vossler:

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><b><u>The allotment being subdivided:</u></b> shall be contained in a certificate of title issued before 1.3.91; and</p> <ul style="list-style-type: none"> <li>• <b><u>Shall have no more than 1200 square metres area and contain no buildings; or</u></b></li> <li>• <b><u>Shall have no more than 2025 square metres area and shall contain a residential building or buildings.</u></b></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).**

- 5.38. We have reviewed the amendments now proposed and consider them to provide greater clarity and therefore to be appropriate. We therefore adopt Mr Vossler's reasons and recommended Table 15.4 and the associated Advice Note above as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. On this basis it is recommended that the submissions by Truebridge Associates Limited and HDC be accepted in part.
- 5.39. Truebridge Associates Limited sought clarification on whether building plans were a requirement for subdivision applications involving lots less than 330m<sup>2</sup> in net site area, while HDC requested removal of the Note encouraging applicants to submit building plans at the time of subdivision.
- 5.40. Mr Vossler said the intended purpose of including the Note was to implement Policies 6.3.4 and 6.3.7 by ensuring that a complying building could be constructed on a proposed infill lot post-subdivision. He said that as the Note was advisory in nature and did not have the force of a rule it was not a pre-requisite to obtaining subdivision consent. However, he considered that its removal could result in the inadvertent subdivision of sites that are unable to subsequently accommodate a complying dwelling, thereby undermining the intent of Policies 6.3.4 and 6.3.7. He recommended that the Truebridge Associates Limited submission be accepted in part and the HDC submission be rejected.
- 5.41. At the hearing Mr Dembetembe said that the Note associated with Table 15.5 was problematic and he suggested instead that it be a requirement to submit building plans as a condition of Rule 15.8.15(b).
- 5.42. Mr Vossler responded saying that although this suggestion offered the potential for increased certainty regarding the ability to determine whether a complying dwelling unit could be sited on the lots proposed (i.e. a mandatory vs voluntary requirement for consideration of infill subdivision as an RDA), he was reluctant to recommend its inclusion as to do so had implications in terms of scope and natural justice given the original submissions from Truebridge and HDC were not specific on this matter.
- 5.43. We agree that translating the content of the Note into a mandatory condition is not something that would have been readily anticipated by any party reading the above submissions and that such an amendment runs a potential risk on the grounds of natural justice. We also make the point that the Note is merely providing information to users of the Plan that by providing building plans it might help them in demonstrating their ability to provide a complying development within the proposed subdivision. It is not however mandatory and applicants can choose not to provide such plans and address any matter in a written form for example.
- 5.44. We therefore agree with Mr Vossler's recommendations and reasons and adopt them as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA and accept in part the submission by Truebridge Associates Limited on the basis that their point is clarified and reject the submission by HDC.

#### **Activity Status**

- 5.45. Geoffrey McGruddy requested that permitted activity rules be applied evenly across infill and new subdivision, and that both activities be classed as controlled (providing they meet the permitted activity rules) and evenly apply a minimum lot size of 250m<sup>2</sup>.

- 5.46. Mr Vossler indicated that the operative 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. He said that PPC 2 introduced 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. He noted that the intent behind this approach was to enable increased diversity of residential development within established urban areas in order to cater for the needs of existing and future residents (e.g. 1-2 bedroom dwellings). He considered that the proposed approach provided an appropriate balance between providing certainty for developers while managing the potential effects of infill subdivision involving one or more detached residential units and reinforced the policy intent expressed in Policies 6.3.7, 6.3.8 and 6.3.9.
- 5.47. Mr Vossler said that 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, overlooked 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 was also sought. As such, he considered 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 was highly questionable and could result in unintended consequences. He also noted that contrary to the suggested uniform application of a 250m<sup>2</sup> lot size, the proposed approach offered a graduated range of lot sizes provide for the needs of the district in terms of enabling opportunities for increased housing choice, which was consistent with the policy intent expressed in Policies 6.3.7, 6.3.8 and 6.3.9. He recommended that the submission be rejected.
- 5.48. We have reviewed the submission and subsequent officer recommendation and we agree with Mr Vossler's conclusions. We also consider that the suggested approach by Mr McGruddy would inhibit the Council from assessing the merits of such applications on a case-by-case basis and to decline an application where this was warranted. We therefore adopt Mr Vossler's recommendation and reasons as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA and reject the submission by G McGruddy.

#### **Withdrawal of PPC 2**

- 5.49. Janice Swanwick requested the withdrawal of PPC 2 and the revisiting of proposals to increase section availability.
- 5.50. Mr Vossler said that the district was predicted to experience an increased level of housing and the intent behind PPC 2 was 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). He noted that the benefits of enabling infill subdivision include smaller housing units, increased housing choice and a means to help address housing affordability.
- 5.51. Mr Vossler went on to say that in addressing the concerns expressed, the proposed plan change renders such applications a restricted discretionary activity and that 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. He said that these included, 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, he considered the withdrawal of PPC 2 was unwarranted and recommended the submission be rejected.

- 5.52. We have reviewed the submission and subsequent officer recommendation and while we acknowledge Ms Swanwick's concerns about the minimum size of infill lots we consider that sufficient mechanisms have been included in the plan change to ensure that there is a rigorous assessment of any proposals which come forward, including the fact that proposals below 330m<sup>2</sup> are assessed as a restricted discretionary activity as a minimum. We therefore adopt Mr Vossler's recommendation and reasons as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA and reject the submission by J Swanwick.

#### **Amendment 2**

- 5.53. This amendment sought to make 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. Three submissions were received seeking amendments to the provisions.
- 5.54. Landlink Limited requested that the reference to notional net site in Rule 16.6.1(a) be removed. They noted 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.
- 5.55. Mr Vossler indicated that the purpose behind the introduction of a notional net site area was to ensure that infill development maintained and enhanced residential character and good quality on-site amenity as anticipated by Policy 6.3.7 of the Plan. It would also mean there was the ability for a complying infill lot to be created in the event that a landowner decided to divest themselves of one of the residential dwellings located on the property. He said that although this could be construed as a 'default fee simple subdivision', the primary intention was to provide a level of certainty to landowners and that the future option to subdivide would not be unnecessarily or unintentionally impeded. He recommended the submission be rejected.
- 5.56. We have reviewed the submission and subsequent officer recommendation and we agree with Mr Vossler's conclusions. We therefore adopt Mr Vossler's recommendation and reasons as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA and reject the submission by Landlink Limited.
- 5.57. Truebridge Associates Limited sought clarification of the meaning of notional net site area and whether it means 250m<sup>2</sup> or 330m<sup>2</sup>.
- 5.58. Mr Vossler said that proposed Rule 15.6.1(a) was 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.*
- 5.59. He said that given the specific reference to 'sites greater than 330m<sup>2</sup>' he considered that sufficient clarity was already provided by the current drafting and no further amendment was required. He recommended that the submission be rejected.
- 5.60. We have reviewed the submission and subsequent officer recommendation and we agree with Mr Vossler's conclusion that there is sufficient clarity. We therefore adopt Mr Vossler's recommendation and reasons as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA and reject the submission by Truebridge Associates Limited.

- 5.61. HDC requested that Rule 15.4(c) be deleted and replaced with a rule that more clearly aligned with the proposed amendment to Rule 15.6.1.
- 5.62. Mr Vossler considered that the intent behind the inclusion of proposed Rule 15.4(c) was to signal the status of an activity that failed to meet the permitted activity conditions contained in Rule 15.6.1. He said that while the proposed wording of Rule 15.4(c) broadly reflects this intent, it was currently clumsily worded and that the suggested rewording by HDC was supported and the submission recommended to be accepted.
- 5.63. As a result of the above the following amendments to Rule 15.4(c) were recommended by Mr Vossler:
- ~~(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.**
- 5.64. We have reviewed the submission and subsequent officer recommendation and we agree with both the submitter and Mr Vossler's conclusions. We therefore adopt Mr Vossler's recommendation and reasons as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA and accept the submission by HDC.

### **Amendment 3**

- 5.65. Amendment 3 proposed to amend Policy 6.1.17 and insert a new policy relating to integrated residential development in Chapter 6 Urban Environments. The amendment also involved inserting a new clause in Rule 15.3 Restricted Discretionary Activities, inserting matters of discretion and a definition for integrated residential development. Four submissions were received seeking amendments.
- 5.66. Landlink Limited requested that Policy 6.3.10A be amended so the terms used do not contradict each other and that the reference to 'scale and character' and 'environmental amenities' were removed and in the case of environmental amenities replaced with amenity values.
- 5.67. Mr Vossler acknowledged the points raised and supported the suggested rewording of the policy as it would improve clarity and better reflect the focus of the RMA. He recommended the submission be accepted and that the following amendments to Policy 6.3.10A be made:
- Provide for integrated residential development where the design ensures that the site and built form function in an 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
- 5.68. We have reviewed the submission and subsequent officer recommendation and we agree with both the submitter and Mr Vossler's conclusions. We therefore adopt Mr Vossler's recommendation and reasons as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA and accept the submission by Landlink Limited.
- 5.69. Heritage NZ and Truebridge Associates Limited requested amendments to Rule 15.8.16, including adding a matter of discretion on the effects on significant sites and features and removing 15.8.16(b) which refers to non-notification.

- 5.70. Mr Vossler noted that PPC 2 did not place any locational constraints on where integrated residential development can occur in the Residential Zone. As such, he said the point raised regarding the possibility that such development could have an adverse impact on adjacent heritage resources, particularly those listed in Schedule 2 of the operative plan, was acknowledged and the inclusion of an associated matter of discretion in Rule 15.8.16 was supported. He recommended the submission by Heritage NZ be accepted and that the following matter of discretion be added to Rule 15.8.16(a):

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

- 5.71. We have reviewed the submission and subsequent officer recommendation and we agree with the submitter and Mr Vossler's conclusions. We therefore adopt Mr Vossler's recommendation and reasons as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA and accept the submission by Heritage NZ.

- 5.72. Mr Vossler also acknowledged and supported the points raised by Truebridge Associates Limited, although he said there was 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;*

- 5.73. Mr Vossler noted that residential development was 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*'. He said as this definition was also applicable to integrated residential development it would therefore be exempt from notification under Section 95A(5)(b). He recommended that the submission by Truebridge Associates Limited accepted and that Rule 15.8.16(b) be deleted 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)).~~

- 5.74. We have reviewed the submission and subsequent officer recommendation and we agree with the submitter and Mr Vossler's conclusions. We therefore adopt Mr Vossler's recommendation and reasons as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA and accept the submission by Truebridge Associates Limited.
- 5.75. Landlink Limited requested 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. They also queried the need to provide for a mix of housing types and staged construction.
- 5.76. Mr Vossler accepted the point raised relating to 'any site greater than 2000m<sup>2</sup>' in the proposed definition, particularly given the potential limitations of securing a single site capable of meeting the size threshold within the existing urban areas. He recommended that the definition be amended to accommodate either a single site or an amalgamation of sites.

- 5.77. Mr Vossler also said that as the intent behind the provision for integrated residential development and its associated definition was predominantly to cater for larger scale retirement village developments he considered that the balance of the proposed definition relating to such matters as housing mix and staged construction was 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). He therefore said that for these reasons, and as no specific amendments were provided as suggested alternative to the proposed definition, his recommendation was that the submission be accepted in part and the definition be amended 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.

- 5.78. We have reviewed the submission and subsequent officer recommendation and we agree with the submitter and Mr Vossler's conclusions with regards to the inclusion of amalgamated sites within the definition. We did not see the necessity for any further amendments and note that no further evidence was provided as to what further amendments to the definition might be. We therefore adopt Mr Vossler's recommendation and reasons as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA and accept in part the submission by Landlink Limited.

#### **Amendment 4**

- 5.79. Amendment 4 proposed to amend Rule 15.6.8 Accessory Buildings. Two submissions were received seeking amendments.
- 5.80. Truebridge Associates Limited requested that Rule 15.6.8(d) be retained as proposed and that Rule 15.6.7(b) be 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>.
- 5.81. In terms of the requested amendment to Rule 15.6.7(b) Mr Vossler said that as the breadth of changes proposed in PPC 2 was limited in scope and excluded any suggested amendments to this particular rule and therefore the request was considered to be outside the range of matters that could be addressed within the context of this hearing. He recommended that the submission be accepted in part on the basis of the support for Rule 15.6.8(d).
- 5.82. We acknowledge the support for the retention of proposed Rule 15.6.8(d) and we agree that any amendment to Rules 15.6.7(b) in terms of site coverage is beyond the scope of the plan change. We therefore adopt Mr Vossler's recommendation and reasons as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA and accept in part the submission by Truebridge Associates Limited.
- 5.83. Landlink Limited requested that Rule 15.6.8 be amended to reflect the size of accessory building that is anticipated to be constructed (i.e. a double garage).

- 5.84. Mr Vossler acknowledged the point relating to the proposed maximum gross floor area of accessory buildings on sites less than 330m<sup>2</sup>, noting that it was inconsistent with the maximum currently referred to in Rule 15.6.8(e) of 36m<sup>2</sup>. He said that as the intent behind setting this maximum was to enable a conventional accessory building like a double garage to be constructed it was recommended that the proposed maximum gross floor area be amended to 36m<sup>2</sup>. This he considered would also align with the policy direction in Policies 6.3.21 and 6.3.22 and provided a more efficient and effective response. He recommended the submission be accepted and that Rule 15.6.8(e) be amended as follows:

(e) On sites less than 330m<sup>2</sup> the total maximum gross floor area of all accessory buildings shall not exceed ~~30~~36m<sup>2</sup>.

- 5.85. We have reviewed the submission and subsequent officer recommendation and we agree with the submitter and Mr Vossler's conclusions. We therefore adopt Mr Vossler's recommendation and reasons as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA and accept the submission by Landlink Limited.

#### **Amendment 5**

- 5.86. Amendment 5 proposed to amend the extent of the Medium Density Overlay on the Planning Maps and was opposed by Janice Swanwick who requested the withdrawal of PPC 2 and revisiting proposals to increase section availability.
- 5.87. Mr Vossler referred to his previous conclusions in Amendment 1 in relation to this submission. He also noted that the extension of the overlay would not, of itself, result in wholesale intensification of the area to which it applies. He considered this would 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. He said that the contention that it will result in increased rates and force people to subdivide or sell was speculative, particularly in light of the fact that the introduction of the Medium Density Development provisions into the District Plan in 2015 had not resulted in the indiscriminate subdivision of properties located within the current overlay nor, as he understood it, a substantive increase in rates. He recommended the submission be rejected.
- 5.88. In response to the concerns expressed by Ms Swanwick we consider that taking into account the large spatial extent of the Medium Density Overlay it was unlikely that the plan change would lead to a distortion in the value of properties. We therefore agree with the conclusions of Mr Vossler's and adopt his recommendation and reasons as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA and reject the submission by J Swanwick.

#### **Amendment 6**

- 5.89. Amendment 6 amends the heading of Rule 15.8.7 Medium Density Development within Levin, Foxton Beach and Waitarere Beach so it refers to the correct provision (i.e. Rule 15.3(e) rather than (d)); amends Rule 15.8.7(a) Matters of Discretion to include the word 'Development' in Medium Density Residential Development Design Guide; and deletes the Medium Density Residential Development Design Guide in Schedule 10 of the Operative Plan and replaces it with the revised design guide included in Appendix 2 of the Plan Change. Three submissions were received seeking amendments.
- 5.90. Truebridge Associates Limited requested 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.

- 5.91. Mr Vossler acknowledged the point relating to the inconsistent reference, particularly as any proposed infill subdivision of this size was proposed to be considered as a restricted discretionary activity as opposed to controlled activity. Consequently, he recommended that the submission be accepted and the activity status relating to 250m<sup>2</sup> infill subdivision referred to in the first paragraph under the heading 'Conventional Infill Subdivision', Section 2.1 of the guide be amended to align with that of PPC 2 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>).

- 5.92. We have reviewed the submission and subsequent officer recommendation and we agree with the submitter and Mr Vossler's conclusions. We therefore adopt Mr Vossler's recommendation and reasons as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA and accept the submission by Truebridge Associates Limited.
- 5.93. Waitarere Beach Progressive Ratepayers Association (WBPR) supported retention of guideline 4.5.27 of the Medium Density Residential Development Design Guide as proposed, and also requested consideration of a two storey height restriction on new builds and renovations at Waitarere Beach, 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.
- 5.94. In terms of the two storey height restriction Mr Vossler said that as no amendments to the Residential Zone height rules were proposed as part of PPC 2 it was outside the scope of what the Panel could consider. He considered that planning for greywater usage was a matter which was more appropriately addressed by Council as part of its '3 waters' management role, but noted that guideline 4.5.27 could also be applied to greywater given the reference to 'all water collection, storage and supply'. As for the specification of water tank size, Mr Vossler considered this was beyond the general intent of the design guide and would be best addressed on a site specific basis. He recommended that the submission be accepted in part.
- 5.95. Ms Freebairn presented a submission on behalf of the WBPR in which she described the Waitarere township and expressed concern about the added stress on infrastructure which might result from increased development within a concentrated area. She noted that Waitarere already experienced problems with stormwater related flooding and understood that the wastewater system was in need of upgrading to cope with growth areas. She also discussed the need to consider alternative means of dealing with and disposing of stormwater so as to minimise the impact on Lake Horowhenua.
- 5.96. We noted the support for the guideline by the WBPR. We agree with Mr Vossler that any amendments to the height provisions were beyond the scope of the plan change and that the remaining matters raised by WBPR were best dealt with through other Council mechanisms. We therefore adopt Mr Vossler's recommendation and reasons as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA and accept in part the submission by WBPR.

- 5.97. Truebridge Associates Limited requests that the illustrations in the Medium Density Residential Development Design Guide be reviewed to ensure that they align with the definition of Medium Density Development.
- 5.98. Mr Vossler said that 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'*. He noted the point that not all of the diagrams in the Guide depict three or more units, but said that their primary purpose was to visually illustrate the associated assessment guidelines in order to assist readers to better understand their stated intent. Given this, he said illustrating three or more units in every instance was unnecessary, with the amendments incurring additional time/cost for no material benefit. He recommended that the submission be rejected.
- 5.99. We agree with Mr Vossler's conclusion that the illustrations are designed to provide a visual context to the guidelines, much of which is associated with the locations of dwelling units. We saw little need to show three residential units as opposed to two to provide that context. We therefore agree with the conclusions of Mr Vossler's and adopt his recommendation and reasons as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA and reject the submission by Truebridge Associates Limited.

#### **Miscellaneous and General Submissions**

- 5.100. A number of miscellaneous and general matters were raised in by submitters which are discussed below.
- 5.101. Firstly, we acknowledge the submissions of Che Lahmert, Geoffrey Willmott, the Assembly of God Church of Samoa and Pirie Consultants Limited all of whom supported PPC 2 and requested that it be retained as proposed. Given the amendments to PPC 2 that we have recommended we recommend that these submissions be accepted in part.
- 5.102. Geoffrey McGruddy requests an amendment to reduce the 4m setback requirement from a front boundary to 1.5m.
- 5.103. Mr Vossler noted that the request related to Rule 15.6.4(a) and said that as the breadth of changes proposed in PPC 2 was limited in scope and excluded any amendments to this rule or subject matter, the request was considered to be outside the range of matters that could be addressed within the context of this hearing. He recommended the submission be rejected.
- 5.104. We agree that any amendment to Rule 15.6.4(a) in terms of changing the setback requirement is beyond the scope of the plan change. We therefore adopt Mr Vossler's recommendation and reasons as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA and reject the submission by G McGruddy.
- 5.105. HDC requested an amendment to ensure that where a party wall along two joined buildings was proposed, the recession plane and boundary setback requirements would not apply along the length and height of that wall.
- 5.106. Mr Vossler noted that the request related to Rules 15.6.3 and 15.6.4 and said that while he acknowledged the points raised, as the breadth of changes proposed in PPC 2 was limited in scope and excluded any proposed amendments to these rules or subject matter, the request was considered to be outside the range of matters that could be addressed within the context of this hearing. He initially recommended the submission be rejected.

- 5.107. However, upon further consideration Mr Vossler noted that s.87BA of the RMA now provides for boundary activities that infringe one or more boundary rules, but no other district plan rules, to be treated as a 'deemed permitted boundary activity'. Such infringements can include, for example, incursions into yard setbacks or recession planes/height in relation to boundary requirements. Once a consent authority is satisfied an activity is a boundary activity, and all the owners with infringed boundaries have provided their written approval, the consent authority is required under s.87BA(2)(a) to provide written notice to the applicant stating the activity is permitted. Mr Vossler said as this recent amendment to the RMA appears to address the matters raised within the HDC submission without necessitating the need for further changes to the Plan it is recommended that this submission be accepted in part.
- 5.108. We agree with Mr Vossler that the RMA amendments regarding boundary activities in s87BA seem to have addressed the HDC submission. We therefore adopt Mr Vossler's recommendation and reasons as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA and accept in part the submission by HDC.
- 5.109. HDC also requested an amendment to include a requirement to make provision for stormwater reticulation or attenuation systems in residential greenfield subdivision.
- 5.110. Mr Vossler noted that the focus of PPC 2 was on infill and medium density residential subdivision and development as opposed to greenfield subdivision. As such, he said the requested amendment extended beyond the matters specifically dealt with as part of PPC 2 and was therefore outside the scope of what can be considered within the context of this hearing. He recommended the submission be rejected.
- 5.111. We agree that any amendments to address matters in greenfield subdivisions are beyond the scope of the plan change. We therefore adopt Mr Vossler's recommendation and reasons as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA and reject the submission by HDC.
- 5.112. Radha Sahar supported PPC 2 but requested more thorough consideration of factors relating to stormwater and sustainable building. This was supported by Katie de Roo.
- 5.113. In terms of stormwater Mr Vossler noted that all subdivision in the district was 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).
- 5.114. As for sustainable building, Mr Vossler said the intent behind PPC 2 was to enable increased diversity of residential development within established urban areas in the district at a scale and price point that offered 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.
- 5.115. Mr Vossler therefore recommended that the submission and further submission be 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.

- 5.116. In a written statement Ms de Roo maintained that 250m<sup>2</sup> sections, outside of the Medium Density Overlay, were too small for the Horowhenua community. She provided a list of minimum section sizes from a number of comparable communities throughout the country in support of her position. She did not consider the Officer's report put forward a compelling justification for the proposed 250m<sup>2</sup> minimum lot size and believed that the character of Levin would be diminished by large scale infill subdivision of 250m<sup>2</sup> minimum lot size.
- 5.117. Mr Vossler responded by saying that the comments provided needed to be considered within the context that the lot size standards from the other Council's referred to by Ms de Roo are permitted minima and that, by comparison, the permitted minimum for residential infill in the Horowhenua District Plan is 330m<sup>2</sup> - a similar lot area to the comparators cited. He went onto emphasis that subdivision of a lot to 250m<sup>2</sup> would not be permitted as of right under PPC 2 but instead treated as a restricted discretionary activity and subject to the conditions contained in proposed Rule 15.8.15 and that where compliance with these conditions cannot be achieved the application resorts to being a discretionary activity.
- 5.118. Based on the above Mr Vossler said his recommendation regarding the submission still stood (pg 36), although he suggested that the additional rationale outlined above form part of the associated decision on this further submission if this was considered acceptable by the hearing panel.
- 5.119. We acknowledge the support for PPC 2 by Radha Sahar and while we believe Ms de Roo's further submission and written statement goes somewhat beyond the scope of supporting the Sahar submission in particular, she does also support a submitter (Veronica Harrod) seeking deferment of PPC 2. We have therefore chosen to address the matters she raises here.
- 5.120. We note that the evidence before us is that there has been a substantial change in the level of projected population and housing growth in the district since the operative District Plan was prepared. We also note that the Council now has obligations imposed on it by the NPS-UDC in terms of providing for growth. Within that context a primary purpose of PPC 2 is to amend a limited range of rules relating to residential development in the operative District Plan to provide more flexibility in terms of infill development, allowing increased diversity and enabling larger-scale, more complex residential development proposals to be addressed in a more integrated manner. As referred to by Mr Vossler it is considered this will enable a wider range of housing choice to meet the needs of existing and future residents.
- 5.121. We note that subdivision is only permitted to 330m<sup>2</sup> (a controlled activity) and that below this down to 250m<sup>2</sup> it becomes a restricted discretionary activity and subject to the array of conditions contained in proposed Rule 15.8.15. Those conditions include the location of building sites, separation distance and orientation of buildings and the provision of servicing, including stormwater management and disposal. We consider these generally address the concerns in the Sahar submission. Where compliance with these conditions 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 is able to grant or refuse the application and impose any associated conditions under section 104B.
- 5.122. Overall we consider PPC 2 provides mechanisms for managing growth, enabling different housing typologies and promoting affordable housing options. We therefore agree with the conclusions of Mr Vossler and recommend that the submission of Radha Sahar and the further submission of K de Roo be accepted in part.

- 5.123. Geoffrey McGruddy noted that there was a number of inconsistent references in the Plan to lot sizes relating to medium density development and requested that references to medium density lot sizes throughout the plan are checked to ensure they are consistent.
- 5.124. Mr Vossler said that the point raised was noted and a check of references had been made and apart from those corrections addressed elsewhere in his report, no other inconsistencies had been identified. He recommended the submission be rejected.
- 5.125. We accept Ms Vossler's contention that no inconsistencies were identified other than corrections already addressed. On the basis that some corrections have been made we recommend that the submission by G McGruddy be accepted in part.
- 5.126. Truebridge Associates Limited requested an indicative timeline regarding provision of infrastructure to areas that are zoned Residential and are not currently serviced.
- 5.127. Mr Vossler considered that the request 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. He recommended the submission be rejected.
- 5.128. We agree with Mr Vossler that this is not a matter for PPC 2 to address and we therefore adopt his recommendation and reasons as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA and reject the submission by Truebridge Associates Limited.
- 5.129. HDC requested 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 objectives and policies are included in relation to desired developments on smaller 250m<sup>2</sup> lots.
- 5.130. Mr Vossler noted the request related to Rule 15.6.7, with any non-compliance with this rule currently treated as a Restricted Discretionary Activity under Rule 15.3(a). He considered the breadth of changes in PPC 2 was limited in scope and excluded any proposed amendment to this rule and therefore the request was outside the range of matters that could be addressed within the context of this hearing. He recommended the submission be rejected.
- 5.131. At the hearing Mr Dembetembe re-emphasised that he considered that a review of the bulk and location provisions should have been part of the plan change, that there should be specific objectives and policies for infill development and that site coverage greater than 40% should become a non-complying activity.
- 5.132. In his response Mr Vossler said that the Council had commissioned work testing whether the provisions would enable reasonable infill development and found them to be sufficient.
- 5.133. We acknowledge the points made by Mr Dembetembe however we agree that any amendments to address the status of site coverage breaches and other bulk and location provisions and provide specific objectives and policies for infill development would be beyond the scope of the plan change. We therefore adopt Mr Vossler's recommendation and reasons as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA and reject the submission by HDC.
- 5.134. Eco Tech Homes requested that fencing of right of ways be policed so that access to a rear section is a 3m clear road.
- 5.135. Mr Vossler considered the request to be a compliance matter and more appropriately addressed by the Council through its monitoring and enforcement role and recommended the submission be rejected.

- 5.136. We have reviewed the submission and subsequent officer recommendation. We agree with Mr Vossler's conclusion that this is a monitoring and enforcement matter. We therefore adopt his recommendation and reasons as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA and reject the submission by Eco Tech Homes.
- 5.137. Colleen Tyree supported PPC 2 but requested consideration be given to extending the area of proposed subdivision to include rural areas.
- 5.138. Mr Vossler said the request to extend the proposed subdivision provisions to apply to rural areas was not supported as there was no justifiable reason for extending the provisions beyond established urban areas within the district; that it would be contrary to the policy intent expressed in Policy 6.1.6; that it could result in a sporadic and ad hoc pattern of residential growth that was contrary to the policy direction in the Plan and would impose unrealistic and unaffordable demands on the Council in terms of infrastructure servicing. He recommended the submission be accepted in part.
- 5.139. We note the support of the submitter but agree with Mr Vossler that extending the proposed subdivision provisions to apply to rural areas would be contrary to the policy intent of the District Plan and could result in a sporadic and ad hoc patterns of residential growth. We also consider such an extension of the provisions was beyond the scope of the plan change. We therefore adopt Mr Vossler's recommendation and reasons as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA and accept in part the submission by C Tyree.
- 5.140. Anthonie van Rijn supported PPC 2 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.
- 5.141. Mr Vossler said that although it was acknowledged that land adjacent to the block suggested for further extension was subject to the Medium Density Overlay that currently applies to the Foxton Beach township, it was understood that there was still considerable development capacity within the existing medium density area and therefore no pressing need to consider further extension of this area. He said however, that the take up of land within this area would continue to be monitored by the Council, and further consideration would be given to future extension where demand for medium density development was projected to exceed the capacity of available land to absorb it. He considered this approach ensures the efficient use and development of land, as well as meeting servicing and infrastructure needs. He recommended the submission be accept in part.
- 5.142. In a written statement the van Rijn's on behalf of the van Rijn Family Trust expressed support for PPC 2. The submission explained the Trust's aim to develop around 3,000m<sup>2</sup> of land in the Medium Density Residential zone in Foxton Beach and said that the plan change would contribute significantly towards making it possible to achieve that aim by lowering costs, reducing risks and providing flexibility.
- 5.143. We note the support of the submitter for the plan change. As no further evidence was provided by the submitter in support of the expansion of the Medium Density Overlay area we agree with Mr Vossler's conclusion that there is currently no pressing need at this stage to consider further extension of this area and that ongoing monitoring of the take up of land within the overlay area could result in a consideration of future extension if demand for medium density development was found to be exceeding the available land capacity. We therefore adopt his recommendation and reasons as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA and accept in part the submission by A van Rijn.

Submissions by Veronica Harrod, Potangotango, Vivienne Bold, Katie de Roo, Christine Moriarty and Horizons

- 5.144. The following group of submissions and further submissions raised similar issues and have therefore been addressed together.
- 5.145. Veronica Harrod requested that PPC 2 be deferred until the 2018-2038 Long Term Plan consultation has been completed and development contributions are reintroduced. This was supported by Katie de Roo and Christine Moriarty on behalf of HDRRA Inc, while a further submission that neither supported nor opposed was received from Horizons.
- 5.146. Potangotango requested that PPC 2 was placed on hold until the infrastructure required to accommodate infill development is provided. This was supported by Vivienne Bold, while a further submission that neither supported nor opposed was received from Horizons.
- 5.147. In addressing the above submissions Mr Vossler said that 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. He said the intent behind PPC 2 was 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. He said it also represents a response to the imperative imposed on Councils under Section 31(aa) of the RMA and the NPS-UDC to ensure that there is sufficient housing land to cater for demand in the short, medium and long term and that the efficient use of land and infrastructure is promoted.
- 5.148. Mr Vossler said although the link between enabling residential development under PPC 2 and ensuring adequate provision is made for associated infrastructure funding and delivery is acknowledged, there was no legislative impediment to the Council proceeding down a parallel path of advancing PPC 2 along with the draft Long Term Plan. Equally, he said it was 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.
- 5.149. In terms of infrastructure provision, Ms Vossler said that this was 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. He said that 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. He indicated that these provisions, in turn, would enable the Council to decline an application where inadequate infrastructure provision is proposed.

- 5.150. In terms of development contributions, Mr Vossler noted that the recent amendments to the RMA would remove the ability of the Council to rely on financial contributions as it did at present to meet the costs of servicing new growth. He said that as this requirement takes effect from April 2022 it would 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. He noted that the Council had signalled as part of the Long Term Plan 2018-2038 process the intent to explore options including development contributions to fund infrastructure growth.
- 5.151. Based on the above, Mr Vossler recommended that these submissions be rejected.
- 5.152. Ms Hunt said that stormwater had always been an issue in Levin and that Lake Horowhenua was on the receiving end of that stormwater for which there was no resource consent. She said that more infill housing would create more stormwater and that the Council could not rely upon the lake for stormwater discharge in the future. Ms Hunt also raised concerns about amenity with demolition and construction and reductions in rental stock. She said there needed to be limits on growth within the urban area and that the area for infill growth needed to be reduced.
- 5.153. Ms Harrod expressed concerns about servicing in particular the ability to supply an increasing population with access to water given the current water restriction problems in the District and in addressing stormwater run-off. She considered the residential communities in Horowhenua did not have the essential infrastructure capacity to sustain growth and that a lack of consideration of this was contrary to the intent of the RMA's sustainable management purpose.
- 5.154. Ms Harrod noted that the Council no longer collected development contributions which could help remedy the servicing issues. She was also critical of the consultation process associated with PPC 2 and opposed large-scale residential development without further public consultation.
- 5.155. Mr McCorkindale on behalf of the Council responded by saying that consideration of the stormwater situation was being committed in the Long Term Council Community Plan with funding being put forward. He also noted that the District Plan allows for the onsite storage of stormwater. Mr Vossler also referred us to Rule 24.2.4 which places requirements on surface water disposal and emphasised that the new provision for infill subdivision in Rule 15.3 was a restricted discretionary activity with the ability to consider matters of discretion including stormwater management and if these weren't satisfied then an application could be declined.
- 5.156. In response to our questions Mr Vossler said a population increase of 8,600 (just under 5,000 households) was predicted in the district for the 20 year period from 2015. He also noted that a growth strategy out to 2040 was underway.
- 5.157. Ms Bold in a written statement said that heritage sites needed to be kept and that development contributions should be required from developers.
- 5.158. Ms Moriarty on behalf of HDRRA Inc said that current infrastructure issues including clean drinking water and waste water should be sorted before any new subdivision development and that all new development should be covered and paid for by developers, not current ratepayers.
- 5.159. We noted the range of concerns expressed within these submission, including the request to defer PPC 2 until consultation on the Long Term Plan is completed and a development contributions regime introduced. We noted that the Council made a decision in 2015 not to charge development contributions and a means of triggering growth in the district however as we understand it the Council has recently considered the Long Term Plan submissions and it is anticipated that the timeframe for considering development contributions will have been resolved by Council resolution.

- 5.160. We asked the Council staff about what work had been undertaken in terms of section 32 (of the RMA) around infrastructure. It was indicated to us that no specific modelling had been done but that Council's infrastructure team were involved in the plan change and were satisfied with what the plan change proposed.
- 5.161. We note that many of the matters raised by the submitters, such as the effects on natural, cultural, archaeological and historical sites and the provision of servicing, including water supply, wastewater systems and stormwater management are required to be addressed in any application for consent for infill subdivision. We also accept that the development of land to the levels proposed is unlikely to be excessive. While we acknowledge the submitters concerns with regards to the taking of development contributions, this is not a matter we can address through this plan change process. Notwithstanding this however, it would appear that the Council is considering reintroducing development contributions. We therefore recommend that the submissions and further submissions by Veronica Harrod, Potangotango, Vivienne Bold, Katie de Roo, Christine Moriarty and Horizons be rejected.
- 5.162. Powerco supported and sought the retention of a number of relevant network utility policies in Chapter 6 – Urban Environments and associated rules in Chapter 15 – Residential Zone, but requests an amendment to Policy 6.1.15 along with amendments to Rule 15.8.15.
- 5.163. Regarding the request to amend the wording of Policy 6.1.15 to include existing utility infrastructure to avoid reverse sensitivity effects, Mr Vossler noted that as no amendments to this policy or subject matter were proposed as part of PPC 2 it was therefore outside the scope of what could be considered within the context of this hearing. In terms of the requested amendments to Rule 15.8.15, he said these were supported subject to some further refinement of the requested wording as they will enable gas services (addressed earlier) and reverse sensitivity effects to be considered when assessing and determining applications for infill subdivision under this rule. He recommended the submission be accepted in part and that the following addition to Rule 15.8.15(a) be made:
- (xvi) The potential effects of the development on the safe and efficient operation, upgrading, maintenance and replacement of existing lawfully established network utilities.**
- 5.164. In a written statement Mr Roche on behalf of Powerco supported Mr Vossler's recommendations.
- 5.165. The support from Powerco is acknowledged. We also note that we have already addressed part of this matter in Amendment 1 by including "gas" into Rule 15.8.15(a)(vi).
- 5.166. We agree with Mr Vossler that amendments to the wording of Policy 6.1.15 are beyond the scope of the plan change. However, we support the addition of a further criteria in Rule 15.8.15(a) relating to network utilities. We therefore adopt Mr Vossler's recommendation and reasons as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA and accept in part the submission by Powerco.
- 5.167. Horizons requests that consideration be given to excluding residentially zoned areas within Flood Hazard Overlay Areas from the proposed provisions which allow increased density.
- 5.168. Mr Vossler said that 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 did not appear to be any instances where there is an obvious incursion into an identified flood hazard area. He recommended the submission be rejected.

- 5.169. In a written statement Ms Carswell on behalf of Horizons suggested that the Council may wish to consider whether it was sensible to exclude Residential Zone areas within the Flood Hazard Overlay Area from the plan change. The submission provided maps of Levin, Foxton Beach and Shannon indicating where overlaps occurred.
- 5.170. These sites already contained a subdivision opportunity through the Operative District Plan and removing them from the plan change would not remove the underlying concern of Horizons. Upon questioning Mr Vossler considered that the assessment criteria in Rule 15.8.15(a) would best address the Horizons concerns.
- 5.171. We noted that the expanded Medium Density Overlay area in Levin did not traverse into either of the identified Flood Hazard Overlay Areas. Further, given the criteria in Rule 15.8.15(a) for the *avoidance or mitigation of natural hazards* we considered the issue of flooding was appropriately covered. Any development triggering this rule within the District Plan Map Flood Hazard Overlay Areas will be subject to a consideration of how they intend to mitigate the hazard. We do not therefore see the need to exclude these areas from the plan change. We therefore recommend the submission be Horizons be rejected.

## 6. Section 32AA

- 6.1. We are required to undertake a re-evaluation on the changes that our decision makes to the notified version of PPC 2 and to other changes that have been proposed since the Council's s 32 Report.
- 6.2. Much of the reasoning for the amendments now proposed to PPC 2 are contained within the evaluations associated with those amendments. However, we confirm that we consider the amendments now recommended are practicable options for, and are efficient and effective in, achieving the relevant objectives of the Operative District Plan and are appropriate in achieving the purpose of this Act.

## 7. Decision

- 7.1 For all of the foregoing reasons we **resolve** the following:
1. That pursuant to clause 10 of the Schedule 1 to the Resource Management Act 1991 Plan Change 2 to the Operative Horowhenua District Plan be approved including the amendments set out in **Appendix A** to this decision.
  2. That for the reasons set out in the above report submissions and further submissions are accepted, accepted in part or rejected as listed in **Appendix B** to this decision.

**Dean Chrystal**

**Bernie Wanden**

21 August 2018

## AMENDMENTS TO THE PLAN

All amendments are shown as bold/underlined or strikethrough.

### Amendment 1

1. Delete Policy 6.3.6 Urban Settlements – Residential Zone

#### ~~Policy 6.3.6~~

~~Encourage infill subdivision development to locate in close proximity to central town amenities, to enable “walkability” and promote less reliance on cars.~~

2. Insert a new clause in Rule 15.3 Restricted Discretionary Activities as follows:

#### **(k) Infill subdivision. (Refer Rule 15.8.15)**

3. Insert a new clause in Rule 15.4 Discretionary Activities as follows:

#### **(l) Infill subdivision which does not comply with the restricted discretionary activity conditions in Rule 15.8.15.**

4. Amend Rule 15.6.6 Private Outdoor Living Area as follows:

(a) All residential dwelling units **on sites 330m<sup>2</sup> or greater** shall have a private outdoor living area which is at least 40m<sup>2</sup> in area and capable of containing a circle 4 metres in diameter **that is oriented to the east, west or north of the unit and directly connects to a main living area.**

**(b) All residential dwelling units on sites smaller than 330m<sup>2</sup> shall have a private outdoor living area which is at least 20m<sup>2</sup> in area, and capable of containing a circle 2.5 metres in diameter that is oriented to the east, west or north of the unit and directly connects to a main living area.**

5. Insert the following matters of discretion and conditions relating to Infill Subdivision in Rule 15.8 Matters of Discretion and Conditions for Restricted Discretionary Activities (Note this includes the addition matter added from the Miscellaneous and General Submissions section associated with the Powerco submission):

#### **15.8.15 Infill subdivision (Refer Rule 15.3(k))**

##### **(a) Matters of Discretion**

- (i) **The design and layout of the subdivision, including the size, shape and position of any lot, as well as the future land use and development of each lot. In addition, the location of building sites, separation distance and orientation of buildings.**
- (ii) **The potential effects of subdivision and development on the amenity values of the existing urban environment.**
- (iii) **The provision of access to the site, passing bays, car parking and manoeuvring areas, and any necessary easements.**
- (iv) **The management of traffic generated and potential adverse effects on the safety and efficiency of the street network.**
- (v) **The provision of servicing, including water supply, wastewater systems, stormwater management and disposal, telecommunications, gas and electricity.**

- (vi) Effects on significant sites and features, including natural, cultural, archaeological and historical sites.
- (vii) Avoidance or mitigation of natural hazards. (Note: Refer to the “Risks and Responsibilities: Report of the Manawatu-Wanganui Regional Lifelines Project” (No. 2005/EXT/622) prepared by the Manawatu-Wanganui CDEM Group for information about natural hazards that may be relevant to the subject site).
- (viii) Management of construction effects, including traffic movements, hours of operation, noise, earthworks and erosion and sediment control.
- (ix) Staging of the subdivision.
- (x) In accordance with any applicable Structure Plan in Schedule 8.
- (xi) Compliance with the Council’s Subdivision and Development Principles and Requirements (Version: July 2014).
- (xii) The potential effects of the development on the safe and efficient operation, upgrading, maintenance and replacement of existing lawfully established network utilities.

**(b) Conditions**

- (i) The allotment being subdivided must be located in Levin, Foxton, Foxton Beach or Shannon.
- (ii) Pre-requisite Conditions, Minimum Allotment Area and Shape Factor

Each allotment shall comply with the following pre-requisite conditions, site area and shape factor standards set out in the table below.

**Table 15-5 Infill Subdivision Standards**

<u>Pre-requisite Conditions</u>	<u>Minimum Net Site Area</u>	<u>Minimum Shape Factor</u>
<u>The allotment being subdivided shall be greater than 500m<sup>2</sup> and no more than 900m<sup>2</sup>.</u>	<u>250m<sup>2</sup></u>	<u>10 metres diameter</u>

- (iii) Water Supply, Wastewater Disposal, Surface Water Disposal and Other Services

All subdivisions shall comply with the requirements as specified set out in Chapter 24.

- (iv) Roads, Access and Car Parking

All subdivisions shall comply with the requirements as specified in Chapter 21.

- (v) Structure Plans

Where any land is within a Structure Plan area in Schedule 8, all subdivisions shall be in accordance with the requirements as specified in the Structure Plan.

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.

**Amendment 2**

1. Amend Rule 15.6.1 Number of Residential Dwelling Units and Family Flats as follows:

15.6.1 Number of Residential Dwelling Units and Family Flats

- (a) **Up to two** ~~One~~ residential dwelling units per site, **subject to demonstrating that a minimum notional net site area can be provided for each unit. The minimum notional net site area required for each dwelling unit is the same as the minimum net site area required for each lot if the site were to be subdivided as a controlled activity (Table 15-4).**
  - Or
  - (b) 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.
2. Replace clause 15.4(c) Discretionary Activities as follows:
    - ~~(c) Two or more 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.**
  3. Insert the following definition of Notional Net Site Area in Chapter 26 General Provisions:
 

**Notional Net Site Area means that part of a site identified on a development plan for the exclusive use and occupation of each residential dwelling unit and associated accessory building/s, excluding any part of an access leg and/or any strip of land 6 metres or less in width.**

### Amendment 3

1. Amend Policy 6.1.17 Urban Settlements – Overall Form, Activities and Servicing of Urban Area as follows:
 

Policy 6.1.17

Provide for the efficient use and development of existing urban settlements through intensification and redevelopment, including medium density residential development in identified areas, **integrated residential development**, infill subdivision and reuse of commercial/industrial premises.
2. Insert new Policy 6.3.10A Urban Settlements – Residential Zone as follows:
 

**Policy 6.3.10A**

**Provide for integrated residential development where the design ensures that the site and built form function in an integrated way, and that the development complements the local area and does not significantly adversely affect local amenity values.**
3. Insert a new clause in Rule 15.3 Restricted Discretionary Activities as follows:
 

**(l) Integrated Residential Development (Refer Rule 15.8.16)**
4. Insert the following matters of discretion relating to Integrated Residential Development in Rule 15.8 Matters of Discretion and Conditions for Restricted Discretionary Activities:
 

**15.8.16 Integrated Residential Development (Refer Rule 15.3(l))**

**(a) Matters of Discretion**

  - i. **The site layout and configuration of buildings, and the quality of the space between and around them.**
  - ii. **The design, scale and appearance of buildings, fencing and hard surfacing, including the coherence between buildings and the integration of built form.**

- iii. The potential visual effects of the development and level of change to the character of the existing urban environment, including streetscape and adjacent properties.
- iv. The design and ongoing maintenance of landscaping within the site.
- v. The management of stormwater, wastewater, water supply and other servicing.
- vi. The provision of adequate carparking, manoeuvring and safe access to the site.
- vii. The management of traffic generated and potential adverse effects on the safety and efficiency of the street network.
- viii. The effects on significant sites and features, including natural, cultural, archaeological and historical sites.

5. Insert the following definition in Chapter 26 General Provisions:

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.

#### Amendment 4

1. Amend Rule 15.6.8 Accessory Buildings as follows:

- (d) Accessory buildings shall not project forward of a principal residential dwelling unit located on any front or corner site;

Except

~~(e)~~ Where there is no demonstrable area to the side or rear of a principal residential dwelling unit to accommodate an accessory building, an accessory building with a maximum gross floor area of 36m<sup>2</sup> is permitted forward of the principal residential unit.

- (e) On sites less than 330m<sup>2</sup> the total maximum gross floor area of all accessory buildings shall not exceed 36m<sup>2</sup>.

2. Amend Table 15-4 in Rule 15.7.5 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			
<b>Residential Infill Allotments</b>	<p>The allotment being subdivided: <del>shall be contained in a certificate of title issued before 1.3.91; and</del></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).**

#### Amendment 5

1. Amend the extent of the Medium Density Overlay on the following Planning Maps as shown on Planning Map 7, Planning Map 24, Planning Map 25, Planning Map 27, Planning Map 27A, Planning Map 27B, Planning Map 28, Planning Map 28A, Planning Map 28B, Planning Map 29 and Planning Map 30 as shown in **Appendix C** below:

#### Amendment 6

1. Amend the heading of Rule 15.8.7 Medium Density Development within Levin, Foxton Beach and Waitarere Beach as follows:
 

15.8.7 Medium Density Development within Levin, Foxton Beach and Waitarere Beach (Refer to Rule 15.3(~~de~~))
2. Amend Rule 15.8.7(a) – Matters of Discretion as follows:
  - (i) Matters in Schedule 10 – Medium Density Residential **Development** Design Guide
3. Remove the Medium Density Residential Development Design Guide in Schedule 10 and replace with the revised design guide included in **Appendix D** below. The design guide is to include the following amendment to the first paragraph under the heading Conventional Infill Subdivision on page 7:

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>).

## APPENDIX B

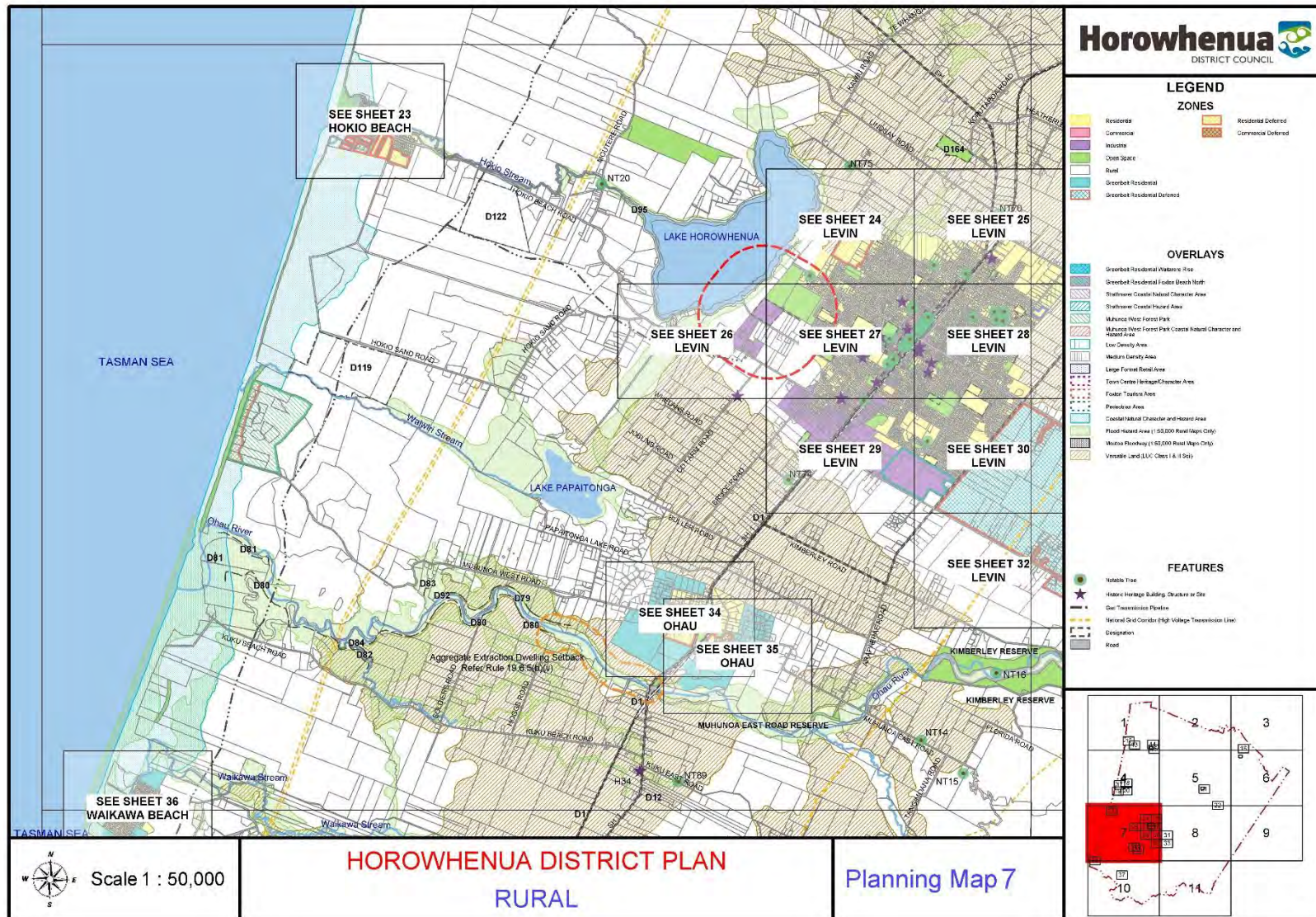
### SCHEDULE OF DECISIONS ON SUBMISSION POINTS

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Panel Decision
<b>Amendment 1</b>				
02/18.2		Landlink Limited		Reject
02/18.4		Landlink Limited		Reject
02/18.6		Landlink Limited		Reject
02/09.3		Geoffrey McGruddy		Reject
02/04.1		Heritage New Zealand		Accept
02/15.7		Truebridge Associates Limited		Accept in part
02/18.8		Landlink Limited		Accept in part
	02/102	Powerco	Oppose in part	Accept in part
	02/103	Horizons Regional Council	Oppose in part	Accept
02/09.2		Geoffrey McGruddy		Reject
02/13.2		Horowhenua District Council		Accept in part
02/13.3		Horowhenua District Council		Reject
02/15.2		Truebridge Associates Limited		Accept in part
02/16.1		Janice Swanwick		Reject
<b>Amendment 2</b>				
02/18.5		Landlink Limited		Reject
02/15.3		Truebridge Associates Limited		Reject
02/13.6		Horowhenua District Council		Accept
<b>Amendment 3</b>				
02/18.3		Landlink Limited		Accept
02/04.2		Heritage New Zealand		Accept
02/15.8		Truebridge Associates Limited		Accept
02/18.1		Landlink Limited		Accept in part
<b>Amendment 4</b>				
02/15.6		Truebridge Associates Limited		Accept in part
02/18.7		Landlink Limited		Accept
<b>Amendment 5</b>				
02/16.2		Janice Swanwick		Reject

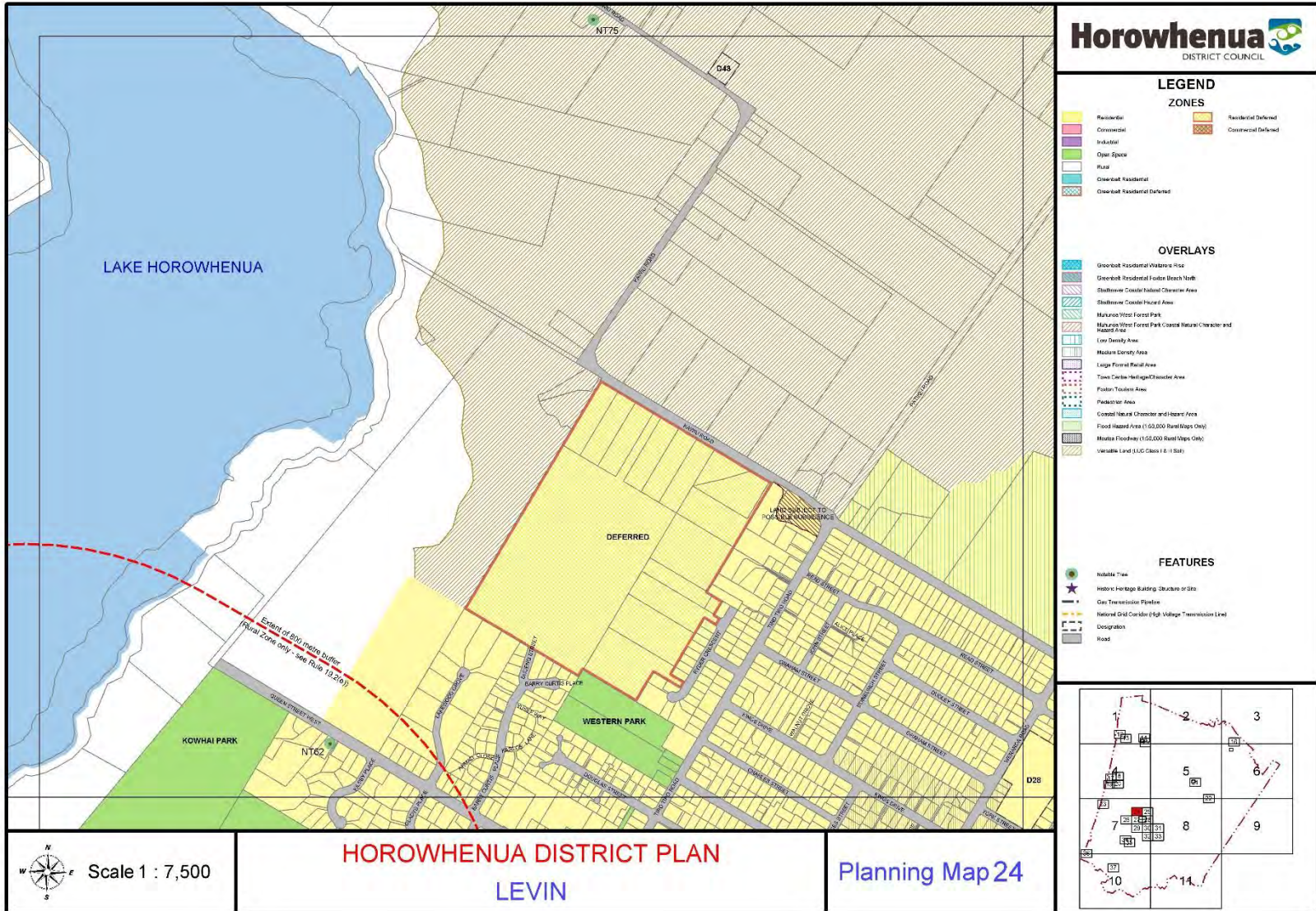
Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Panel Decision
<b>Amendment 6</b>				
02/15.4		Truebridge Associates Limited		Accept
02/17.1		Waitarere Beach Progressive Ratepayers Association		Accept in part
02/15.5		Truebridge Associates Limited		Reject
<b>Miscellaneous and General Submissions</b>				
02/09.4		Geoffrey McGruddy		Reject
02/13.1		Horowhenua District Council		Accept in part
02/13.4		Horowhenua District Council		Reject
02/07.1		Radha Sahar		Accept in part
	02/101	Katie de Roo	Support	Accept in part
02/09.1		Geoffrey McGruddy		Accept in part
02/15.1		Truebridge Associates Limited		Reject
02/13.5		Horowhenua District Council		Reject
02/11.1		Eco Tech Homes		Reject
02/01.1		Colleen Tyree		Accept in part
02/02.1		Che Elizabeth Lahmert		Accept in part
02/03.1		Anthonie van Rijn		Accept in part
02/05.1		Geoffrey Roy Willmott		Accept in part
02/06.1		Veronica Harrod		Reject
	02/100	Katie de Roo	Support	Reject
	02/103	Horizons Regional Council	Neutral	Reject
	02/104	Christine Moriarty (HRRRA Inc)	Support	Reject
02/08.1		Potangotango		Reject
02/14.1		Horizons Regional Council		Reject
	02/105	Vivienne Bold	Support	Reject
02/10.1		Powerco		Accept in part
02/12.1		Assembly of God Church of Samoa		Accept in part
02/19.1		Pirie Consultants Limited		Accept in part

PLANNING MAPS

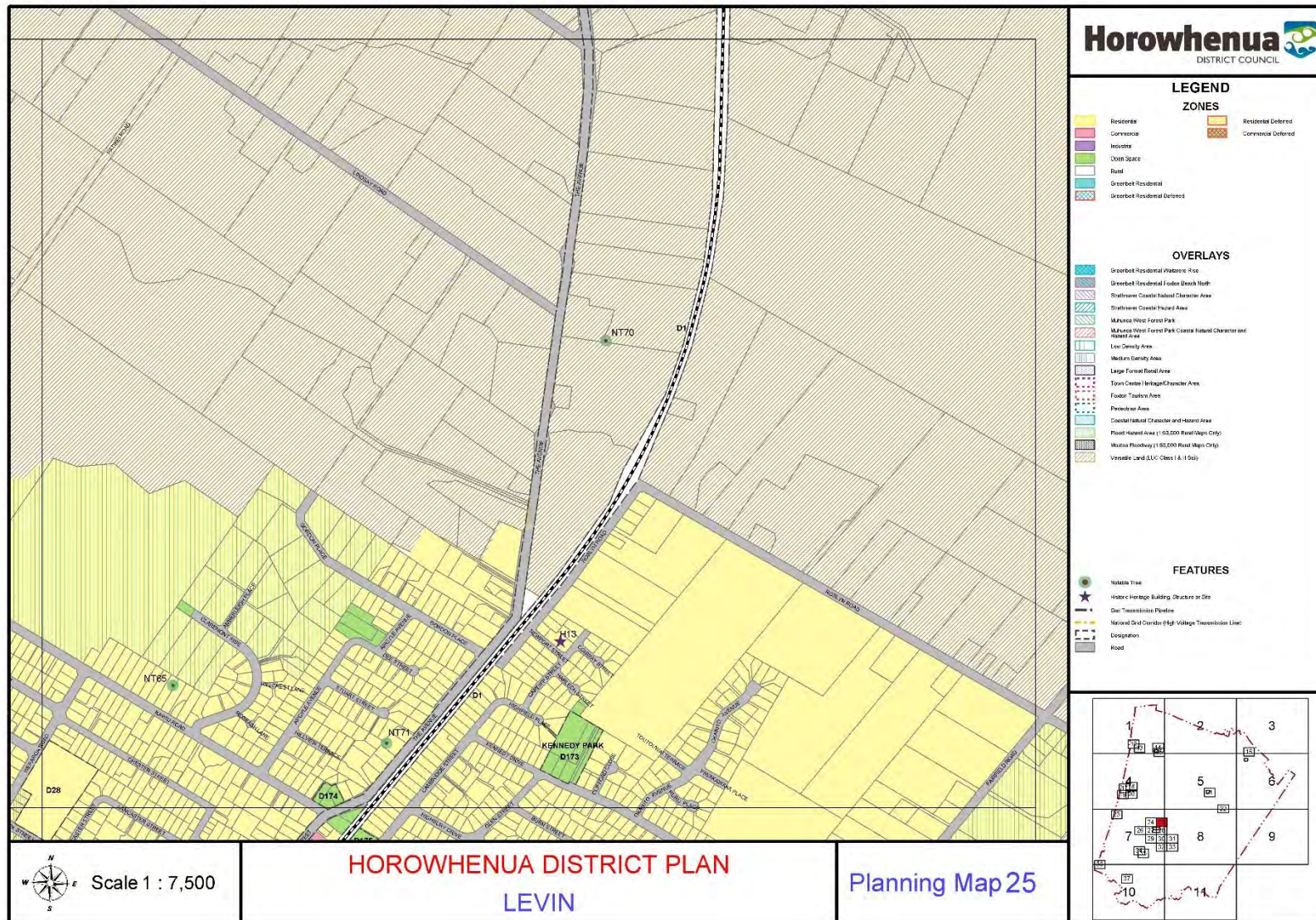
## Planning Map 7



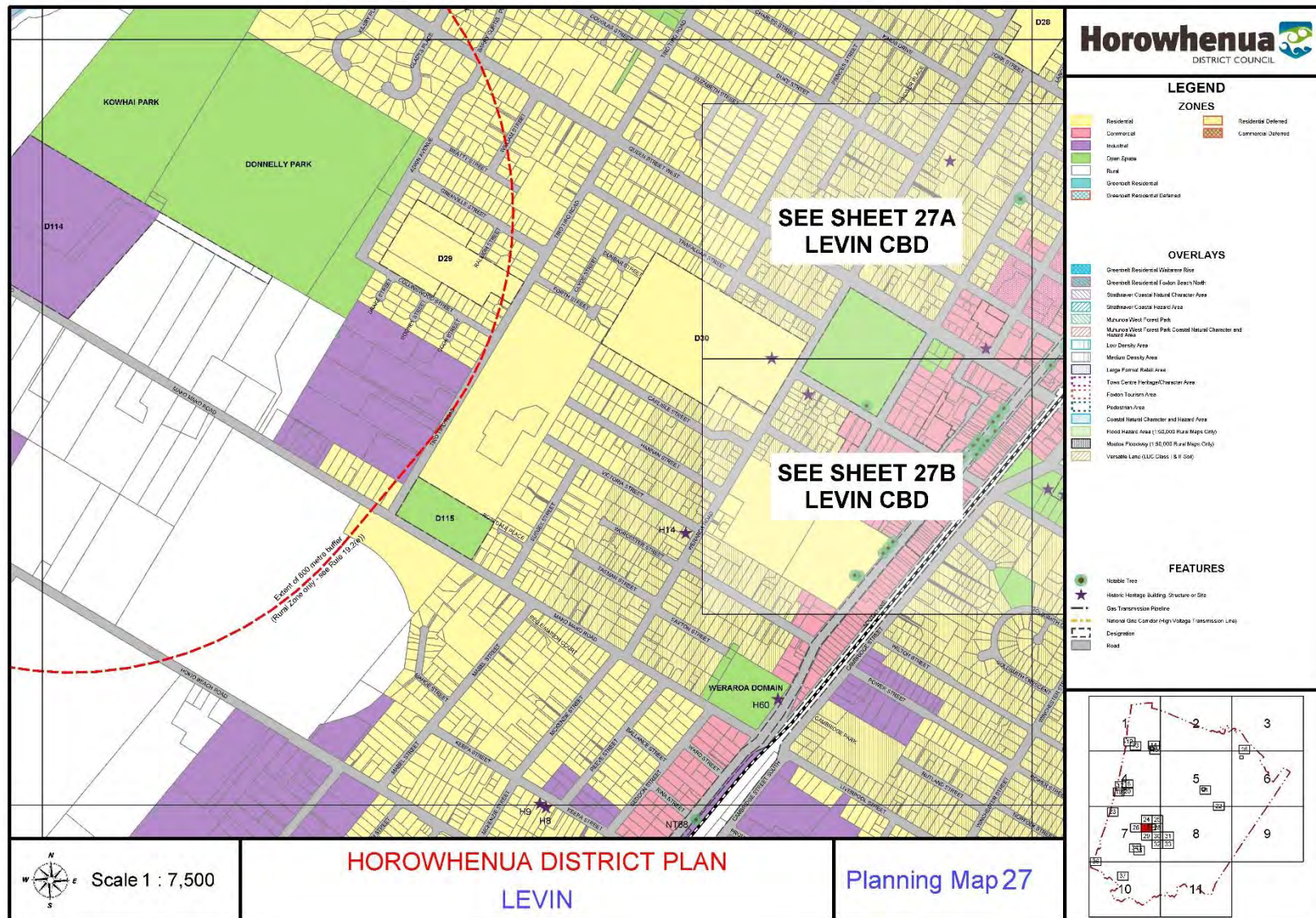
## Planning Map 24



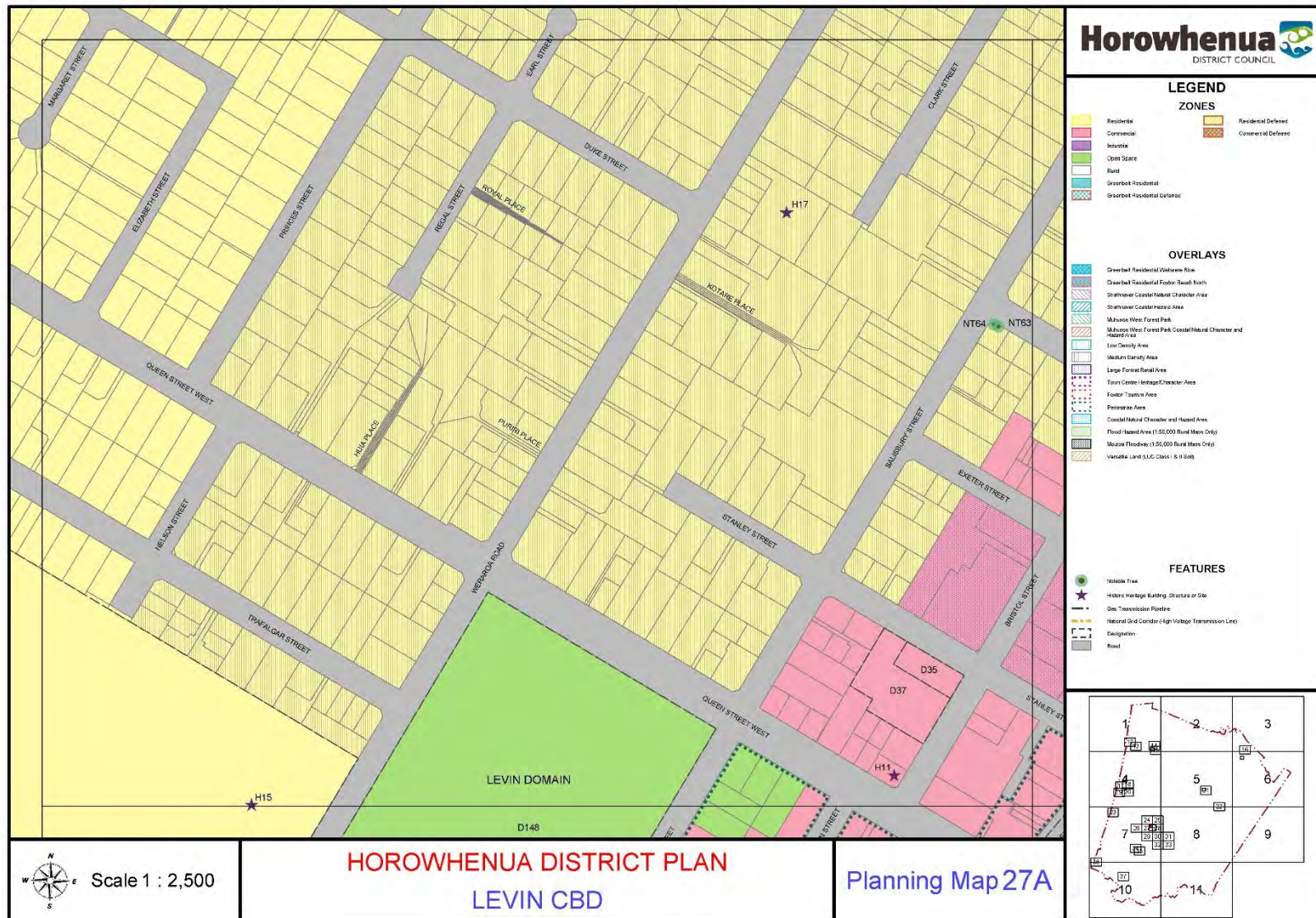
## Planning Map 25



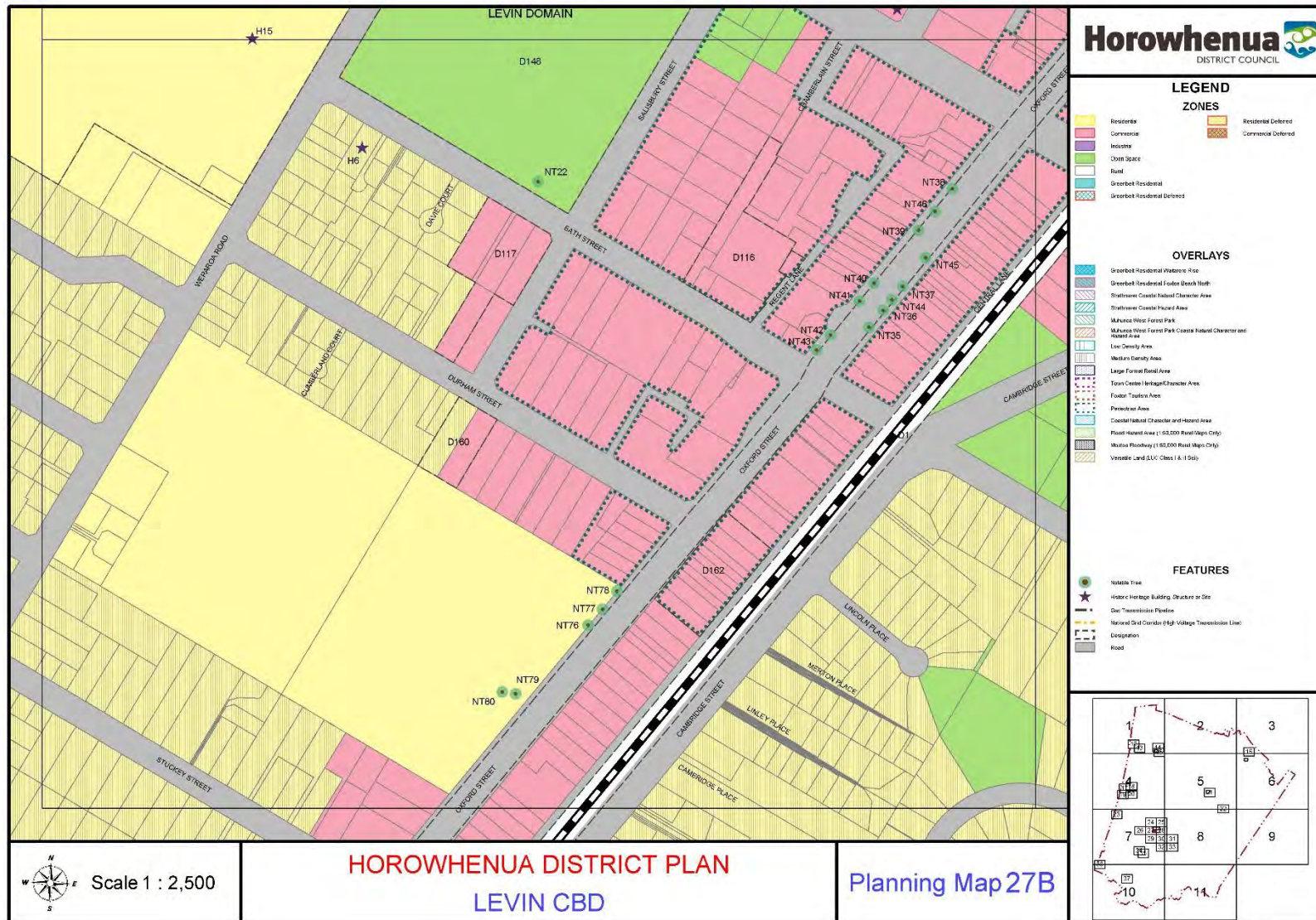
# Planning Map 27



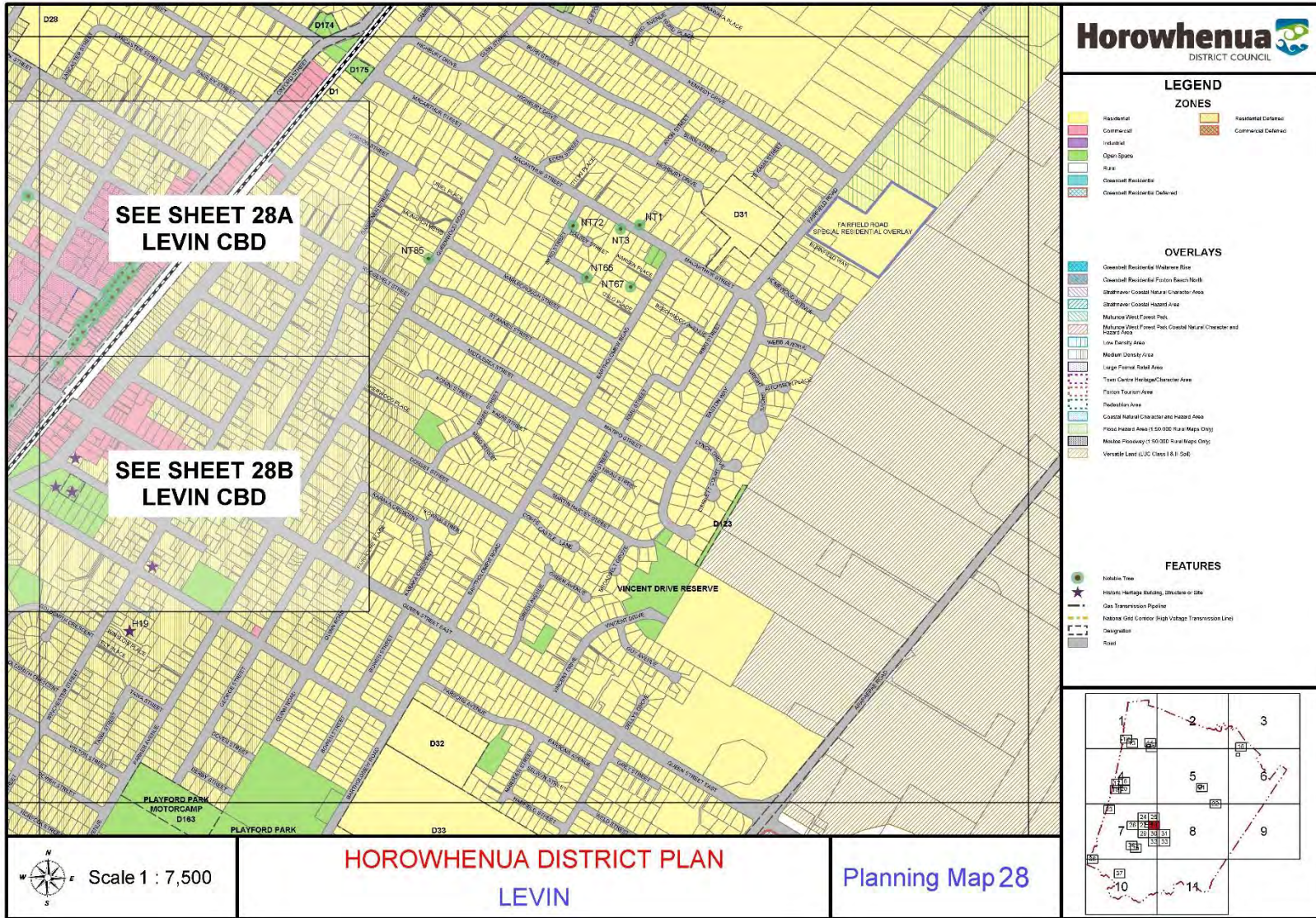
## Planning Map 27A



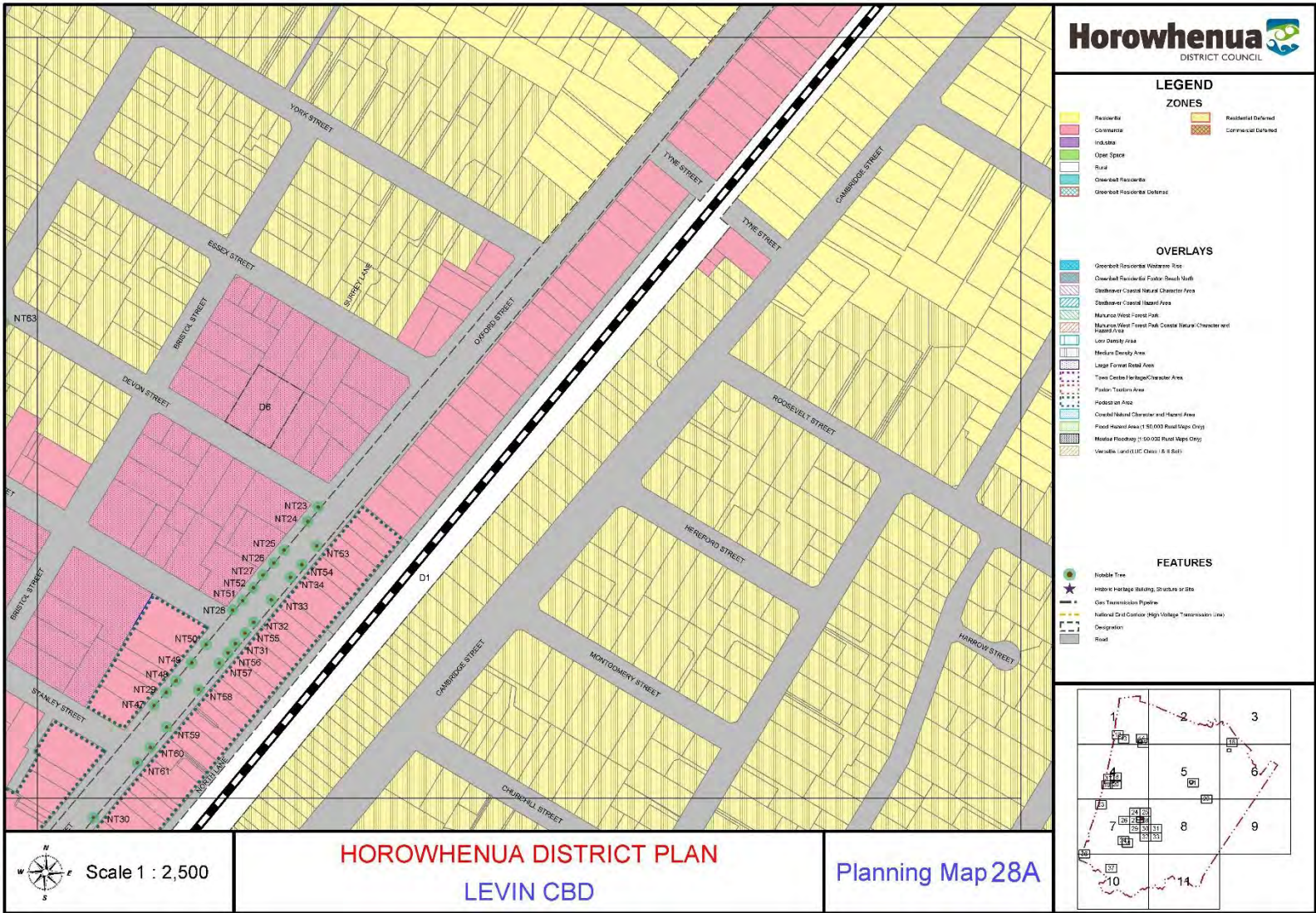
## Planning Map 27B



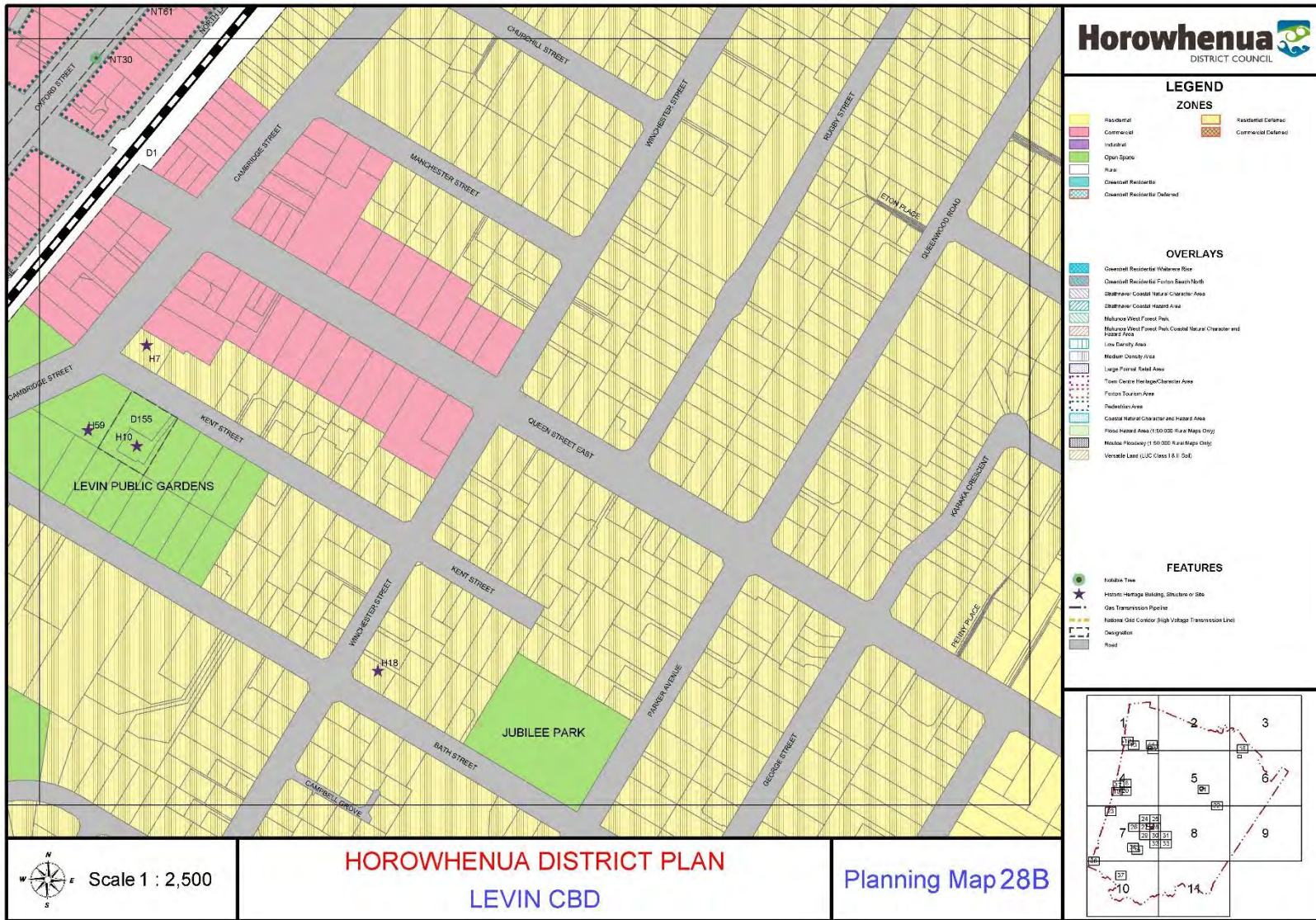
## Planning Map 28



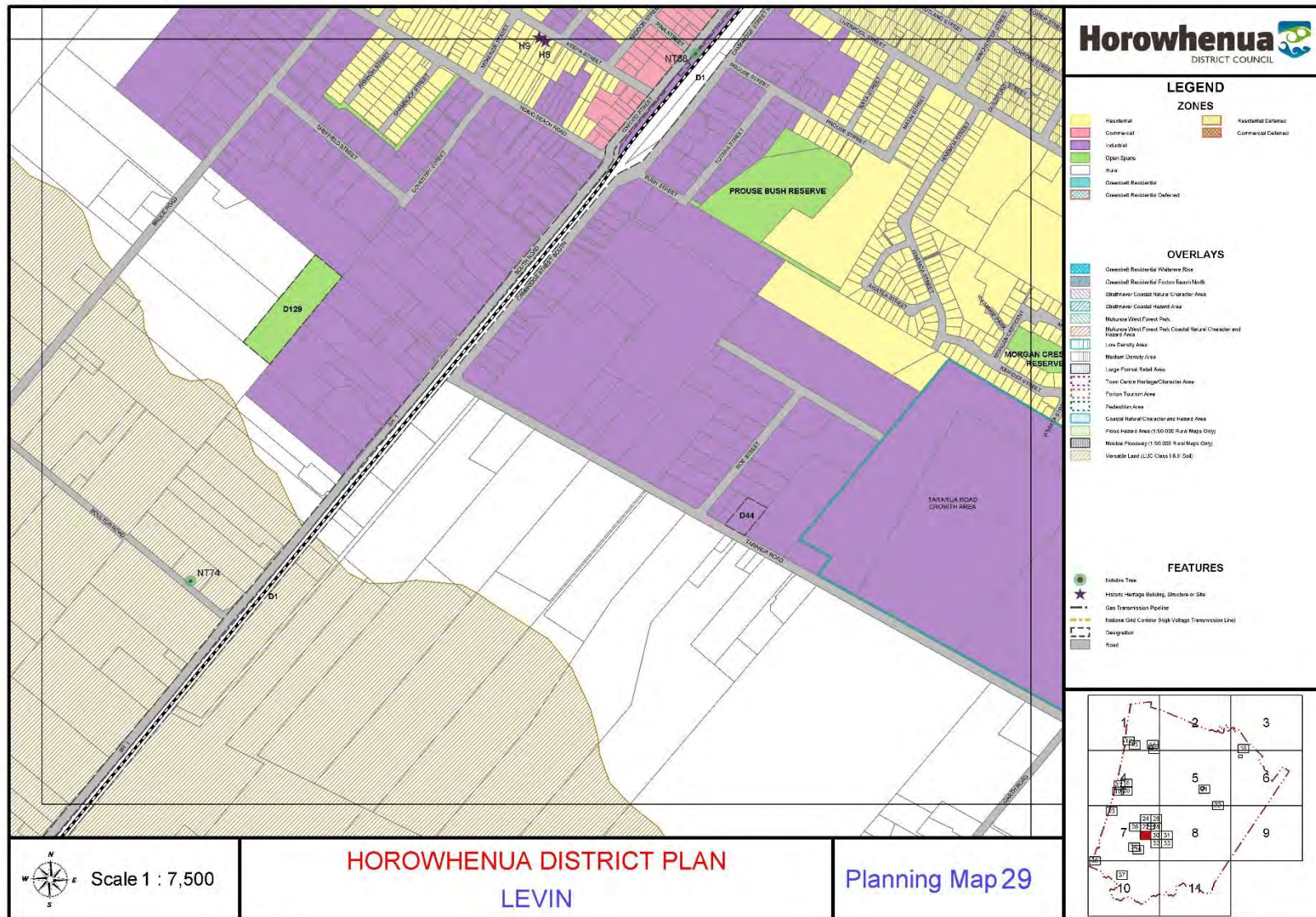
## Planning Map 28A



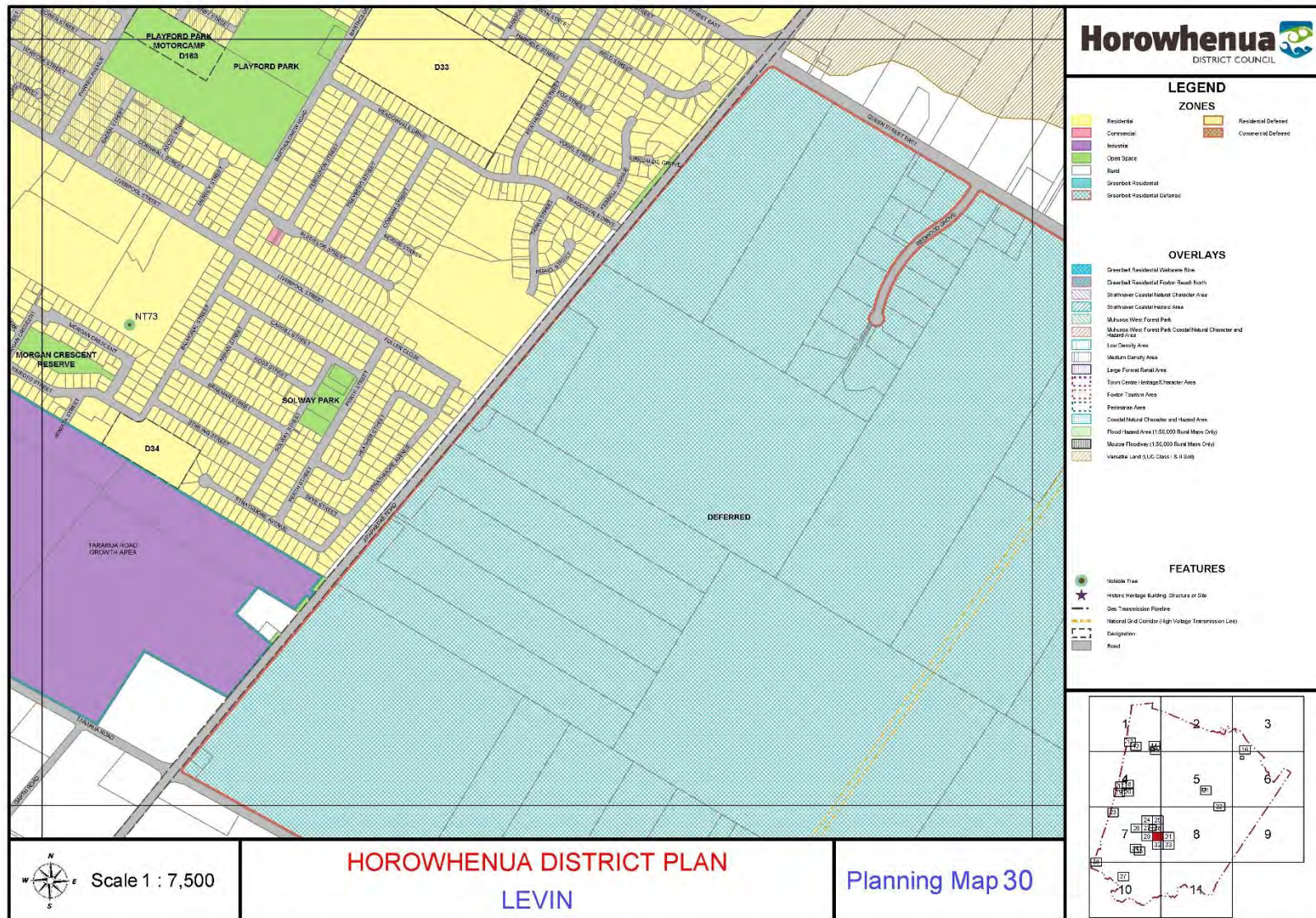
## Planning Map 28B



## Planning Map 29



## Planning Map 30



**MEDIUM DENSITY RESIDENTIAL DEVELOPMENT DESIGN GUIDE**

The design guide is to include the following amendment to the first paragraph under the heading Conventional Infill Subdivision on page 7:

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>).

# **HOROWHENUA**

# **DISTRICT PLAN**

Medium Density Residential  
Development

## **DESIGN GUIDE**





DATE: 02 OCTOBER 2017

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# 1. Introduction

The Horowhenua district's population is growing and this creates a demand for housing. Currently, most houses (referred to throughout this document as 'dwellings') in these areas are single standalone structures on generous sections. This type of development is common throughout New Zealand and is a low-density form of residential development.

Low density suburban development generally consumes larger amounts of land. As demand for development increases, this type of suburban development typically involves expansion into surrounding rural or coastal areas, with corresponding adverse effects on natural character, fertile land and green open spaces. It can also present challenges to the provision and cost of infrastructure such as roading.

To meet increasing population demand within urban areas, a better range of housing types to accommodate a more diverse population is now required.

Provision has been made in the Horowhenua District Plan (the Plan) for more intensive types of housing to meet the needs of the district. However, increased density needs to be carefully managed and the approach of the Council is to provide this through the Plan and the Medium Density Residential Development Design Guide (the Guide).

There are several benefits associated with medium density development:

- It provides more diverse housing choice, and is especially beneficial for first home buyers or for retirees looking to down size to smaller low-maintenance homes
- It promotes better use of limited land around town centres
- It is a compact form of development that promotes energy efficiency.

There are several ways in which medium density housing can be developed, but each development should respond to the site's context. Detailed information on different types of medium density residential housing is outlined in Section 3.1 of the Guide, with the types of medium density considered most appropriate for the Horowhenua being:

- Small stand-alone dwellings - not attached to other dwellings but can still be fairly close to their neighbours
- Semi-detached dwellings - pairs of houses side by side that share a common wall. These are also known as duplex dwellings, can be 2-3 storeys in height and are often of a similar design
- Terraced or row housing - a row of identical or very similar dwellings that are typically 2-3 storeys. They are joined together on one or both sides. They can have their own private open space or can be laid out around a courtyard or a shared space in some cases.

The Guide applies to the Medium Density Overlay Areas in Levin, Foxton Beach and Waitarere Beach identified on the Planning Maps in Section 3. The Overlay Areas are located in the heart of each settlement, close to the town centre and key commercial and recreational areas and facilities.

Under the rules in the Plan, all medium density developments within these Overlay Areas require resource consent, where they will be assessed against the guidelines contained within this document. The Guide is to be applied in conjunction with the rules and standards in the Plan.

Although the Guide offers some flexibility to enable innovative design solutions, development proposals that are inconsistent with the guidelines can be a basis for the Council to decline approval.

## 1.1 Purpose

The purpose of the Guide is to:

- A** Assist property developers, designers, architects, planners and builders to plan, design and build high quality medium density residential developments; and
- B** Assist Horowhenua District Council staff to evaluate new development proposals for medium density residential development as part of the resource consent process.

The Guide explains the characteristics of medium density residential development that will be acceptable to the Council and the Horowhenua community. It is an aid to interpreting the provisions (objectives, policies, rules and assessment matters) of the Plan. Many of the principles outlined in the Guide form the basis for assessment criteria contained in the Plan and the guidance provided describes ways these criteria can be met. By setting out principles and guidance for achieving better design, the Guide defines the level of environment expected by all and an improved decision-making process.

## 1.2 Aims of the Guide

The aims of the Design Guide are:

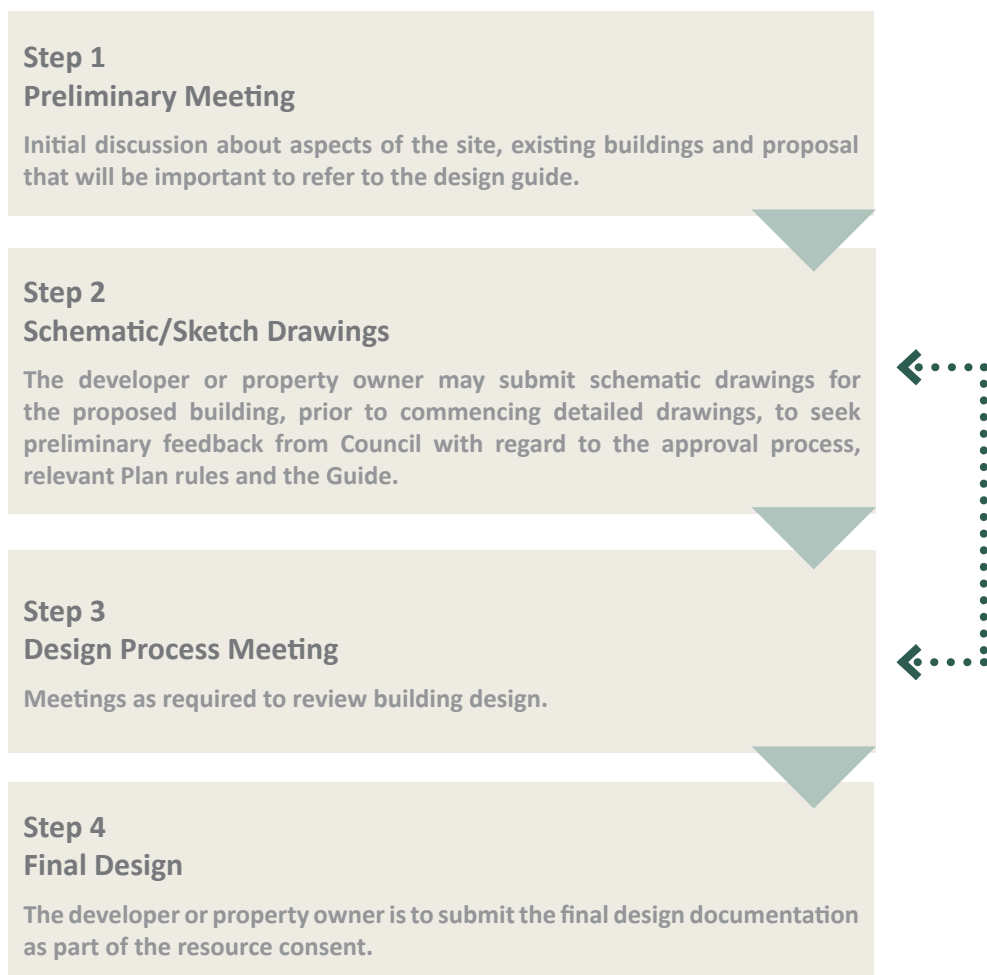
- i. To ensure dwellings and private open space are designed in an integrated way that makes the most of site conditions
- ii. To ensure that new medium density development is appropriate for local context and the existing character of the neighbourhood
- iii. To ensure new development contributes to the community's sense of comfort and safety
- iv. To ensure visual and acoustic privacy for residents and their neighbours is provided through well considered siting and design of buildings and outdoor space.
- v. To maintain reasonable standards of privacy and daylight for residents and neighbours.
- vi. To provide safe, convenient and attractive pedestrian and vehicle access to the houses.
- vii. To encourage the design of new housing to respond to known and typical user needs.
- viii. To encourage good-quality, cost-effective design.

## 1.3 Pre-Application Process

The Horowhenua District Council encourages landowners, developers and their architects, engineers and other advisers to work collaboratively throughout the development planning process and to seek early discussions with Council prior to undertaking detailed design for any development.

This process will enable concepts to be discussed prior to commencing detailed design to enable early feedback from Council and the most appropriate outcome for all parties to be reached.

A diagram of the desired process is outlined below. The need for all these steps will depend on the development scale. Although optional, it is intended to assist in providing for an efficient design and consenting process.



## 2. Housing Types and Local Character

### 2.1 Types of Medium Density Development and Housing

**More intensive forms of housing may be achieved in two ways – either through medium density residential development or conventional infill subdivision.**

#### Medium Density Residential Development

The Plan provides for medium density residential development in specific areas within Levin, Foxton Beach and Waitarere Beach. Medium density development is where three or more residential dwelling units (semi-detached or stand-alone) are designed to achieve a maximum density of 225m<sup>2</sup> per residential unit, in a way that results in quality on-site amenity and respects the character of the local area and streetscape.

To achieve an integrated design for medium density development, the Plan requires both land use and subdivision consent to be sought at the same time. This allows the site layout and the subdivision mechanisms to be assessed together, so there is an understanding of how each unit will operate, particularly in terms of access, rights of way and the provision and maintenance of any common areas.

To provide medium density development, the Plan uses rules and standards, as well as the Guide, to shape and assess development proposals. The Residential Zone provides for medium density development as a Restricted Discretionary Activity, subject to compliance with standards such as density, building bulk and location provisions, private outdoor space, utility space, carparking and access. While these standards define the basic form for medium density development, they are not the sole means to achieve good design. The Guidelines therefore set out the necessary elements to be considered in the design of medium density development, so that the overall site layout results in an optimal development.

An optimal development is one that achieves a high level of on-site amenity for future occupants. It is also one that ensures that adverse effects on the character of the street and locality, and on privacy and visual amenity of neighbouring properties, are minimised through good design and appropriate mitigation measures.

#### Conventional Infill Subdivision

The Plan allows for more intensive subdivision, to a minimum lot size of 250m<sup>2</sup>, in Levin, Foxton, Foxton Beach and Shannon through the residential infill subdivision rules. 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. Where an infill subdivision complies with the standards, an Applicant may apply for a Controlled Activity subdivision. Where an infill subdivision design does not comply with all of the relevant standards, the ‘activity status’ of the consent changes to a Restricted Discretionary Activity.

For a Restricted Discretionary infill subdivision, an Applicant must demonstrate that they have considered the Guide, and applied the principles and guidelines to the subdivision design.

## Housing Typologies

The following housing typologies are generally considered appropriate in the context of the District's Medium Density Overlay Area:



Detached coastal dwelling on compact site

### Detached (stand-alone)

A single detached dwelling is a stand-alone house sited on an individual lot with yards on all four sides. The building can be from 1 - 2 storeys high and can incorporate garages within the building footprint or separated from the main dwelling. In a medium density context, detached dwellings are usually smaller than in a typical suburban situation.



Semi-detached two-storey dwellings (source: Auckland Design Manual)

### Semi-detached (or duplex)

Semi-detached dwellings (or 'duplexes') are two housing units that share a common wall. The houses can be 1 - 2 storeys in height, with or without enclosed garages, and with space on three sides of the dwelling. Sometimes the single-storey garages are the only part of the dwellings attached, with the habitable parts of the dwelling and any upper floors setback from side boundaries to allow light and privacy into upper floor rooms and living areas. The dwellings are often mirror images of one another.



Row of terraced houses joined on both sides

### Terraced Housing

Terraced housing is often designed as a row, group or cluster of 2 – 3 storey residential units. As this more intensive form of housing would represent a distinctive change to the character and amenity of the coastal settlements of Foxton Beach and Waitarere Beach, it is likely to be better suited to Levin where a greater level of urban intensity already exists. Typically, a greater area of land is required (usually achieved by amalgamating existing land titles) to develop a row of terraced houses. This enables the density and form to be configured in a way that is generally more compatible with the surrounding neighbourhood.

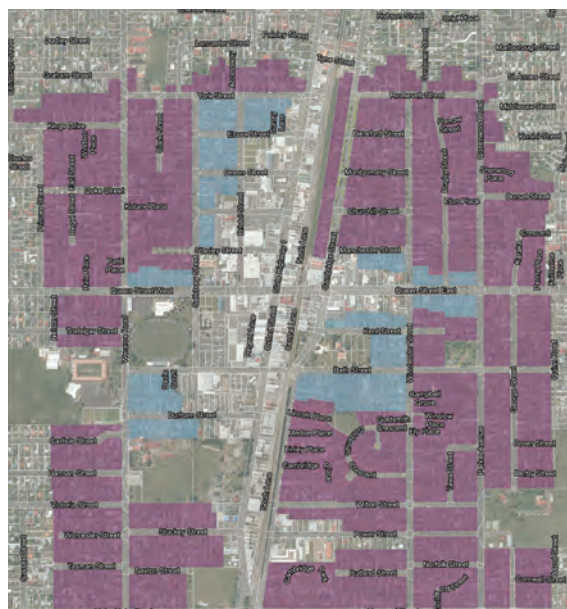
### 3. Local Character

This section identifies the important characteristics of residential development within the Medium Density Overlay Areas located in Levin, Foxton Beach and Waitarere Beach. Local character generally consists of the key things that define the quality of an area. These include visual elements such as architectural style, building materials, size and shape of lots, private and public green spaces, vegetation, elements of the street such as footpaths and verges, topography and views of the surrounding landscape. It is an important consideration within existing residential neighbourhoods.

#### 3.1 Levin

The Medium Density Overlay Area in Levin is located on the periphery of the town centre, providing easy access for residents to local services and facilities. Local reserves and open space is also readily accessible, with the Levin Domain, Village Green and Aquatic Centre on the western side, and the Levin Public Gardens on the eastern side. The topography is flat. There are views towards the Tararua Ranges along the east-west aligned streets. The overall character is suburban, with relatively wide sealed streets with kerb and channel, concrete footpaths on both sides of the road, small street trees and narrow mown grass verges. Properties are connected to reticulated water and wastewater services, with on-site stormwater disposal.

There is a mix of lot sizes/densities in the area ranging from 300m<sup>2</sup> up to 1,200m<sup>2</sup>, with an average of approximately 700m<sup>2</sup>. Lot shapes are predominantly rectangular mirroring the street pattern, with relatively uniform lot width and street frontage widths. The predominant housing typology is single detached dwellings, with a number of semi-detached (townhouses) recently establishing. There is a range of age in housing, from a few early 1900s dwellings (villas), through to more recent new typically 'brick and tile' infill houses.



- Proposed extension of the Medium Density Overlay Areas, Levin
- Current Medium Density Overlay Areas, Levin



The predominant housing typology is single detached dwelling represented in a range of styles (Early 1900s through to recent brick and tile)



Uniform street frontage with a consistent setback along the street and low front fences



On-site vehicles parking, access and internal garaging attached to the dwelling



Fences and screens used to provide privacy between properties

The street frontages are relatively uniform, with a strong pattern of consistent building setbacks (4-5 metres) along all streets. Low fences along the front boundary are a common feature, with private well maintained front gardens a frequent element adding significantly to the visual quality of the streetscape. Tall trees and other large vegetation are limited and typically located on the larger and older properties.

Single storey dwellings dominate, with only a few two storey dwellings. There is fairly regular separation distance (3-4 metres) between dwellings on adjoining properties, with a few semi-detached dwellings (typically garages attached). The proportion of building coverage is mixed, with older and larger properties having a relatively low building coverage, compared to more recent infill development with higher building coverage (around 35%). The majority of properties have on-site vehicle access and parking, with more recent development incorporating garaging attached to the dwelling.

Most properties have private outdoor living and utility areas, which vary in their size, quality and appearance. Fencing and screens are commonly used to provide privacy between private outdoor living areas.

## 3.2 Foxton Beach

The Medium Density Overlay Area in Foxton Beach is located at the western end of the settlement in the vicinity of Holben Reserve and within close proximity to the beach. The location of the Medium Density Overlay Area supports the new commercial area in Signal Street. The topography is relatively flat, but there is more elevated land in parts of the Overlay Area. There are views towards Holben Reserve and the southern edge of the Manawatu River Estuary. The overall character is coastal suburban, with relatively wide road reserves with narrow sealed streets with no kerb and channel, no concrete footpaths, and wide mown grass verges. Properties are connected to reticulated water and wastewater services, with on-site stormwater disposal.



Medium Density Overlay Areas, Foxton Beach

There is a mix of lot sizes/densities in the area ranging from 400m<sup>2</sup> up to 1,200m<sup>2</sup>, with an average of approximately 700m<sup>2</sup>. Lot shapes are predominantly rectangular, with relatively uniform lot width and street frontage widths. However, some properties have angular boundary alignments creating irregular shaped lots. The predominant housing typology is single detached dwellings which range in age, from the 1930s-1960s, with a few more recent houses. The older dwellings have a 'bach' coastal character, while more recent dwellings are a mix of 'brick and tile' and more contemporary designs.



Aerial view of Holben Reserve and surrounding streets , Foxton Beach



Bond Street, Foxton Beach



Signal Street, Foxton Beach

The street frontages are mixed, with some dwellings and standalone accessory buildings (garages) located close to the front boundary (4-5 metres), while on other properties buildings are well setback from the street with large open front yards. There is also a mix of front boundary treatments, ranging from no structure or planting, low formal/informal fences, through to low and tall hedges. There is a variety of vegetation, including areas of shrubs and taller trees, all of a hardy coastal nature.



Typical bach character, Marine Parade, Foxton Beach

A mix of single storey split-level and two storey dwellings are prevalent in Foxton Beach. There is fairly regular separation distance (3-4 metres) between dwellings on adjoining properties. The proportion of building coverage is mixed, with older and larger properties having a relatively low building coverage, compared to more recent dwellings that have a higher building coverage (around 35%). The majority of properties have on-site vehicle access and parking, with more recent development incorporating garaging attached to the dwelling.

Most properties have private outdoor living and servicing areas, which vary in their size, quality and appearance. Fencing and screens are commonly used to provide privacy between private outdoor living areas.



Single and two-storey houses in Nelson Street, Foxton Beach

### 3.3 Waitarere Beach

The Medium Density Overlay Area in Waitarere Beach is located in the centre of the settlement in street blocks on either side of Waitarere Beach Road. This location is in close proximity to the beach and commercial area in Waitarere Beach Road. The Medium Density Overlay Area does not apply to the western side of Rua Avenue to avoid more intensive development immediately adjacent to the coastal edge due to natural character, natural hazard and access reasons. The topography is relatively flat, with some more elevated land and low spots in parts of the Overlay Area. The overall character is coastal suburban, with relatively wide road reserves with narrow sealed streets with some streets having no kerb and channel, no concrete footpaths, and wide mown grass verges, while other streets include some kerb and channel and concrete footpaths. Properties are connected to reticulated wastewater system, with on-site water collection/supply and on-site stormwater disposal.

There is a uniform lot size/density in the area of 800m<sup>2</sup>, with lot shapes predominantly rectangular reflecting the street pattern. Given the uniform lot size and width, street frontage widths are also uniform. The predominant housing typology is single detached dwellings which range in age, from the 1950s-1960s, with a few more recent houses. The older dwellings have a 'bach' coastal character, while more recent dwellings are a mix of 'brick and tile' and more contemporary designs.



Medium Density Overlay Areas, Waitarere Beach



Aerial view showing uniform street pattern of Waitarere Beach



Park Ave, Waiterere Beach

The street frontages are mixed, with some dwellings and stand-alone accessory buildings (garages) located close to the front boundary (4-5 metres), while on other properties buildings are well setback from the street with large open front yards. There is also a mix of front boundary treatments, ranging from no structure or planting, low formal/informal fences, through to low and tall hedges. There is a variety of vegetation, including areas of shrubs and taller trees, all of a hardy coastal nature.



Park Ave, Waiterere Beach

Single storey dwellings dominate, with only a few two storey dwellings. There is fairly regular separation distance (3-4 metres) between dwellings on adjoining properties. The proportion of building coverage is mixed, with older and larger properties having a relatively low building coverage, compared to more recent dwellings that have a higher building coverage (around 35%). The majority of properties have on-site vehicle access and parking, with more recent development incorporating garaging attached to the dwelling.

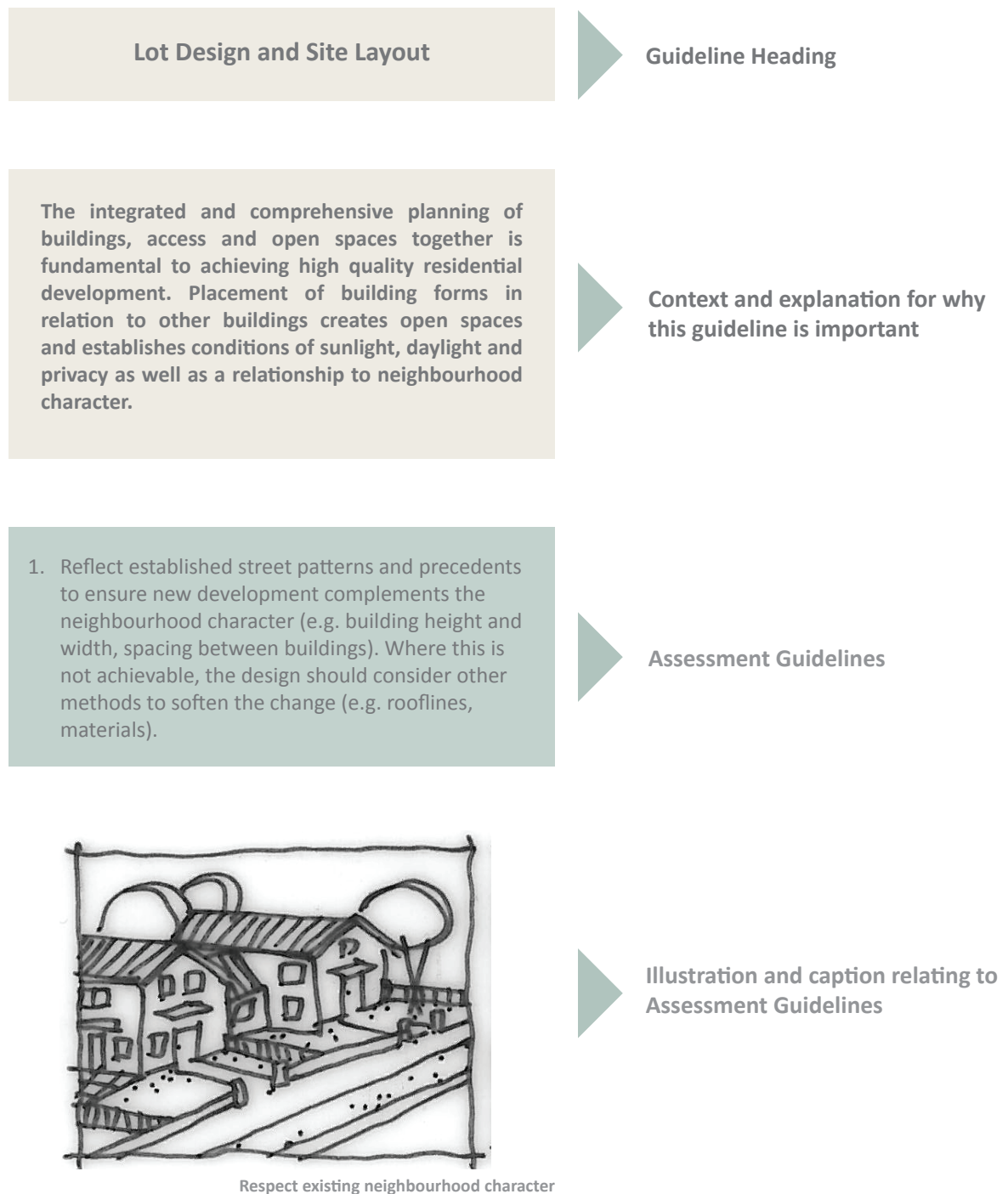
Most properties have private outdoor living and servicing areas, which vary in their size, quality and appearance. Fencing and screens are commonly used to provide privacy between private outdoor living areas.



Rua Street, Waiterere Beach

## 4. Guidelines

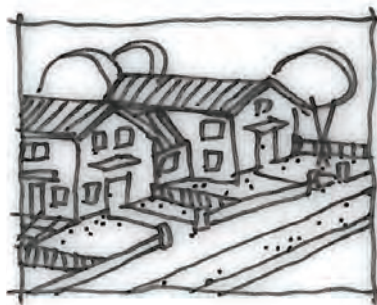
Each section of the design guide is structured into 4 parts as illustrated in the example below:



## 4.1 Site Planning

The integrated planning of buildings, access and open spaces is fundamental to achieving high quality residential outcomes. Careful placement of building forms in relation to one other creates open space, establishes conditions of sunlight, daylight and privacy and contributes to neighbourhood character. Good site planning reflects a concern for occupation, considering how a place is used by its occupants as well as its relationship to neighbouring houses, the character of street and the wider urban area.

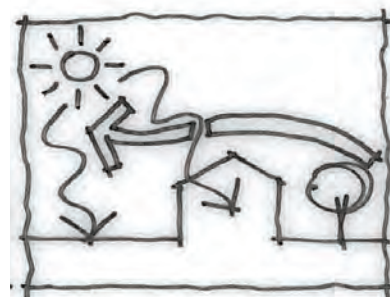
1. Reflect established street patterns and precedents to ensure new development complements the neighbourhood character (e.g. building height and width, spacing between buildings). Where this is not achievable, the design should consider other methods to soften the change (e.g. rooflines, materials). See Section 4.4 for guidance.
2. Retain significant, locally recognised existing trees, vegetation and other character features where practicable and where these can be usefully integrated into the residential development. Where this is not achievable, the planting of new trees should be considered.
3. Respond to environmental conditions such as sunlight and predominant winds to maximise sunlight to main living areas, (e.g. locate living areas on the northern side of the dwelling) and both sunlight and shelter to private open space. See Section 4.2 for further guidance.



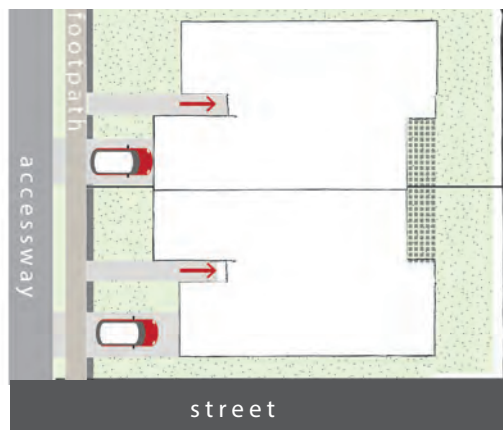
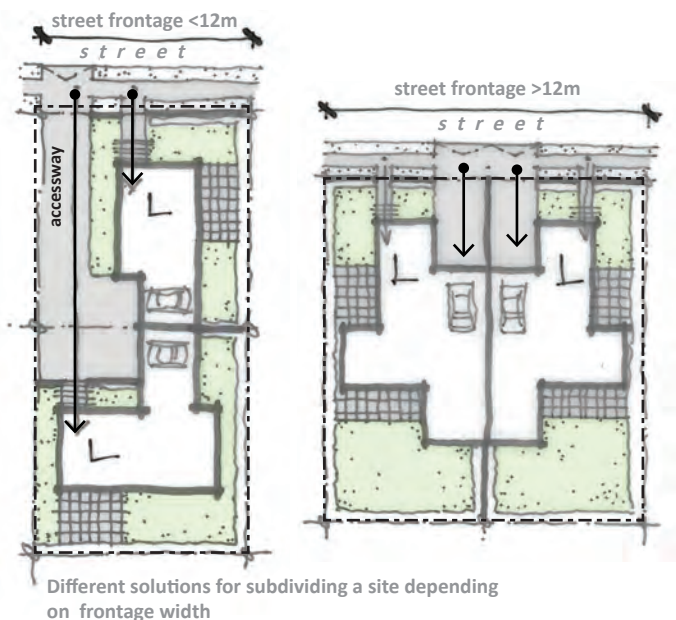
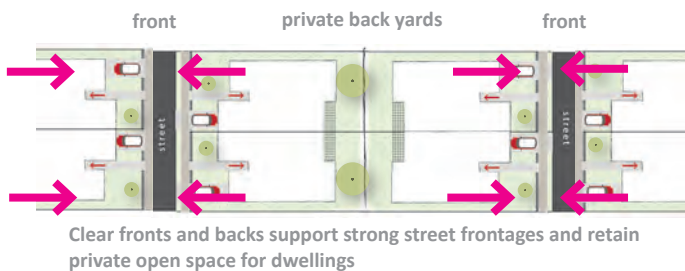
Respect existing neighbourhood character



Retain significant existing features



Respond to environmental conditions



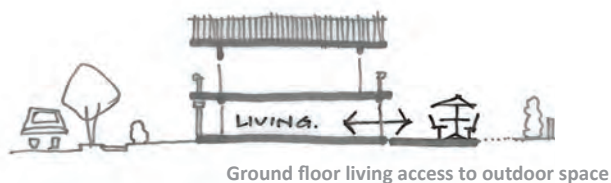
4. Align dwellings to face the street where possible; where this is not possible, ensure dwellings have good visibility over the street by positioning windows to overlook it.
5. Where possible, dwellings should have visibility over accessways or public spaces to help with passive surveillance.
6. Where a lot has a street frontage of greater than 12m in width a semi-detached dwelling could be well suited. Subdividing into narrower lots (i.e. a minimum of 6m wide) would also allow the dwellings to retain good street frontage.
7. Where a lot has a street frontage of less than 12m in width, but is fairly deep, then a common accessway may be appropriate along one side.
8. Attaching dwellings conserves heat and provides more usable private open space for each unit.

9. Dwellings should be sited to provide good quality interior space with comfortable temperatures, good solar access, and direct access to private open space. Private open space can include ground level gardens and paved courtyards as well as upper level balconies accessed from principal living areas. While not technically private open space, conservatories also provide a means to maximise solar access throughout the year.

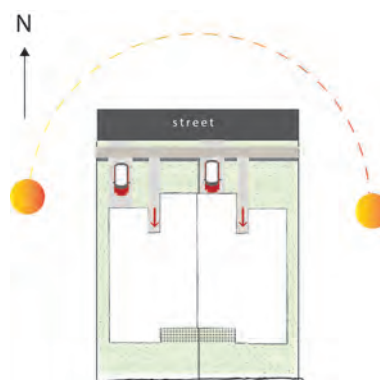
10. Design the interior of the units so that they are economical and creative with space. A reduced size suburban-style dwelling may not necessarily translate into a residential dwelling suitable for more intensive living.



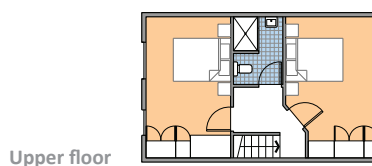
First floor living access to outdoor space (deck)



Ground floor living access to outdoor space

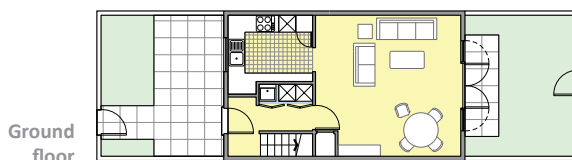


Model built form to maximise solar access and avoid shading or loss of privacy



Upper floor

Example of an interior layout for a medium density dwelling that is both liveable and creative with space



Ground floor

## 4.2 On-Site Amenity

As site areas are smaller, high standards of on-site amenity are required to provide for the comfort and enjoyment of residents. This means having access to private open space and a good quality aspect (the view or outlook). It is also important that the dwelling has high visual and acoustic privacy, as unlike lower density suburban developments there is less, or no, separation between dwellings.

It is essential that on-site amenity is considered at the *site layout stage* to ensure that each dwelling and its respective outdoor space is designed with visual privacy, good access and a quality aspect in mind. The location of rooms and uses in the dwelling is a key consideration to achieving good visual and acoustic privacy and should be considered at the *building design stage*. The size and placement of windows, doors and balconies are all important factors to consider in terms of acoustic and visual privacy. Acoustic privacy is especially important for medium density dwellings as they may be connected by common walls; consequently noise insulation materials and techniques should be considered.

Further on-site amenity considerations include: dedicated areas for rubbish collection, washing lines and other utility areas. These are important, but can often be forgotten when designing smaller units on compact sites. Lockable storage areas for items such as gardening tools, camping gear and sports gear are also worth considering and do not have to be large to be of benefit to residents.



The entrance should be clearly visible



Screening devices and landscaping should provide privacy for private outdoor space

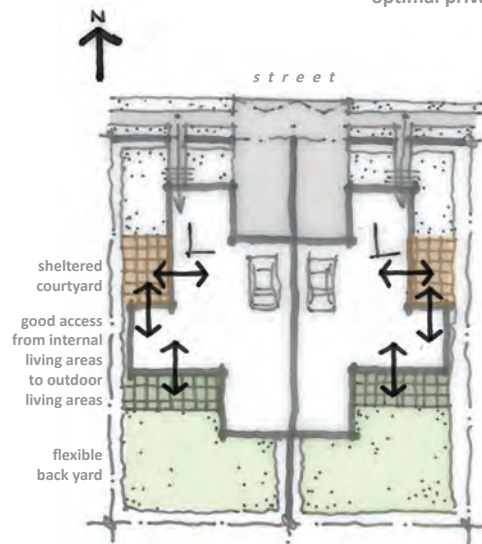
11. Each dwelling should have its own main entry, consisting of a sheltered threshold that is well lit and clearly visible as the entrance to the dwelling.
12. Use careful positioning, screening devices or landscaping to provide visual privacy for private open space. For example, where the outdoor space for two units backs onto each other, consider a well designed and maintained fenced/ planted screen along the common boundary.

13. Position windows to achieve optimal privacy - bedroom or bathroom windows at street level should be screened for privacy. Recessions and projections can be created along building elevations and elements such as screen panels and solid or semi-solid balustrades, can be incorporated into the design and function of outdoor space



Windows should be positioned to achieve optimal privacy

14. Provide private outdoor spaces with good internal and external access that are sheltered, and enjoy sunlight for most of the day. Avoid long narrow strips of open space between the unit and the front, side or rear boundaries as these cannot be optimally used.



Outdoor space located so it is private and not overlooked from neighbouring properties



Utility areas separate from parking & screened from street

## 4.3 External Amenity

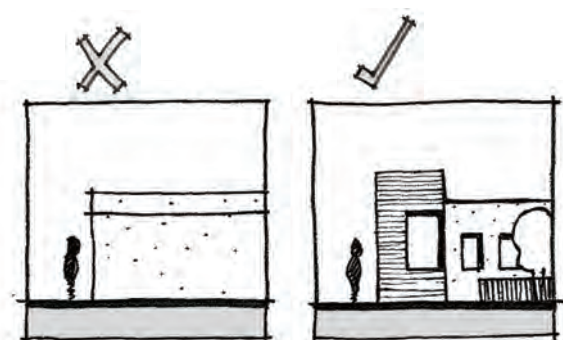
The introduction of medium density development to an existing residential street consisting of low density, stand-alone dwellings requires careful consideration to ensure that potential visual effects and privacy impacts on adjoining neighbours are appropriately managed.

The Medium Density Overlay provides for 1 - 2 storey dwellings (detached or semi-detached). Upper storeys have the potential to create overlooking and shading of adjoining properties. Factoring setbacks and daylight recession planes into the site layout and building design will help to avoid adverse privacy and shading (external amenity) effects on neighbouring properties. Additional building and landscape design may also be necessary to minimise the impact and change experienced by neighbours.

16. Solid, blank walls should be avoided on external boundaries to ensure the visual impact of a new development does not adversely affect the outlook from the street or adjoining properties. Where this is not possible, consider the introduction of architectural detailing, creative use of materials, and landscape treatment.

17. Design new development to ensure adequate building separation and setbacks in order to optimise the visual privacy of existing adjacent sites.

18. Where front yard outdoor spaces are required (especially to take advantage of a sunny aspect) use devices such as a landscaped boundary or permeable fence to create a sense of privacy without impeding sightlines onto the street.



Avoid blank walls at the street edge



Screen with balcony balustrade



A landscaped boundary and permeable fencing creates a sense of privacy without impeding sightlines onto the street

## 4.4 Design and Appearance

A key consideration for any new development within the Medium Density Overlay Area is how it integrates with the existing neighbourhood, particularly in the coastal suburban areas of Foxton Beach and Waitarere Beach.

In this regard the facade or external 'face' of the building, has an important role to play as part of the 'streetscape' - the visual elements that make up a street, like buildings, the road, footpaths, street furniture and trees. Good architectural design, along with quality materials, textures and colours, can make an important contribution to the character of a street as well as influence the overall value of a development.

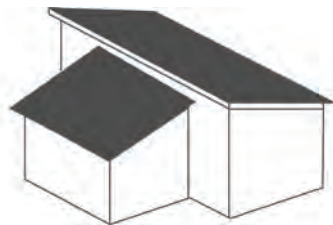
Settlements in the district have a dominant built character typically based around detached, weatherboard or brick clad, iron-roofed dwellings. In Foxton Beach and Waitarere Beach, simple materials, a strong relationship with the water and a 'bach' character is also common.

The choice of materials used will affect the appearance of a development and how well it performs and endures over time. Robust materials that are easy to maintain will help to ensure that dwellings, as well as any communal areas prone to wear, retain their appearance without the need for extensive ongoing maintenance.

Typical roof types in the Horowhenua District



Typical roof types: Gable roof



Typical roof types: Monopitch roof



Typical roof types: Hipped roof

19. New development should reflect the context of the neighbourhood instead of 'copying' existing dwelling types. Simple ways to ensure a new development does this is by respecting the scale (e.g. one or two storeys), general form and roof lines of existing dwellings in the area.

20. New development should also make use of contemporary and complementary materials (e.g. weatherboard, brick cladding, iron roofing) and colours that reflect the neighbourhood context.

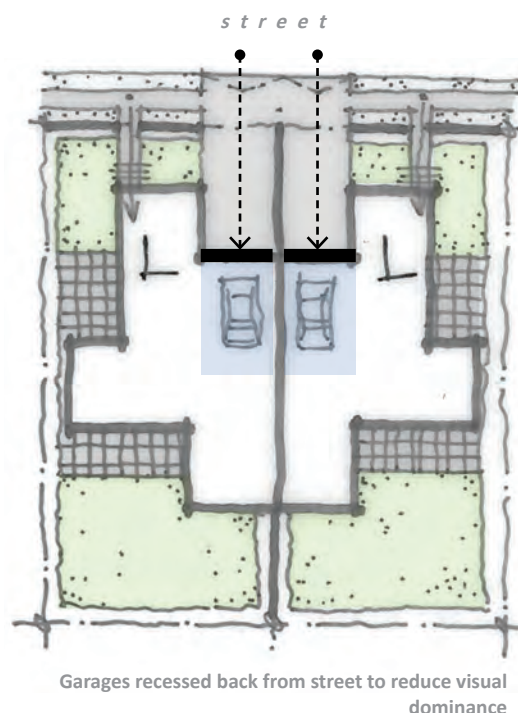
## 4.5 Access, Carparking, Manoeuvring and Infrastructure

Parking requirements and vehicle access are important considerations for every medium density development. Parking will affect site layout (i.e. where to position the driveway) and building design (i.e. whether it needs to accommodate a garage or not). It will also impact on the general quality of the neighbourhood. Therefore, provision of parking needs to be considered early on in the design process.

Car parking and vehicle entries should not be the dominant feature of sites, dwellings or streets. Streets dominated by driveways, cars and carparks generally become uncomfortable places for people to be as their access and movement becomes restricted. Vehicle entries should be consolidated to minimise interruption to pedestrian movement along footpaths, while garages should be recessed from the street, to minimise visual dominance, and ensure clear pedestrian movement. Public streets will typically be used for overflow visitor parking. Although good surveillance from surrounding units increases security for parking, car parks should be softened by suitable landscape and paving treatments to improve the outlook from dwellings.

Infill and redevelopment of existing areas can place increased pressure on services that are already stretched to capacity. When designing on-site stormwater collection and disposal schemes, a high level of impervious surfaces should be included based on the type and intensity of development. Alternatively, opportunities to generate on-site stormwater management solutions and on-site water collection and storage should be explored.

21. Accessways and vehicle manoeuvring spaces should be designed to ensure cars enter and leave the site slowly and with good visibility of the street.
22. Accessways and vehicle crossings should be treated as an integral part of the site layout and should be designed to be durable in the long term (Refer to the relevant HDC engineering standards).
23. The amount of sealed vehicle access, manoeuvring space and parking should be minimised, and planting and permeable paving used where possible to soften hard surfaces and promote drainage.
24. Wherever possible carports and garages should be recessed from the main frontage of a dwelling to avoid dominance of vehicles and garage doors along the street edge or adjacent shared spaces.

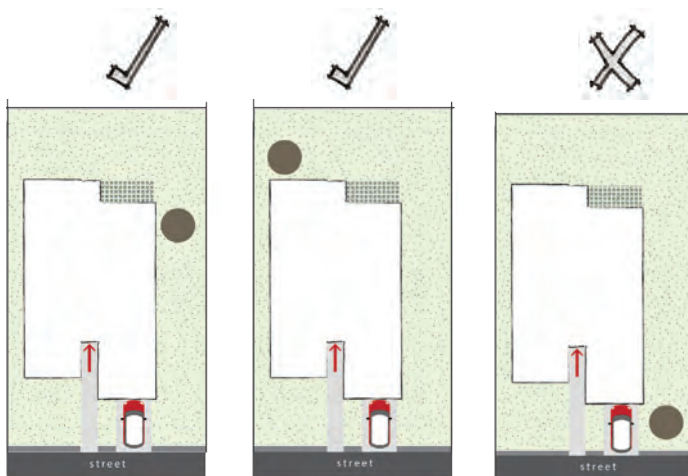




Accessways and garages designed as part of the development and consistent with the dwelling



Permeable paving used where possible and stormwater managed on site



Position water tanks discretely to reduce visibility from the street

25. The design of external carports and garages should complement the associated dwellings and be constructed of similar materials.

26. All stormwater is to be managed and disposed of on-site and the extent of impermeable surface areas minimised.

27. All water collection, storage and supply is to be managed on-site at Waiterere Beach, and consideration should be given to the placement and integration of rain water tanks with the site layout to reduce visibility from the street.

