

Under the Resource Management Act 1991

In the matter of the Central Hawkes Bay Proposed District Plan

Statement of evidence of Michael Campbell (Planning; urban)

17 March 2022

Hearing Stream 2 – 30 March 2022



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1. EXECUTIVE SUMMARY

- 1.1 My full name is Michael Robert Campbell. I am a director of Campbell Brown Planning Limited (Campbell Brown). I have been engaged by Kāinga Ora-Homes and Communities (“**Kāinga Ora**”) to provide evidence in support of its primary and further submissions to Central Hawkes Bay District Council’s (“**the Council**”) Proposed District Plan (“**the PDP**”).
- 1.2 In summary, I propose a number of amendments to the General Residential Zone (‘GRZ’) and Commercial Zone (‘COMZ’) sections of the PDP.
- 1.3 The key points addressed in my evidence are:
- a) I recommend amendments to the maximum building heights within the General Residential Zone (‘GRZ’) and Commercial Zone (‘COMZ’).
 - b) I recommend amendments to the density standards within the General Residential zone, and greater flexibility in the height in relation to boundary and yard controls to account for housing variety in the form of attached and detached housing.
 - c) I support the restricted discretionary activity status for development in the GRZ that does not meet the density standard, with some amendments proposed.
 - d) I recommend including non-notification preclusions for development that otherwise complies with development standards.
 - e) I support providing for residential activities as a permitted activity in the CMOZ, and proposed a number of amendments to the chapter and additional standards to ensure an appropriate level of amenity for those activities.
 - f) I have recommended wording changes to the objectives, policies, rules and assessment criteria to the GRZ and COMZ chapters, as set out in **Appendix A** of my evidence.

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

2. INTRODUCTION

2.1 My full name is Michael Robert Campbell. I am a director of Campbell Brown Planning Limited (**'Campbell Brown'**), a professional services firm in Auckland specialising in planning and resource management.

2.2 I graduated from Massey University in 1995 with a Bachelor's Degree in Resource and Environmental Planning (Honours).

2.3 I began my career in planning and resource management in 1995. I was employed by the Auckland City Council as a planner from June 1995 to August 1998. I worked as a planner for the London Borough of Bromley in the United Kingdom from December 1998 to August 2000. I was employed by a Haines Planning, a planning consultancy firm, from October 2000 to December 2003.

2.4 From January 2004 to October 2010, I worked for Waitakere City Council, beginning as a Senior Planner. In my final role at the Council, I was Group Manager Consent Services, where I oversaw the Planning, Building and Licensing Departments. In 2010, I started Campbell Brown together with my co-director Philip Brown.

2.5 I am a full member of the New Zealand Planning Institute. In July 2011, I was certified with excellence as a commissioner under the Ministry for the Environment's Making Good Decisions programme. In 2013, I was appointed to the Auckland Urban Design Panel. In 2014, I was awarded the New Zealand Planning Institute's Best Practice Award for Excellence in Integrated Planning, as well as the Nancy Northcroft Supreme Best Practice Award.

2.6 I have been involved in a number of plan review and plan change processes, including the Independent Hearings Panel ("IHP") hearings on the proposed Auckland Unitary Plan ("PAUP"). In particular, I have been involved in the following policy planning projects including:

- (a) The Auckland Unitary Plan review for a range of residential clients and assisted the Auckland Council with the Quarry Zone topic;
- (b) Plan change for Westgate Town Centre comprising residential and commercial activities;
- (c) Proposed Plan Change 59 in relation to a private plan change for 1,800 homes in Albany;
- (d) Proposed Private Plan Change for a research integration campus for the University of Auckland;
- (e) Reviewing, making submissions and providing evidence on behalf of Kāinga Ora in relation to a suite of private plan change requests in the Drury area of South Auckland;
- (f) Reviewing, making submissions and providing evidence on behalf of Kāinga Ora in relation to the proposed New Plymouth District Plan.

Code of Conduct

- 2.7 Although this is a Council hearing, I confirm that I have read the Expert Witness Code of Conduct set out in the Environment Court's Practice Note 2014. I have complied with the Code of Conduct in preparing this evidence and agree to comply with it while giving evidence. Except where I state that I am relying on the evidence of another person, this written evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in this evidence.

Scope of Evidence

- 2.8 The Urban Environment hearing addresses submission points on the provisions of the PDP that relate to the Urban Environment provisions of the PDP. The Council has prepared a s42A report to consider submissions and further submissions.
- 2.9 My evidence addresses a number of Kāinga Ora's submission points on the Urban Environment provisions within the PDP and discusses the Council

planner's recommendations on those provisions of particular interest to Kāinga Ora.

- 2.10 In preparing my evidence, I have read the respective s 42A report, and the s 32 evaluation behind the topics that Kāinga Ora provides evidence on. I have also considered the evidence of Mr Nick Rae (Urban Design).

3. GENERAL

- 3.1 The submissions by Kāinga Ora primarily sought changes to the Urban Form and Development, General Residential and Commercial sections of the PDP. As a broad summary, Kāinga Ora considers that the provisions of the PDP as notified do not sufficiently enable and provide for a degree of residential intensification appropriate for the size and characteristics of existing urban areas, nor do they sufficiently provide for housing choice to respond to changes in household demographics and demand within the district. This position is informed by a review of the Council's Section 32 analysis and available technical documents supporting the PDP, which indicates that the ability to provide for smaller residential lots has been a challenge for applicants under the operative planning framework.

- 3.2 The Proposed Plan is required to give effect to the Regional Policy Statement, which requires that any rezoning for the development of urban activities within the indicative future urban growth areas (identified in the Council's Integrated Spatial Plan 2020-2050) must be accompanied by a structure plan for inclusion in the District Plan, through a statutory plan change process. As outlined in the Urban Form and Development ('UFD') section of the PDP, the Central Hawke's Bay District Plan must give effect to the Regional Policy Statement. The Regional Policy Statement places emphasis on (my emphasis added in bold):

(a) *Establishing **compact, and strongly connected urban form throughout the Region**, that achieves quality built environments that:*

(i) ***provide for a range of housing choices and affordability;***

- (ii) *have a sense of character and identity;*
 - (iii) *retain heritage values and values important to tangata whenua;*
 - (iv) *are healthy, environmentally sustainable, functionally efficient, and economically and socially resilient; and*
 - (v) *demonstrate consideration of the principles of urban design.*
- (b) *Ensuring that the rate and location of development is **integrated** with the provision of strategic and other infrastructure, the provision of services, and associated funding mechanisms.*
- (c) *Ensuring that the planning and provision of transport infrastructure is integrated with development and settlement patterns.*

3.3 I consider the amendments proposed in this evidence in relation to the relevant provisions of the PDP will provide for improved enablement for a range of housing choices and affordability, as well as maximising opportunities for infrastructure efficiency through enabling development within existing urban areas rather than focusing new infrastructure and land supply in identified greenfield future growth areas. In my opinion, the proposed amendments will better contribute to the series of Anticipated Environment Results under the UFD chapter which seek:

UFD-AER1 A well-functioning residential market that is able to cater for and respond to demand for a range of residential housing types.

UFD-AER2 Sufficient land to be responsive to urban development demands and encourage economic growth.

UFD-AER3 Urban development that avoids, remedies or mitigates adverse environmental effects, and minimises the loss of valuable highly productive land.

UFD-AER4 The strategic integration of infrastructure with land use.

3.4 While I acknowledge that the National Policy Statement on Urban Development 2020 (“**NPSUD**”) may not be directly applicable to the Central Hawkes Bay as it is not a ‘tier 3’ local authority and the townships therein have populations less than 10,000 people, I do consider it relevant to the ‘long

term approach' that Council must have to planning for urban development in the district.

3.5 I consider the amendments proposed by Kāinga Ora will contribute to the Council providing for well-functioning urban environments which are able to develop and change over time. The national direction of the NPSUD seeks to specifically acknowledge that urban environments need to provide sufficient opportunities for the development of housing and business land to meet demand and provide for a range of dwelling types across different locations that will meet the needs of people and communities as well as future generations.

3.6 Kāinga Ora generally supports the following key changes¹ to the PDP proposed by the reporting planner ('**the planner**'), and therefore this evidence does not specifically address those matters:

- (a) Removing the reference to primary production activities in Policy GRZ-P3, and deleting Policy GRZ-P6 in its entirety;
- (b) Amendments to provisions that were sought within Kāinga Ora's primary submissions, particularly in relation to the objectives and policies of the GRZ and COMZ zones;
- (c) Kāinga Ora accepts that the PDP is required to be consistent with the Regional Plan provisions in relation to domestic wastewater discharges, and therefore does not seek to amend GRZ-S1(3) as sought in its primary submission.²
- (d) The addition of a note in Rule GRZ-R1 which states: "this rule does not include retirement villages and rest homes".³
- (e) Not including a new definition and rule for supported residential care as a permitted activity, as the activity falls under the broad

¹ S42A report, para. 12

² S129.171

³ S129.239

definition of 'residential activity' which is already permitted under Rule GRZ-R1.

- (f) Amendment to Standard GRZ-S6 (requiring provision of an outdoor living space for above ground residential units) as-sought in Kāinga Ora's submission.⁴
- (g) Maintaining the 1.5m setback (as-notified) under standard GRZ-S4(3) and the required setback for garages under GRZ-S4(2).
- (h) Maintaining the proposed 12m height standard in the Commercial Zone.
- (i) Amendments to COMZ-P8 and consequential amendments to applicable standards, which clarify the requirement to apply a height in relation to boundary recession plane where sites zoned COMZ share a boundary with the GRZ.
- (j) Enabling residential activities as permitted in the COMZ chapter.
- (k) Maintaining the 1.5m setback (as-notified) under standard COMZ-S2(3) and (5).
- (l) Deletion of COMZ-S7 'electrical safety distances' as it is controlled by other legislation.
- (m) Apply a 1m setback requirement in the Commercial zone for residential activities/buildings adjoining the GRZ, and maintaining a 5m setback for non-residential activities.
- (n) Recommended amendments to COMZ-AM1 that are generally consistent with Kāinga Ora's submission.
- (o) The proposed Urban Form and Development ('UFD') chapter wording, noting that Kāinga Ora's evidence on the GRZ and COMZ may not require the substantive changes to the UFD suggested in its

⁴ S129.177

submission, and noting that the proposed amendments in Appendix A are considered to be consistent with the UFD chapter.

- 3.7 The remainder of this evidence addresses key matters of particular interest to Kāinga Ora that remain of concern.
- 3.8 This evidence is largely structured by common themes arising in Kāinga Ora's submissions across the Urban Form and Development chapters, and generally responds to the planner's analysis of 'key issues' as they relate to Kāinga Ora's submissions and the relief sought.

SPECIFIC MATTERS OF INTEREST

4. Key Issue 1: Residential Intensification – General

- 4.1 In its overall submission (S129.239) Kāinga Ora supported Proposed Plan provisions that prevent further urban sprawl and expansion into rural productive lands, but considered that the Proposed Plan does not sufficiently incentivize the intensification of existing urbanised areas of the District, largely 'maintaining' the existing density of development in those areas as reflected in zone objective seeking to both 'maintain' and 'enhance' amenity values.
- 4.2 As noted by the planner, this submission point provides the general overriding reasons for a number of submission points made by Kāinga Ora in relation to Key Issue 1: Residential Intensification: GRZ - General Residential Zone, and Key Issue 1: Residential Intensification: COMZ - Commercial Zone, and Key Issue 3: Urban Form and Development (UFD) Chapter. I consider it relevant to address this particular issue 'up front' as it informs my evidence in relation to enabling greater intensification opportunities in urban (reticulated) areas.
- 4.3 In relation to the issue of capacity and intensification, the planner notes (my emphasis added in underline):
- 4.3.5 *The ISP found that there was more than sufficient capacity within the existing towns to accommodate projected household growth over the*

next 10 years, and even for the next 30 years, which satisfied Policy 2 of the NPS-UD. However, the single largest issue for yielding projected household growth within the existing towns was identified as infrastructure servicing. The ISP recommended that Council needed to complete detailed infrastructure capacity assessments and structure plans and immediately plan for investment to yield growth.

4.3.6 Therefore, while Kāinga Ora desires increased intensification of residential development within the existing towns, a key issue that is likely to limit the extent intensified development can occur within the existing urban areas over the life of the Proposed Plan is having the necessary infrastructure servicing capacity to support it.

- 4.4 I note that the UFD chapter and the planner's assessment has noted that further residential capacity does exist within Ōtāne, Waipawa and Waipukurau. However, the ISP report appears to note that structure planning would be required to enable growth, which suggests that the 'capacity' identified is within greenfield areas, not existing urbanised areas.
- 4.5 In Kāinga Ora's submission it is inefficient to provide new infrastructure in greenfield areas at the expense of upgraded infrastructure to service urban intensification. Kāinga Ora is of the view the where residential capacity can be accommodated within existing urbanised areas, then this should be enabled by the Plan to ensure an efficient use of existing physical resources in accordance with the overarching purpose of the Resource Management Act 1991 (part 2). In the case of Central Hawkes Bay townships, existing land is likely to be closer than potential greenfield 'future urban' areas to existing services and local amenities within Centres, which provides a number of benefits including walkability, centre vitality and reduced urban sprawl. In my opinion, a failure to sufficiently encourage infill development and/or a more efficient land use pattern in existing urbanised areas, removes any incentive for such development to occur.
- 4.6 In relation to the infrastructure constraints identified by the Planner, it is again more-efficient in my opinion that any upgraded infrastructure occurs in

an area where such upgrades can be maximised through servicing of other existing urbanised areas. The Plan needs to incentivise intensification and redevelopment through appropriate land use and subdivision methods to avoid the adverse effects associated with urban sprawl and inefficient land use. In Kāinga Ora’s experience, infrastructure-ready greenfield development will typically be favoured by the market over urban regeneration which can represent a ‘missed opportunity’.

4.7 I address these issues in further detail in relation to specific amendments sought in the GRZ and COMZ zones in particular.

5. Key Issue 1 – Residential Intensification: GRZ – General Residential Zone

Planned Built Form Outcomes

5.1 Kāinga Ora’s submissions⁵ requested amendments to a number of provisions across the GRZ to recognise that amenity values are likely to evolve over time, consistent with the planned built form outcomes of the zone. This was in recognition of Kāinga Ora’s overall submission that greater intensification of existing urban areas should be provided for by the PDP to enable a more-efficient form of land use and reduce opportunities for urban sprawl.

5.2 The planner notes in their assessment of Kāinga Ora’s submissions on this point generally (my emphasis in underline):

5.3.3 *The submitter has not provided any definition of this term, but in their submission, they refer to “[...] the planned built form outcome as set out through objectives, policies and subsequent rules and standards [...]”⁵ From this, the submitter appears to be referring to the form of building development that would be anticipated to occur over the life of the plan through the implementation of the Proposed Plan provisions.*

5.3.4 *[...] in relation to the use of use of the term ‘planned built form outcome’, I consider that it is unnecessary, as the objectives, policies and Anticipated Environmental Results in the General Residential Zone chapter identify the outcomes anticipated for the zone. Including the term could also mislead Plan readers into*

⁵ S129.144, S129.146, S129.144, S129.153, S129.155, S129.156, S129.170, S129.186, S129.190.

thinking that there are some other outcomes or criteria that apply when there are not.

- 5.3 The intent of Kāinga Ora’s proposed amendments was to ensure that any assessment of objectives, policies and any matters of discretion associated with infringement to a performance standard, activity or rule; takes into consideration the ‘planned’ outcomes of the zone. This relates to the issue of the PDP seeking (as-notified) that development will ‘maintain and enhance’ amenity values, which through the use of ‘maintain’ suggests a fixed state of being not subject to change. Where existing character and amenity is required to be ‘maintained’ then by-definition it cannot be ‘enhanced’.
- 5.4 In my view, inclusion of the word “planned” is important in signalling to the community that in order to deliver a more compact urban form and respond to demand for a range of residential housing types (as referenced in the UFD chapter), the *existing* amenity and character of some areas is likely to change (unless particular heritage values and/or features are protected by overlays or additional controls). This is consistent with Kāinga Ora’s primary overall submission that the objectives and policies for zones place too great an emphasis on the preservation of existing amenity values, at the expense of the wider strategic objectives of intensification and housing choice which I have outlined at paragraphs 3.2 and 3.3 of my evidence.
- 5.5 I also consider that the insertion of the word "planned", which is sought by the Kāinga Ora submission, better reflects the direction of the NPS:UD that can be had regard to. In particular, Objective 4 of the NPS states that, “New Zealand’s urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, communities, and future generations.” Policy 6(b) highlights that such changes are not of themselves an adverse effect.
- 5.6 In my view and as noted in Kāinga Ora’s submission, the proposed wording in the GRZ (as-amended by the s42A recommendations⁶) does not sufficiently ensure that any assessment is undertaken in reference to the outcomes

⁶ Para. 5.5.1 of the s42A report

envisaged by the zone, and the 'built form' that can be expected to result. It is critical to ensure that assessment at future resource consent stage and effects are measured against what the zone intends to achieve – particularly under s104 of the RMA when assessing the effects of any proposal in reference to the objectives and policies of the plan.

- 5.7 I do not consider that a specific definition for 'planned built form' is required as-suggested by the planner in light of the recommended amendments to the GRZ Introduction which appear to respond in-part to Kāinga Ora's submission⁷. I consider that further wording can be added to the GRZ Introduction to clarify the overall purpose of the zone. Proposed Kāinga Ora amendments are in red:

*The General Residential Zone covers the residential areas of Waipukurau and Waipawa, representing the most significant concentration of residential settlement in Central Hawke's Bay, with approximately 50% of the District's population living within them. The zone provides principally ~~low/medium a density of development, and low height permanent living accommodation~~ **to achieve a planned built form that is one to two storeys high in a variety of forms and sizes, as the predominant residential character.***

- 5.8 In accordance with Kāinga Ora's primary submission and amendments sought to the density standards, reference to planned built form across the chapter has been maintained in the suggested amendments to the GRZ chapter attached as **Appendix A** to my evidence. As alternative relief were the Panel not in favour of reference to 'built form', I consider wording that recognises the 'planned' character of a zone, in concert with removal of references to 'maintaining' amenity values,⁸ would be appropriate.

Evolution of Amenity Values Over Time

- 5.9 Related to my evidence above regarding the 'planned built form' of development enabled within the GRZ, is recognition that environments will change over time. Kāinga Ora's submissions⁹ sought to remove and/or qualify

⁷ S129.144

⁸ I address removal of reference to 'medium density' at paragraph 5.16 of my evidence below.

⁹ S129.146, S129.149, S129.152, S129.155, S129.156, S129.190,

references where the PDP seeks(as-notified) that development will ‘maintain and enhance’ amenity values.

5.10 The planner notes (my emphasis added in underline):

5.3.5 [...] *The amendments requested by Kāinga Ora reflect their desire for the Proposed Plan to allow more intensive development within the General Residential Zone, compared to what has been allowed under the Operative District Plan, to support a range of typologies and not just stand-alone housing.* [...]

5.3.7 Community consultation undertaken by Council as part of the preparation of the Proposed Plan did not identify a desire to amend the Operative District Plan residential zone provisions in a way that would permit significantly more intensive development or change to the existing character and amenity of the zone. As such, the Operative District Plan provisions for building density, bulk and location have generally been carried over into the Proposed Plan, with minor amendments to clarify and update them in line with current planning practice. I note that there are no other submissions on the Proposed Plan requesting significant changes to the General Residential Zone provisions.

5.11 In my opinion, while there will always be support within communities to maintain the status quo (and policy 6(b) of the NPSUD is premised on this), this is not reason in and of itself to ensure that a proposed plan is responsive to its strategic objectives, and national direction to be had regard to, concerning compact urban form, responsive urban growth, efficiency of land use and providing greater opportunities for housing choice to cater for a range of families and household situations. I also do not consider that Kāinga Ora being the only submitter to request changes to the GRZ, has any bearing on the merits of the general issues identified in its submission to facilitate those outcomes.

5.12 The planner goes on to note:

5.3.9 *Policy GRZ-P4 of the Proposed Plan states that the intention of the plan is for ‘medium density’ development’ to be the predominant residential character for the General Residential Zone. The focus of the Proposed Plan is for new development within the zone to maintain and enhance the existing, predominant character, scale and amenity of the residential settlements of Waipawa and Waipukurau, while enabling flexibility in individual and community expression in building*

design and architecture, and achieving a diversity of housing and lifestyle types, to meet a range of community needs (see Objective GRZ-O3 and Anticipated Environmental Result GRZ-AER3).

5.13 In my opinion, the use of ‘maintain’ suggests a fixed state of being not subject to change. Where existing character and amenity is required to be ‘maintained’ then by-definition there is an embedded tension in the provisions - ‘enhancing’ amenity values is contrary to ‘maintaining’ amenity values. I note that the use of the conjunctive ‘and’ in the context of ‘maintain and enhance’ also requires that both requirements are met. As such, there is an inability in my view for the policy and rule framework of the PDP to efficiently and effectively respond to the stated outcomes, which are “...enabling flexibility in individual and community expression in building design and architecture, and achieving a diversity of housing and lifestyle types, to meet a range of community needs”.

5.14 In concert with Kāinga Ora’s requested amendments to the GRZ-S1 density standards which I address below in evidence, I recommend a number of amendments to the GRZ provisions to remove the tension associated with ‘maintain and enhance’ wording. An example of this approach is provided below in relation to the recommended amendments to GRZ-O3 by the planner (my additions in red):

*GRZ-O3 Enabling individual and community expression in building design and architecture, while managing some elements of development in order to ensure that ~~maintain and enhance~~ the character and amenity values of the residential environment **reflect the planned built form outcomes of the zone.***

5.15 Changes to GRZ-P1 are also proposed to provide consistency across the provisions:

*GRZ-P1 To enable a mixture of housing and lifestyles in the General Residential Zone **that achieves a planned built form that is one to two storeys high in a variety of forms and sizes, and** by avoiding the distinction between, and restrictions on, various residential housing types.*

5.16 I also consider it appropriate to amend GRZ-P4 to ensure that the nature of ‘medium density’ residential character is qualified in terms of the number of storeys anticipated. However, in considering this matter I note that the nature

of medium density development in the PDP does not completely align with the National Planning Standards” definition which is; “Areas used predominantly for residential activities with moderate concentration and bulk of buildings, such as detached, semi-detached and terraced housing, low-rise apartments, and other compatible activities” (my emphasis added). In my opinion, use of the term ‘medium density’ does not (in reference to the NPS definition) appropriately reflect the character and scale of development being sought in the PDP. Use of such a term in my view, overstates the level of intensity provided for and may result in a policy conflict where assessment of resource consents take place (e.g., the standards do not enable medium density development yet policies seek to achieve it). I therefore propose GRZ-P4 be amended as follows to remove reference to medium density, in light of my recommended amendments to earlier objectives, policies and the introduction to the GRZ chapter:

*GRZ-P4 To promote **one to two storey medium-density** development **in a variety of forms and sizes** as the predominant residential character.*

- 5.17 In my opinion, the above amendments provide a clear policy cascade of intent as to what the anticipated outcomes are in the GRZ that are consistent with the NPS, and which will ensure any assessment of the provisions is measured against those outcomes. Recommended amendments are made to GRZ-P3, GRZ-P7, GRZ-AM1, GRZ-AM6, Principal Reasons, GRZ-AER4, as well as number of other consequential amendments that are contained within **Appendix A** to my evidence to remove reference to ‘medium density’. This includes consequential amendment to the ‘Principal Reasons’¹⁰ by deleting reference to ‘maintain and enhance the character and amenity values of residential areas’ and replacing it with ‘ensure that built form outcomes are consistent with the planned character of the zone’.
- 5.18 I also note that the planner has recommended that Kāinga Ora’s submission on GRZ-I1 (S129.145) be rejected¹¹. While I find no specific discussion in the s42A report on this matter, I note that Kāinga Ora’s primary submission included the following changes identified in red which are not reflected in the

¹⁰ Para. 5.3.90 of the s42A report and Kāinga Ora’s submission S129.190

¹¹ Para.

planner's presentation of the submission at paragraph 5.2.2 of the s42A report:

GRZ-I1 Diversity of Living Environments

~~*Satisfying demand for diversity in living environments. Former zoning and previous development patterns have generally provided for standalone dwellings, which does not reflect or sufficiently provide for the changing household demographics and demand within the district.*~~

Explanation

The residential areas of Waipukurau and Waipawa are generally characterised by generous yards, contributing to an open low-density environment, with some consolidation and infill having taken place over time. A greater mixture of building ages and styles has developed.

*People's needs and lifestyle preferences for housing differ in terms of cost, location, design, size, and style. Housing may include detached **and/or attached** dwellings, rental accommodation, and senior citizens' housing. The District Plan recognises and provides for diversity in living environment sought by residents, while still maintaining an environmental quality appropriate to residential areas.*

- 5.19 In my opinion, the inclusion of the above wording in red is required in order to be consistent with GRZ-P1 which explicitly seeks to avoid “[...] the distinction between, and restrictions on, various residential housing types”. As will be outlined later in my evidence, this inclusion also relates to proposed amendments to the height in relation to boundary and yard controls to provide greater flexibility to accommodate attached (i.e., duplex) residential dwelling typologies, as an alternative relief to Kāinga Ora’s original submission to remove the GRZ-S1 density control substantively, and in recognition of the range of dwelling types the PDP seeks to enable.

Density

- 5.20 Kāinga Ora’s submission¹² sought that the density limits under Standard GRZ-S1(1) and GRZ-S1(2) for development on sites connected to a reticulated sewerage system be deleted. The submission also requested that Standard GRZ-S1(1), which specifies that “There must be no more than two residential units (including minor residential units) on any site”, should instead be included as a new limit under Rule GRZ-R1 (i.e., as new condition GRZ-S1(1)) that specifies that “Up to two residential units per site” are permitted. The

¹² S129.171

practical consequence of the changes sought to GRZ-S1 being that 'three or more' dwellings on a site would require consent as a restricted discretionary activity.¹³

5.21 In consideration of Kāinga Ora's submission, the planner notes what I consider to be the key issues (my emphasis added):

5.3.15 *[...] the effect of the amendments would be to allow up to two residential units on a site with a 350m² net site area (being the minimum net site area for subdivision of lots in the General Residential Zone under subdivision Standard SUB-S1(1)) where connected to a reticulated sewerage system, and irrespective of the units' gfa. Assuming residential units have a gfa of 60m² or more (which is more than likely), the requested amendment to the standard and rule would generally allow twice the density of residential development in the zone from what is proposed, and from what is currently provided for under the Operative District Plan.*

5.3.17 *As I have mentioned above, aside from the general desire of the community to maintain and enhance the existing character, scale and amenity of Waipawa and Waipukurau, there are existing, practical constraints for how much intensification can be supported within those urban areas due to infrastructure servicing capacity limitations.*

5.22 Kāinga Ora acknowledges the local infrastructure constraints present with the Central Hawkes Bay may be a practical impediment to achieving the intensity of development proposed in its original submission. However, for the reasons outlined thus far, in my opinion there remains the opportunity to ensure that housing choice and diversity are appropriately enabled by the PDP while not significantly increasing infrastructure demand compared to what is already anticipated by the operative density standard (which largely mirrors that within the PDP).

5.23 As an alternative relief to that sought in its original submission and as noted earlier, Kāinga Ora proposes that the development rules provide greater flexibility to deliver attached dwelling typologies without the need for resource consent (where they otherwise comply with the density rule), and reduce the minimum net site area from 350m² to 300m² to assist in

¹³ S129.159

accommodating two dwellings on a site as a permitted activity, particularly where efficiencies in attached dwellings (i.e., duplex buildings) can contribute to greater housing choice. Identified effects by the planner related to stormwater and building dominance can be appropriately managed by the introduction of a building coverage standard.¹⁴

- 5.24 In my view and in light of the evidence of Mr Rae, a reduced net site area requirement of 300m² per dwelling can be accommodated without a significant effect on the built form outcomes that could reasonably be anticipated under the PDP as-notified. The proposed amendment provides greater flexibility to enable two dwellings per site as a permitted activity under GRZ-S1, particularly on sites in the 600m² to 700m² range, while not resulting in significant level of intensification. I also note that 300m² per dwelling will enable a greater level of design flexibility for multi-unit developments of three dwellings or more, which would be subject to assessment as a restricted discretionary activity under the PDP. As noted later in my evidence, a building coverage standard is proposed to ensure that the effects of building bulk/dominance and excessive site coverage (which can generate stormwater effects) are managed appropriately and to address the concerns identified by the planner.

Notification Preclusion

- 5.25 Kāinga Ora's submission on GRZ-R1¹⁵ sought the application of a notification Preclusion for multi-unit development (more than three dwellings per site) subject to compliance with the applicable development standards. Kāinga Ora sought a note be added to GRZ-R1 as-follows:

Note: Where residential activities comply with GRZ-R1(1)(b), the application will be considered without public notification or the need to obtain written approval from affected parties unless the Council decides that special circumstances exist under section 95(A) of the Act."

¹⁴ Sought by Kāinga Ora in S129.172

¹⁵ S129.239

5.26 I note that this preclusion was sought in conjunction with Kāinga Ora’s submission on GRZ-S1 which sought to delete the density requirements applying to dwellings. As noted by the planner (my emphasis added):

5.3.24 [...] significantly higher density developments may generate higher levels of traffic than anticipated from complying developments, which could have potential adverse effects on amenity values of neighbouring residents (e.g. noise from use of car parks and accessways on the development sites). While it may be possible to design developments to address adverse effects on neighbours where they are potentially minor or more than minor (e.g. use of acoustic fencing along the boundaries of accessways and car parks on development sites that adjoin neighbouring residential activities), if Council does not have the option for notification, there is unlikely (in my opinion) to be the same incentive for applicants to incorporate such measures.

5.27 In my experience, notification preclusions provide an incentive for compliance with development standards, as they reduce potential financial ‘risks’ associated with appeals to notified resource consent processes, and provide a clear consenting pathway for development that is otherwise-consistent with the requirements of the Plan.

5.28 I note a number of other District Council’s employ a similar type of preclusion:

(a) Under the Upper Hutt District Council Operative District Plan 2004, two or more residential units on a site that comply with the minimum net site area requirements is a controlled activity under GRZ-R8. Controlled activities have a restriction on notification, where it is noted at the end of the controlled activity table that ‘Subject to sections 95A(2)(b), 95A(2)(c), 95A(4) and 95C of the Act, a resource consent application for a controlled activity is precluded from public notification under section 95A and, subject to section 95B(3), is precluded from limited notification under section 95B(2) of the Act’. Non-compliance with the development standards that apply to permitted and controlled activities would trigger a restricted discretionary resource consent and the notification preclusion would no longer apply.

- (b) The Proposed Waimakariri District Plan applies a public and limited notification exclusion for multi-unit residential development under GRZ-R19 as a restricted discretionary activity, where compliance with the 'built form standards' is also achieved (including minimum density and net site area requirements).
- (c) The Western Bay of Plenty Operative District Plan 2012 Rule 4A.7 does not require written approvals or service of notice for controlled activities, and multi-unit development of more than 1 dwelling per lot (in the operative medium density residential zone) is a controlled activity subject to compliance with residential building standards and subdivision standards.

5.29 In relation to the planner's comments quoted at paragraph 4.34 above around assessment of traffic effects, I note that any multi-unit development of more than two dwellings on a site would be subject to the requirements of the Transport (TRANS) chapter by way of GRZ-S12, and should compliance not be achieved then the notification preclusion would not apply. In addition, development of more than two dwellings on a site would likely involve subdivision. The subdivision chapter (as notified) contains assessment matter SUB-AM6, which requires assessment of traffic effects, specifically:

- 2 *Whether the road frontage is of sufficient width to cater for the expected traffic generated by the possible land uses that will be established on the lots being created, and whether there is any need to widen and/or upgrade the frontage road. [and]*
- 5 *The effect of any new intersections or accesses created by the subdivision on traffic safety and efficiency, including the availability of adequate, unobstructed sight distances from intersections and adequate spacing between intersections.*

5.30 In addition, GRZ-AM1g requires consideration of whether residential density and buildings "will adversely affect the safe and efficient operation of the land transport network". In my view, it is clear that the PDP provides ample scope to consider traffic-related effects, as well as the overall layout of the site and location of vehicle access and parking areas.

- 5.31 I have outlined earlier in my evidence that Kāinga Ora no longer seeks that the GRZ-S1 density standard is deleted, and instead seeks its retention with a minor reduction in the required net site area per dwelling to enable greater design flexibility and opportunities for permitted development of up to two dwellings on existing sites in urban areas.
- 5.32 In the context of those proposed amendments and the limited effects that a reduced net site area requirement would have, I consider it wholly appropriate that the PDP employ a notification preclusion for development that exceeds two dwellings per site (as a restricted discretionary activity) but complies with *both* the minimum net site area requirement for reticulated sites (as modified by Kāinga Ora) and the standards under GRZ-1a. In such a situation, all applicable development standards would be met which otherwise manage general site layout and building form, and the overall density of development would be maintained.
- 5.33 Where the anticipated outcomes of the plan are comprehensively being met, I consider a lack of notification preclusion neither appropriate, efficient or effective in enabling and encouraging ‘compact and coherent residential areas’ through redevelopment of existing urban areas (GRZ-AER3) and ‘a variety of housing options to meet the diversity of needs of Waipukurau and Waipawa residents’ (GRZ-AER1).
- 5.34 The proposed preclusion is included in the amendments to the GRZ chapter, within **Appendix A** of my evidence.

Outdoor Living Space, Outdoor Service Space and Building Coverage

- 5.35 Kāinga Ora opposed¹⁶ in part Standard GRZ-S6 (outdoor living space) and sought the inclusion of minimum outdoor living area requirements for above ground units to reflect the need to provide for a range of housing types, as well as reducing the proposed 80m² minimum area (for ground floor units) which is a sizeable area that will constrain residential development. Kāinga

¹⁶ S129.177

Ora supports the planner's recommended inclusion of the outdoor living area requirements above ground level.¹⁷

5.36 The planner has rejected Kāinga Ora's submission in relation to a reduced 80m² outdoor living requirement, as well as the proposed building coverage standards and requested-deletion of the outdoor service area standard (GRZ-S7), noting (my emphasis added):

5.3.41 *The Proposed Plan does not include a building coverage standard, and therefore, site coverage is indirectly controlled by way of the standards restricting the density of residential units (GRZ-S1), requiring minimum setbacks of buildings from roads and rail network (GRZ-S4), and neighbours (GRZ-S5), and provision of outdoor living spaces (GRZ-S6) and outdoor service spaces (GRZ-S7). I am uncertain how the requested building coverage standard, combined with the requested amendments/deletion of these standards, would compare to the outcome that would be achieved under the standards as notified, or what the environmental effects of that might be with respect to the character and visual amenity of the General Residential Zone and stormwater management. If the outcome of the changes was an increase in impermeable surfaces on sites, that would increase stormwater runoff. As I have already mentioned, there are existing service infrastructure capacity issues within Waipawa and Waipukurau, including reticulated stormwater services.*

5.37 Mr Rae has undertaken testing of a number of development scenarios as-outlined in his evidence. Mr Rae observes that the PDP (as-notified) enables a far greater level of building coverage than would typically be expected on residential sites in a lower density environment, as a result of the lack of control the PDP appears to have. Mr Rae notes:

Attachment C, drawing SK03 illustrates the maximum building coverage possible for one dwelling on [a greater than 700m²] site (65.7%) assuming the two car parks are external to the building. If housed in the building then slightly more building coverage would be permitted.

[...] The testing illustrates that around 45.2% building coverage on a 701m² site is about the same as the outcome created by the

¹⁷ Para. 5.3.38 of the s42A report

Outdoor Space requirements. For suburban type outcomes the building coverage is typically around 35% - 45%. The National Planning Standards ("NPS") includes 50%. The Kainga Ora submission is 50%, in line with NPS. This is a reduction from what PDP could achieve in the order of around 15%.

5.38 In my opinion, Mr Rae's testing demonstrates that the PDP is not efficient or effective in managing Building coverage, as unintended consequences (such as uncontrolled large buildings and excessive site coverage) could arise. I therefore consider it appropriate to include a maximum building coverage standard (as a minimum level of control) to ensure that the objectives of the GRZ are achieved and that the character and amenity of the residential environment is not degraded through excessively large level of site coverage. The inclusion of such a standard will also enable Council to manage the effect of built development on the stormwater network, which the planner has identified throughout the s42A report as a key issue within the district. This is also acknowledged in Council's s32 analysis which I have noted earlier.

5.39 I have recommended the following amendment to GRZ-P4 to reflect the proposed building coverage standard:

GRZ-P4 *To promote one to two storey medium density development in a variety of forms and sizes as the predominant residential character, while managing stormwater and building dominance effects by controlling building coverage.*

5.40 I support the inclusion of the National Planning Standards' 'building coverage' definition as noted by the planner at paragraph 5.3.36 of the s42A report.

5.41 In light of the above, I agree with Mr Rae's assessment (and in response to the planner's concerns around how coverages are managed collectively in the PDP) that:

I consider this standard was proposed to ensure a reasonable area of open space is achieved on each site as there is no building coverage maximum standard. The recommendation above to include a building coverage standard, addresses this with a minimum non-built area of the site. The

minimum area for liveable outdoor space should then be enough for a table and chairs and BBQ for example, or for occupants to ‘live’ outdoors. In other district plans this is 20m² as a minimum, but in others it is 50m². There is no exact science on this issue, but the areas generally respond to existing outcomes. The standard should require a minimum, people can then decide how much more space they would desire and whether additional separate spaces are desirable. I recommend that the Outdoor Living Space standard is adjusted to 20m² with a minimum dimension of 4m for any dwelling including a minor dwelling, in conjunction with the recommended building coverage standard.¹⁸

- 5.42 In my opinion, a reduced *minimum* outdoor living space requirement in concert with the proposed building coverage standard will ensure greater efficiency in plan-administration, and avoid unnecessary resource consenting requirement where such otherwise-large outdoor living spaces (as a minimum) might not be complied with. I have amended the GRZ-S6 Outdoor Living Space standard in **Appendix A** of my evidence.
- 5.43 Kāinga Ora sought in its submission¹⁹ that the GRZ-S7 outdoor service space standard be deleted as it is overly prescriptive. The planner recommends that this submission be rejected, noting at paragraph 5.3.14 of the s42A report that the standard works in tandem with various others to “indirectly manage site coverage”.
- 5.44 I note that the standard and corresponding definition appears to be for “an area of service space to be provided for the exclusive use of each household unit to which the space has been allocated, for such functions or structures as clotheslines, storage of rubbish bins and wood [...]”. From a practical perspective, my experience is that dwellings (and people) typically don’t have all those features in one designated location as the standard appears to be requiring. I agree with Mr Rae’s comments that the proposed site coverage standard ensure sufficient space on a site for these service amenities to be appropriately located, that the area is very large and need not be a contiguous

¹⁸ Para. 1.2g of Mr Rae’s evidence.

¹⁹ S129.178

area, and that locating waste storage with washing lines is not a suitable arrangement.

- 5.45 As building coverage can appropriately be managed by a specific building coverage standard, and for the reasons outlined above concerning the impracticality of what the outdoor service space standards is seeking to manage, I am of the opinion that such a standard is neither efficient or effective and therefore should be deleted. I have included such an amendment to the GRZ in **Appendix A** to my evidence.
- 5.46 I note the planner has recommended that Kāinga Ora’s submission to include upper-level dwelling outdoor living requirements (in the form of balconies) be accepted in part. While I support this inclusion for the reasons outlined in Kāinga Ora’s original submission and the s42A report, Mr Rae notes in his evidence that the minimum balcony dimension should be increased from 1.5m to 1.8m to provide a sufficiently-useable depth of balcony (as a minimum requirement). I agree with Mr Rae’s assessment and have amended the outdoor living standard in **Appendix A**.

Height

- 5.47 Kāinga Ora opposed²⁰ standard GRZ-S2 (height of buildings) which sets a maximum limit of 8m for buildings in the General Residential Zone. Kāinga Ora sought that the standard be amended to enable a maximum height of 11m to provide for a range of housing types and forms, and to be broadly consistent with heights provided in other zones and in papakāinga developments.
- 5.48 The planner outlines the range of heights within the PDP at paragraph 5.3.45 of the s42A report, and assesses that (my emphasis added):
- 5.3.44 *The current height limit of 8m in the General Residential Zone allows buildings up to approximately 2.4 stories high. Increasing the height limit to 11m would generally allow buildings up to approximately 3.3 stories high within the zone (i.e. potentially an additional storey).*

²⁰ S129.173

- 5.3.47 *By way of comparison with other District Plans in the Hawke’s Bay Region (excluding Wairoa District) the Hastings District Plan (partially operative from 12 March 2020) has a maximum building height of 8m in the General Residential Zone, City Living Zone and Character Residential Zone. The City of Napier District Plan (operative 21 November 2011) has a maximum building height of 8m in the Main Residential Zone, Napier Hill Character Zone and Northern Residential Zone. The height limit in the Proposed Plan for the General Residential Zone is therefore consistent with the limits in these neighbouring plans, which I consider interesting, as the residential zones in these other local authority areas support a much larger population than the Central Hawke’s Bay residential zones.*
- 5.3.48 *I consider that amending the permitted maximum height standard for buildings in the General Residential Zone has potential to adversely affect the existing character of the residential areas of Waipukurau and Waipawa. Given the absence of other submissions requesting changes to the height limit standard, it suggests to me that there is a level of comfort within the community in retaining the 8m height limit in the Proposed Plan.*
- 5.49 As previously noted, the purpose of Kāinga Ora’s submission was to ensure appropriate design flexibility to deliver a range of housing choices in a variety of forms. In particular, while 8m does provide sufficient height above ground level for two storey buildings, that also needs to take into consideration issues of flooding and minimum floor levels, and assumes a standard 2.4m floor to ceiling height. This can impose practical restrictions on the ability to achieve architectural variety through varying roof forms, building mass and building location as noted in the evidence of Mr Rae.
- 5.50 In my view, increased design flexibility directly-accords with the Anticipated Results of the GRZ, and the strategic direction contained within the UFD Chapter such as:²¹
- | | |
|--------|---|
| GRZ-O1 | To enable existing and future residential needs to be met.
<u>Enable a variety of housing types and sizes to meet residential needs now and in the future.</u> |
| GRZ-O3 | Enabling individual and community expression in building design and architecture, while managing some elements of development in order to ensure that maintain and enhance the character and amenity values of the |

²¹ Proposed amendments by both the reporting planner and Kāinga Ora in evidence (in bold), are added for transparency.

residential environment **reflect the planned built form outcomes of the zone.**

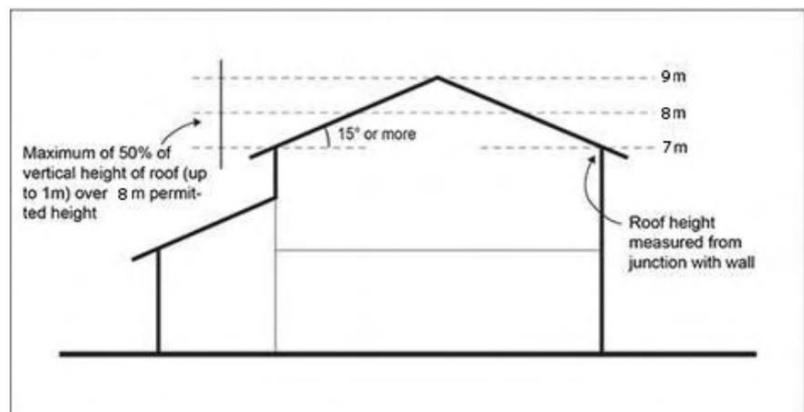
- UFD-P1: To provide a range of urban development opportunities within the district.
- UFD-AER1: A well-functioning residential market that is able to cater for and respond to demand for a range of residential housing types

5.51 I acknowledge the planner’s assessment that the 11m height sought by Kāinga Ora in its original submission may sit out of context with the hierarchy of building heights enabled in other zones, and other District Councils in the wider Hawkes Bay Region. Notwithstanding, Kāinga Ora proposes for the reasons outlined above, that added design flexibility beyond 8m would ‘enable a variety of housing types and sizes to meet residential needs now and in the future’.

5.52 Kāinga Ora proposes that the notified building height of 8m is maintained in the GRZ, with an additional 1m allowable for roof form flexibility only. The proposed wording and explanatory diagram is:

1. **Maximum height of any building(s) is 8m, except that 50 per cent of a building's roof in elevation, measured vertically from the junction between wall and roof, may exceed this height by 1m, where the entire roof slopes 15 degrees or more, as follows:**

Note: in all instances, height is measured from the natural ground level.



5.53 As noted in the evidence of Mr Rae, this will provide the ability to exceed the maximum height limit while avoiding a ‘flat roof’ scenario where the full additional 1m of building height is occupied by roof form. In addition, the

shading study provided by Mr Rae for the proposed height in relation to boundary increase discussed below, included the proposed increased height and demonstrates no demonstrable difference between an 8m or 9m building height.

Height in Relation to Boundary and Internal Boundary (including Setbacks)

5.54 Kāinga Ora’s submission opposed the GRZ-S3 Height in Relation to Boundary (‘HRB’) control and sought to increase the height above ground level from 2m to 3m and specify that the control applies to side and rear boundaries only, given that the term ‘internal boundary’ used to define the application of the standard is confusing.

5.55 I note that the planner has accepted the submission in part, noting that:

5.3.60 Internal boundary is a term carried over from the Operative District Plan, and it is defined in the Proposed Plan as: “means any legal boundary of a site other than a road boundary”. I concur with the submitter that replacing the term with ‘side and rear boundaries’ is more appropriate with respect to its plain meaning. I therefore consider that the amendment to Standard GRZ-S5 as requested by Kāinga Ora is appropriate, and that the definition of ‘internal boundary’ be deleted as a consequential amendment.

5.56 Kāinga Ora supports the above changes and consequential amendment to the Definitions chapter as a result. I note that the planner appears to have not included those amendments in their tracked changes version of the GRZ chapter in relation to GRZ-S3 as submitted by Kāinga Ora. I consider it appropriate and consistent that reference to ‘internal boundary’ also be removed. I have therefore included such change within my recommended changes to GRZ-S3 in **Appendix A** to my evidence.

5.57 Kāinga Ora requests, as consequential amendments to its submissions on the ‘planned built form outcomes’ of the GRZ and to provide for attached and detached housing choice in a range of typologies, that:

(a) The HRB standard contain an exclusion for proposed internal boundaries to an existing site – particularly where associated

subdivision is proposed as a result of an attached dwelling typology across two proposed lots; and

- (b) The GRZ-S5 Setbacks from Neighbours standard contain an exclusion to site boundaries where there is an existing common wall between two buildings on adjacent sites or where a common wall is proposed.

5.58 I note that buildings within the GRZ-S5 setback from neighbours or infringing the GRZ-S3 height in relation to boundary control would be 'boundary activities' under section 87AAB of the RMA. In the case of where an applicant owns adjoining sites, such an activity would be *deemed permitted* with a written approval under section 87BA of the RMA. However, in the context of development involving two dwellings per site or more, and where subdivision may also be proposed, in my view it is both efficient and effective to avoid unnecessary triggering of resource consent assessment where such attached development is proposed.

5.59 I note a similar approach taken in the Hastings District Plan:

- (a) Flaxmere Residential Environment 9.2.5C(b): "where two residential buildings on the same site are connected along a common boundary the requirement for a recession plane will be dispensed with along that boundary". This also applies to connected buildings on adjoining sites.
- (b) Havelock North Residential Environment, under 8.2.5C(a)(i) "Where two or more detached residential buildings on adjoining sites are connected along a common boundary the requirement for a recession plane will be dispensed with along that boundary". This also applies to connected buildings on adjoining sites.

5.60 In my view, it is appropriate to take a similar approach with the GRZ-S5 Setbacks from Neighbours standard, to be consistent in how the standards are applied across the region, and in acknowledging that similar effects (i.e., proximity of building to boundaries) are being managed by the setback

standard. In my view this change is also required to ensure unnecessary consenting requirements (which in my view would neither be effective or efficient, and result in unnecessary costs) are avoided where attached dwelling are being proposed adjoining a common boundary.

5.61 The proposed exclusions are included in the amendments to the GRZ chapter, within **Appendix A** of my evidence. I have proposed alternative wording compared to the examples cited above, which distinguish between situations involving common walls and proposed internal boundaries, as well as an amendment to GRZ-P7 in acknowledgement of those inclusions and to reflect that attached building typologies are provided for as-sought by Kāinga Ora.

5.62 In relation to Kāinga Ora's submission to increase the height above ground level from 2m to 3m for the GRZ-S3 height in relation to boundary recession plane, the planner notes:

5.3.53 *Visually, I consider that there is unlikely to be a significant noticeable difference. However, I am uncertain how the requested amendment to GRZ-S3 could affect/cause shading of adjoining properties – that will generally depend on the orientation of the boundaries in relation to the sun. Standard GRZ-S3 has been carried over from the Operative District Plan (Performance Standard 5.8.3 Recession Lines). The existing standard is simple to apply compared to height in relation to boundary standards in other district plans. For example, Performance Standard 7.2.5D for the General Residential Zone in the Hastings District Plan requires buildings to be contained within a building envelope constructed by recession planes from points measured at 2.75m above the boundary. The angle of the recession plane to be applied must be determined for each site using a Recession Plane indicator appended to the District Plan. The applicable recession plane angle is based on the position of the boundary in relation to North on the site, therefore it varies for each site.*

5.3.54 *Given the simplicity of the proposed standard, the uncertainty of the effects of the amendment requested by Kāinga Ora, and there being no other submissions that have identified issues with the standard, I consider that Standard GRZ-S3 should be retained as notified. However, the submitter may wish to present evidence at the hearing on the effects of amending the standard in support of their submission.*

5.63 I agree with the planner that visually there is likely to be little difference between 2m and 3m, particularly in the context of single level development.

Mr Rae has undertaken a shading assessment based on sites that are owned by Kāinga Ora. The assessment compared shading under the notified PDP to shading resulting from Kāinga Ora's sought 9m height limit (50% above 8m of which is roof form only) and including the 3m height above ground level whereupon the 45 degree recession plane is then taken.

- 5.64 I agree with Mr Rae that there is little measurable difference between the notified PDP and the shading effects that would be generated by the relief sought by Kāinga Ora. In my opinion, differences only manifest at the extremes of the day as a result of the sun's angle, and as such would be limited in duration. I also agree with Mr Rae that the added flexibility delivered by the suite of proposed amendments in Kāinga Ora's evidence, ensures the overall mass of built form on any site would be constrained by the proposed building coverage control. As noted earlier, this is a fundamental oversight in the PDP in my view which permits potentially large areas of existing residential land to be 'covered' in buildings with no measure of control, and resulting infrastructure and building dominance effects. The above changes are also reflected in the amendments to COMZ-S6 for development adjoining the GRZ.

Relocated Buildings

- 5.65 Kāinga Ora opposed standard GRZ-S15 (relocation of buildings) and sought in its submission²² that the standard be deleted.
- 5.66 In my opinion, any new building is required to comply with the various activities and standards of the PDP which seek to ensure an appropriate form of development in the zone. I consider that the proposed building relocation standard seeks to manage matters that are appropriately addressed through the Building Act and are not valid resource management issues. This is neither efficient or effective as there is the potential for resource consents to be triggered on the basis of Building Act matters that do not directly address 'environmental' effects.

²² S129.175

5.67 I note there is little assessment in the s42A report on this issue. I have therefore included the deletion of this standard in my amendments under **Appendix A.**

*Assessment Matters and Anticipated Environment Results*²³

5.68 Kāinga Ora sought a number of largely-consequential changes to assessment matters, principal reasons and anticipated environmental results in its submissions²⁴.

5.69 A number of proposed amendments were sought to include additional assessment matters within GRZ-AM1 to reflect the building coverage standard proposed by Kāinga Ora. As outlined earlier in my evidence and for those reasons previously noted, Kāinga Ora maintains that such a control is appropriate, with associated assessment matters in relation to building dominance effects, and stormwater effects arising from any exceedance in building coverage. I have proposed some refinements to the wording as put forward in Kāinga Ora's original submission, to provide specificity around any assessment. Proposed inclusions to GRZ-AM1.1 are:

1. The degree to which the proposed building's non-compliances:

a. [...]

h. May result in adverse visual dominance effects arising from any building coverage exceedance;

i. May result in increased stormwater runoff as a result of a building coverage exceedance, and associated effects on infrastructure capacity.

5.70 In my opinion the inclusion of a building coverage standard and associated assessment matters is both efficient and effective in ensure the planned built form outcomes and character of the GRZ are delivered, while also providing

²³ A number of consequential amendments are proposed to GRZ-AM1, GRZ-AM6, Principal Reasons and GRZ-AER4 earlier in evidence at paragraph 5.17. I do not repeat those matters in this section.

²⁴ S129.186, S129.187, S129.188, S129.190, S129.192, S129.194.

Council with greater discretion to address a fundamental assessment gap identified in its s32 analysis concerning stormwater infrastructure capacity. The above wording is included in my recommended amendments to the GRZ chapter in **Appendix A**.

5.71 Kāinga Ora sought that GRZ-AM1(2)(v) be deleted.²⁵ The planner notes:

5.3.85 *I disagree with Kāinga Ora's request to delete matter GRZ-AM1(2)(v), which requires assessment of the ability of the applicant to mitigate any adverse effects on people affected by the proposal, particularly affected neighbours.*

5.3.86 *I note that while Rule GRZ-R1(2)(a), as notified, specifies the assessment matters over which discretion is restricted (where relevant to the infringed standard(s) i.e. GRZ-AM1, GRZ-AM2, GRZ-AM3, GRZ-AM4 and GRZ-AM5), assessment Matter GRZ-AM1 is the only assessment matter that is relevant to non-compliance with the Residential Density Standard GRZ-S1. While the matters set out under GRZ-AM1 are relevant and appropriate (subject to the amendments I recommend above), the title of GRZ-AM1 does refer to residential density.*

5.72 I note that the inclusion of GRZ-AM1(2)(v) would conflict with the relief sought by Kāinga Ora in relation to a notification preclusion for multi-unit development that complies with all applicable standards (as an assessment of effects on persons would be precluded).

5.73 In my opinion, the assessment matter is over-broad as it allows and assessment of 'any effect' on a person. I do not consider such scope within the framework of a restricted discretionary activity to which GRZ-AM1 applies, to be appropriate or efficient. Under s95 of the RMA an assessment of affected persons would be required regardless in reference to the matters council has restricted its discretion (or assessment) to, should there be any standard otherwise-infringed. I therefore recommend, for the reasons noted in Kāinga Ora's primary submission, that the assessment matter is deleted.

5.74 Kāinga Ora opposed²⁶ GRZ-AER2 which (as-notified) seeks '*Retention of the predominant character and scale of development within the District's*

²⁵ S129.186

²⁶ S129.192

residential settlements of Waipukurau and Waipawa. Kāinga Ora requested that it be deleted, as it does not sufficiently recognise that character and amenity values will evolve over time. The planner has recommended the submission be rejected,²⁷ consistent with their assessment concerning the evolution of amenity values over time.

- 5.75 I have provided a response to the issue of the ‘evolution of amenity values over time’ earlier in my evidence from paragraph 5.9. In the context of the PDP’s ‘anticipated environmental results’ and Kāinga Ora’s proposed amendments, I consider that GRZ-AE2 can be refined rather than deleted, to qualify what the predominant ‘residential character’ is that is sought to be retained in the zone. The proposed amendment ensures that GRZ-AE2 does not seek to ‘retain’ the existing built form character at the expense of development that is anticipated in the zone:

GRZ-AER2 *Retention of the predominant **built form** character and scale of development within the District's residential settlements of Waipukurau and Waipawa, **that is one to two storey's high in a variety of form and sizes.***

The above wording is included in my recommended amendments to the GRZ chapter in **Appendix A**.

6. Key Issue 1: COMZ– Commercial Zone

Introduction, Objectives and Policies

- 6.1 Kāinga Ora made a number of submissions²⁸ seeking to amend the introduction, objectives and policies consistent with its submissions on the GRZ in relation to ‘planned built form outcomes’, and wording that seeks to ‘maintain and enhance’ amenity values.
- 6.2 I note the planner has recommended a number of changes²⁹ to the introduction, objectives and policies that generally align with the relief sought

²⁷ Para. 5.3.92 of the s42A.

²⁸ S129.196, S129.197, S129.198, S129.199, S129.200, S129.201, S129.202, S129.203, S129.204, S129.205, S129.206, S129.207.

²⁹ Paras. 6.3.2 – 6.3.13 of the s42A.

in Kāinga Ora's submissions. I generally support those changes, including the amendments to COMZ-O1 which removes reference to 'maintain and enhance' in a manner consistent with Kāinga Ora's submission, while 'providing for' commercial activities. The planner's recommended amendments are as-follows:

COMZ-O1 ~~*Maintain and enhance the character and amenity values of the commercial areas in a manner that enables*~~ ***Provide for commercial activities to—that support the local economy and provide a pleasant work environment, while avoiding, remedying or mitigating adverse effects within and adjoining the Commercial Zones on the environment.***

- 6.3 I note that the planner has not amended the introduction COMZ-P1, COMZ-P2 or COMZ-P3³⁰, and references to 'maintain and enhance' remain.
- 6.4 I have discussed the issue of 'planned built form' and the 'evolution of amenity values over time' earlier in my evidence in relation to the GRZ and therefore do not repeat that assessment here. I consider the issues one in the same, albeit in a different zone. In the context of the COMZ chapter, I consider that existing amenity values can be 'maintained' appropriately in reference to heritage buildings or specific features that warrant protection, by way of overlays as per the notified PDP. However, as noted earlier in my evidence, the use of 'maintain and enhance' provides an impediment to providing for development consistent with the objectives of the zone, where there is no scope for change to occur.
- 6.5 To address those issues, I have recommended a number of changes to the above provisions in the COMZ chapter in **Appendix A** to my evidence. This also includes minor consequential changes to COMZ-AM1 otherwise consistent with Kāinga Ora's primary submission.

Rule COMZ-R8, New Standard COMZ-SXX and New Assessment Matter COMZ-AMX

³⁰ Kāinga Ora did not propose any amendments in its submission on COMZ-P5 (S129.204).

6.6 Kāinga Ora opposed COMZ-R8 in part seeking that residential activities be permitted rather than controlled as-notified.³¹

6.7 The planner has recommended that the submission be accepted in part, and proposes amendments to include Rule COMZ-R8, New Standard COMZ-SXX and New Assessment Matter COMZ-AMX. Kāinga Ora generally supports those inclusions for the reasons outlined by the planner and as being consistent with the relief sought in its primary submission. Issues relating to internal noise requirements by way of COMZ-S10 are addressed within my separate brief of evidence on that topic. The following therefore addresses residual matters of interest to Kāinga Ora:

Residential at Ground Floor

6.8 Kāinga Ora confirms that its submission for COMZ-SX(1) did indeed request that sites subject to the Commercial frontage control not provide for residential activities at the ground floor.³²

Outdoor Living Space

6.9 Under COMZ-SX(2) Kāinga Ora sought the provision of outdoor living areas for residential units to ensure an appropriate level of amenity for residential occupation within the commercial zone. I note the planner has recommended³³ that Kāinga Ora's submission to include upper-level dwelling outdoor living requirements (in the form of balconies) be accepted in part. While I support this inclusion for the reasons outlined in Kāinga Ora's original submission and the s42A report, Mr Rae notes in his evidence that the minimum balcony dimension should be increased from 1.5m to 1.8m to provide a sufficiently-useable depth of balcony (as a minimum requirement). I agree with Mr Rae's assessment and have amended the outdoor living standard in **Appendix A**. This is consistent with my evidence earlier on upper-level outdoor living areas in the GRZ.

³¹ S129.212

³² This clarification is requested by the planner at para. 6.3.19 of the s42A.

³³ Para. 6.3.20 -6.3.22 of the s24A.

- 6.10 I note that in recommending an outdoor living space be included, the planner has not included associated assessment matters under COMZ-AM5 as was sought in Kāinga Ora's submission. My assumption is that this is an oversight, and I have therefore included those matters in my proposed amendments.

Outlook Space

- 6.11 Kāinga Ora sought in its submission³⁴ that new standard COMZ-SX(3) include a requirement for each residential unit to provide an 'outlook space'.

- 6.12 The planner recommends the submission be rejected, noting:

6.3.23 Kāinga Ora has also request that new standard COMZ-SX(3) include a requirement for each residential unit to provide an 'outlook space'. The Submitter provides no definition of 'outlook space', although it is possibly about ensuring occupants have an area within their residential unit that gives them uninterrupted views outdoors.

6.2.24 In the context of the commercial areas of Waipukurau and Waipawa, where existing development comprises 1-2 storey buildings and the density of development is not high, I question whether such a standard is needed in Central Hawke's Bay context. The standard for the outlook space is complex and it may be difficult for Council staff to assess and monitor compliance with it. I therefore do not support the inclusion of an outlook space standard. However, excluding it would not prevent Kāinga Ora or other developers from designing new residential units to include outlook spaces, if they wish.

- 6.13 The reason for seeking that such a standard is that there are currently no effects standards to ensure minimum levels of residential amenity (privacy separation between other residential buildings on the site or in the zone) to support residential development at greater intensities and building scales within the Commercial zone. I am aware of historic examples of development undertaken in Auckland in Mixed Use zones (which historically have provided for a range of activities including residential similar to that of the PDP COMZ) that have resulted in dwellings with living areas or balconies located right on a boundary that have been blocked in by subsequent development on

³⁴ S129.230

adjoining sites, resulting in substandard amenity outcomes for those residents.

- 6.14 In my opinion, the purpose of the outlook standard proposed by Kāinga Ora is to ensure a reasonable standard of visual privacy between habitable rooms of different buildings, on the same or adjacent sites, and to manage visual dominance effects within a site by ensuring that habitable rooms have an outlook and sense of space. Minimum outlook space also ensures a minimum level of sunlight and daylight access to living areas and bedrooms, which is essential to support the intensity of residential development likely to establish in the Commercial Zone, as well as supporting the health and wellbeing of occupants.
- 6.15 I note that the planner considered such a standard to be complex, however an explanatory diagram should have been included in Kāinga Ora's submission to aid in interpretation. For the above reasons I have proposed amendments to the COMZ chapter in **Appendix A** of my evidence, as well as included a diagram explaining the application of the proposed standard and inclusion of the assessment matters originally-sought by Kāinga Ora under COMZ-AM5. In my view, providing the minimum outlook space as-sought by Kāinga Ora, ensures a minimum standard to ensure that buildings can provide the necessary amenity to support residential living.

Standards

- 6.16 Kāinga Ora opposed the 5m minimum setback from roads under COMZ-S2(1) as being inconsistent with urban design best practice that would otherwise encourage development on the boundary to a road to encourage pedestrian activation and streetscape vitality (particularly in areas subject to a commercial frontage control).
- 6.17 The planner notes:
- 6.3.31 *With respect to The Surveying Company submission (S50.003) I agree that there is an error in Standard COMZ-S2, insofar as COMZ-S2(1) incorrectly requires a 'minimum' setback of 5m for buildings from road boundaries in the Commercial Zone Frontage,*

instead of a 'maximum' setback of 5m. The proposed standard is intended to replace Operative District Plan Standard 7.7.2 Setback from Streets, which imposes a 'maximum' setback of 5m.

6.3.32 *On the basis of the above, I consider that COMZ-S2 should be retained as notified but amended to correct the error in relation to COMZ-S2(1).*

6.18 I note that the amended provisions attached to the s42A report do not correct the error identified by the planner. I have included the 'minimum – maximum' amendment in my recommended changes to the COMZ chapter in **Appendix A** to my evidence.

Relocated Buildings

6.19 I have provided evidence on deletion of the relocated building standard under GRZ-S15 earlier in my evidence. Kāinga Ora maintains its position that, for those reasons, such a standard in the Commercial zone under COMZ-S11 is not warranted.

7. CONCLUSIONS

7.1 I am of the opinion that the notified provisions of the GRZ and COMZ zones section do not sufficiently encourage housing choice or promote efficient use of existing urbanised land nor appropriate intensification that is necessary to support the social and economic demands of the Central Hawkes Bay District.

5.3 I consider that the relief sought by Kāinga Ora, as I have recommended and set out in **Appendix A**, is the most appropriate planning outcome in achieving the objectives and policies of the PDP and specifically those relating to the GRZ and COMZ zones.

6 SUMMARY OF PROPOSED CHANGES SOUGHT

6.3 As discussed in my evidence, I consider that the following amendments to the PDP provisions should be made:

a) I have recommended wording changes to the objectives, policies, rules and assessment criteria as set out in **Appendix A** of my evidence.

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

7. CONCLUSION

- 7.1 In conclusion, I am of the opinion that the amendments sought by Kāinga Ora (as outlined in this evidence and the evidence of Mr Rae) are appropriate and will assist in striking the balance controlling the effects of development and enabling opportunities to facilitate the outcomes of the PDP, inclusion intensification and the planned outcomes for the relevant Residential and Commercial zones.
- 7.2 I consider that the amended provisions will be efficient and effective in achieving the purpose of the RMA, the relevant objectives of the PDP and other relevant statutory documents including the Regional Policy Statement.



Michael Robert Campbell
17 March 2022

Appendix A – Recommended Changes

Black Text – Original wording of Proposed District Plan

Black Underline – Officer’s recommended changes, as set out in Section 42a report.

Red Text - Additional changes proposed by Kāinga Ora. Consequential amendments may be required to numbering.

GRZ – General Residential Zone

Introduction

The General Residential Zone covers the residential areas of Waipukurau and Waipawa, representing the most significant concentration of residential settlement in Central Hawke’s Bay, with approximately 50% of the District’s population living within them. The zone provides principally for ~~low/medium a~~ density of development, and ~~low height permanent living accommodation to~~ achieve a planned built form that is one to two storey’s high in a variety of forms and sizes, as the predominant residential character.

Waipukurau (named after a nearby Māori pā) is the largest of the two towns. The area was first settled by Māori who prized the eeling at Lake Whatuma. In the 1850’s, a large block of land (known as the Waipukurau Block) was purchased from local Māori for European settlement, which included the land the town is situated on. The town’s development was initially restricted by the presence of large surrounding pastoral stations (including Mt Herbert Station) but grew as a thriving rural service centre.

Waipawa (originally named Abbotsford) is the oldest of the two towns, being one of the first inland towns to be established in New Zealand and taking a leading part in the history of the province of Central Hawke’s Bay. It’s central role continues in it being the location of the Council offices for Central Hawke’s Bay District.

Housing is a fundamental human need. Access to quality housing and a healthy living environment contributes strongly to people’s well-being. Housing in the District is typical of that found in rural districts nationally, including the average number of persons per household unit, which is becoming smaller over time.

Issues

GRZ-I1 Diversity of Living Environments

Satisfying demand for diversity in living environments.

Explanation

The residential areas of Waipukurau and Waipawa are generally characterised by generous yards, contributing to an open low-density environment, with some consolidation and infill having taken place over time. A greater mixture of building ages and styles has developed.

People’s needs and lifestyle preferences for housing differ in terms of cost, location, design, size, and style. Housing may include detached and/or attached dwellings, rental accommodation, and senior citizens’ housing. The District Plan recognises and provides for diversity in living environments sought by residents, while still maintaining an environmental quality appropriate to

residential areas.

GRZ-I2 **Residential Amenity Without appropriate management ~~The~~ the location, nature and design of buildings and activities within residential areas ~~can~~ may result in adverse effects on the amenity values of those areas.**

Explanation

Well-being is enhanced by a pleasant living environment. This often depends on the character of existing residential areas. This character includes the location and scale of open space, density and predominant style of residential development, and heights of buildings.

Residential areas have always contained a range of complementary non-residential activities catering for the educational, spiritual, social, recreational, and day-to-day economic needs of the residents. Many of these activities require a residential location, as they provide a local service for residents, such as doctors' surgeries and pre-schools. These activities often generate traffic and can result in on-street parking, or cause noise and glare, particularly from outdoor activities, which can cause a nuisance for neighbours.

Compatibility between residential and non-residential activities is desirable if the standard of amenity in these areas is to be maintained at an acceptable level. Home-based business activities (known as 'home businesses') may employ local residents and bring many social and economic benefits but can also cause problems in residential areas. The range of home businesses and their character and scale vary considerably. Like other non-residential activities, the potential of these activities to generate traffic and noise can become a problem. The likely rate at which traffic is drawn to a site often relates to the scale of service provided and the extent of retailing that may be involved. Measures, such as placing limitations on the scale of activities, including floor areas and the number of persons employed in the activity who are not living on the site, are commonly adopted to mitigate these potential adverse effects.

Objectives

GRZ-O1 **~~To enable existing and future residential needs to be met.~~ Enable a variety of housing types and sizes to meet residential needs now and in the future.**

GRZ-O2 **To provide for the location of appropriate and complementary non-residential activities within residential areas which benefit local communities, but do not detract from the amenity of the area.**

GRZ-O3 **Enabling individual and community expression in building design and architecture, while managing some elements of development in order to ensure that maintain and enhance the character and amenity values of the residential environment reflect the planned built form outcomes of the zone.**

Policies

GRZ-P1 **To enable a mixture of housing and lifestyles in the General Residential Zone that achieves a planned built form that is one to two storey's high in a variety of forms and sizes, and by avoiding the distinction between, and restrictions on, various residential housing types.**

- GRZ-P2 To enable higher density development associated with senior citizens' housing, ~~as an alternative to medium-density living environments.~~
- GRZ-P3 To enable the establishment of certain compatible and complementary non-residential activities uses, such as home businesses, educational facilities and emergency service activities and ~~primary production activities~~, as an integral component of the General Residential Zone, to enable people to provide for their social, economic and cultural wellbeing, and for their health and safety, while ~~maintaining and enhancing the character and amenity values of the zone~~, ensuring that their scale does not detract from the primary function of the zone and adverse effects on surrounding residential activities can be appropriately avoided, remedied or mitigated ~~having regard to the planned built form outcomes of the zone.~~
- GRZ-P4 To promote one to two storey medium-density development in a variety of forms and sizes as the predominant residential character, while managing stormwater and building dominance effects by controlling building coverage.
- GRZ-P5 To confine the General Residential Zone within Waipukurau and Waipawa to those areas of the towns which are, or are likely to be, provided with infrastructural services of formed and sealed roading, footpaths, reticulated water supply, stormwater and sewage treatment and disposal.
- GRZ-P6 ~~To allow limited primary production activities in the General Residential Zone which maintain the character and amenity values of the residential environment.~~
- GRZ-P7 To ~~ensure~~manage the design and siting of development, such as through the use of standards relating to building height, building coverage, building coverage, height in relation to boundaries and setbacks, ~~provision of and outdoor living and service areas, is such to ensure~~ that:
1. development will not unreasonably deny neighbouring properties of outlook, sunlight or daylight;
 2. ~~ample on-site outdoor living and service spaces~~ are provided, including for residential units above ground level;
 3. the development supports and contributes to an attractive streetscape is maintained; ~~and~~
 4. attached building typologies are enabled where existing and/or proposed common walls and/or boundaries are proposed; and
 5. the character and scale of buildings and open space are compatible consistent with the anticipated residential environment. ~~planned built form outcomes of the zone.~~

- GRZ-P8** To ensure appropriate on-site parking and manoeuvring areas for vehicles are provided, and on-site heavy vehicle storage is restricted for the convenience and safety of residents and visitors, and to maintain the amenity of residential streets.
- GRZ-P9** To encourage the incorporation of open space and ~~plantings~~landscaping within residential developments ~~for amenity purposes~~that contribute positively to the amenity values of the site and surrounding area.
- GRZ-P10** Ensure all land use activities and developments are connected to the public reticulated wastewater, stormwater and water supply network unless an appropriate, alternative system is available.

Rule Overview Table

Use/activity	Rule Number
Residential activities and showhomes	GRZ-R1
Home businesses	GRZ-R2
Visitor accommodation	GRZ-R3
Day care facilities	GRZ-R4
Educational facilities	GRZ-R5
Community facilities	GRZ-R6
Emergency service activities and emergency aviation movements	GRZ-R7
Community corrections activities	GRZ-R8
Relocated buildings	GRZ-R9
Commercial activities not otherwise provided for	GRZ-R10
Retirement villages and rest homes	GRZ-R11
Relocatable building depots	GRZ-R12
Any other activity not otherwise provided for	GRZ-R13
Intensive primary production activities	GRZ-R14
Industrial activities	GRZ-R15

Rules

It is important to note that in addition to the provisions in this chapter, a number of other Part 2: District-Wide Matters chapters also contain provisions that may be relevant for activities undertaken in the General Residential Zone.

Also, check to see if consents are required from Hawke's Bay Regional Council, for instance in relation to:

- discharges of contaminants to land or water (e.g. waste disposal, on-site disposal of effluent).

GRZ-R1 Residential activities and showhomes

1. Activity Status: PER

Where the following conditions are met:

- a. Compliance with:
 - i. GRZ-S1;
 - ii. GRZ-S2;
 - iii. GRZ-S3;
 - iv. **GRZ-SX**
 - v. GRZ-S4;
 - vi. GRZ-S5;
 - vii. GRZ-S6;
 - viii. GRZ-S7;
 - ix. GRZ-S8;
 - x. GRZ-S9;
 - xi. GRZ-S10;
 - xii. GRZ-S11;
 - xiii. GRZ-S12;
 - xiv. GRZ-S13; and
 - xv. GRZ-S14.

2. Activity status where compliance not achieved: RDIS

Matters over which discretion is restricted (where relevant to the infringed standard(s)):

- a. Assessment matters:
 - i. GRZ-AM1.
 - ii. GRZ-AM2.
 - iii. GRZ-AM3.
 - iv. GRZ-AM4.
 - v. GRZ-AM5.
- b. Assessment matters in the following chapters:
 - i. TRAN – Transport.
 - ii. LIGHT – Light.
 - iii. NOISE – Noise.

Note: This rule does not include retirement villages and rest homes.

Notification exclusion:
Where a development complies with all applicable standards under GRZ-R1.1a, but involves more than two dwellings per site and meets the minimum net site area under GRZ-S1.2a, the application will be considered without public notification or the need to obtain written approval from affected parties unless the

Council decides that special circumstances exist under section 95(A) of the Act.

GRZ-R2 Home businesses

1. Activity Status: PER

Where the following conditions are met:

- a. Limited to:
 - i. Home businesses must occupy no more than 50m² of the gross floor area of the buildings on the site.
- b. Goods, materials or equipment associated with the home business must be stored within a building.
- c. Manufacturing, altering, repairing, dismantling, or processing of any goods or articles associated with the home business must be carried out within a building.
- d. Home businesses must be undertaken by a person(s) residing on the site and employ no more than one full-time equivalent person who does not reside on the site.
- e. Compliance with:
 - i. GRZ-S1;
 - ii. GRZ-S2;
 - iii. GRZ-S3;
 - iv. **GRZ-SX**
 - v. GRZ-S4;
 - vi. GRZ-S5;
 - vii. GRZ-S6;
 - viii. GRZ-S7;
 - ix. GRZ-S8;
 - x. GRZ-S9;
 - xi. GRZ-S10;
 - xii. GRZ-S11;
 - xiii. GRZ-S12;
 - xiv. GRZ-S13; and
 - xv. GRZ-S14.

2. Activity status where compliance with condition GRZ-R2(1)(b) is not achieved: RDIS

Matters over which discretion is restricted (where relevant to the infringed standard(s)):

- a. Assessment matters:
 - i. GRZ-AM1.
 - ii. GRZ-AM2.
 - iii. GRZ-AM3.
 - iv. GRZ-AM4.
 - v. GRZ-AM5.
 - vi. **GRZ-AM6.**
 - vii. **GRZ-AM7.**
- b. Assessment matters in the following chapters:
 - i. TRAN – Transport.
 - ii. LIGHT – Light.
 - iii. NOISE – Noise.

3. Activity status where compliance with condition GRZ-R2(1)(a) is not achieved: DIS

GRZ-R3 Visitor accommodation

1. Activity Status: PER

Where the following conditions are met:

- a. Limited to:
 - i. Accommodating no more than 5 guests at any one time.
 - ii. Length of stay for any one homestay guest must be no greater than 3 months in any 12-month period.

Note: activities involving longer term tenancy within a residential unit are assessed as a 'Residential Activity'.

- b. Compliance with:
 - i. GRZ-S1;
 - ii. GRZ-S2;
 - iii. GRZ-S3;
 - iv. **GRZ-SX**
 - v. GRZ-S4;
 - vi. GRZ-S5;
 - vi. GRZ-S6;
 - vii. GRZ-S7;
 - viii. GRZ-S8;
 - ix. GRZ-S9;
 - x. GRZ-S10;
 - xi. GRZ-S11;
 - xii. GRZ-S12;
 - xiii. GRZ-S13; and
 - xiv. GRZ-S14.

2. Activity status where compliance with condition GRZ-R3(1)(b) is not achieved: RDIS

Matters over which discretion is restricted (where relevant to the infringed standard(s)):

- a. Assessment matters:
 - i. GRZ-AM1.
 - ii. GRZ-AM2.
 - iii. GRZ-AM3.
 - iv. GRZ-AM4.
 - v. GRZ-AM5.
 - vi. **GRZ-AM8.**
- b. Assessment matters in the following chapters:
 - i. TRAN – Transport.
 - ii. LIGHT – Light.

iii. NOISE – Noise.

3. Activity status where compliance with condition GRZ-R3(1)(a) is not achieved: DIS

GRZ-R4 Day care facilities

1. Activity Status: PER

Where the following conditions are met:

- a. The maximum number of persons catered for at the facility at any one time must not exceed 10 persons.
- b. Compliance with:
 - i. GRZ-S2;
 - ii. GRZ-S3;
 - iii. **GRZ-SX**
 - iv. GRZ-S4;
 - v. GRZ-S5;
 - vi. GRZ-S6;
 - vii. GRZ-S7;
 - viii. GRZ-S8;
 - ix. GRZ-S9;
 - x. GRZ-S10;
 - xi. GRZ-S11;
 - xii. GRZ-S12;
 - xiii. GRZ-S13; and
 - xiv. GRZ-S14.

2. Activity status where compliance with condition GRZ-R4(1)(b) is not achieved: RDIS

Matters over which discretion is restricted (where relevant to the infringed standard(s)):

- a. Assessment matters:
 - i. GRZ-AM1.
 - ii. GRZ-AM2.
 - iii. GRZ-AM3.
 - iv. GRZ-AM4.
 - v. GRZ-AM5.
 - vi. **GRZ-AM9.**
- b. Assessment matters in the following chapters:
 - i. TRAN – Transport.
 - ii. LIGHT – Light.
 - iii. NOISE – Noise.

3. Activity status where compliance with condition GRZ-R4(1)(a) is not achieved: DIS

GRZ-R5 Educational facilities

1. Activity Status: PER

Where the following conditions are met:

- a. Limited to ~~100~~200m² gross floor area.
- b. Compliance with:
 - i. GRZ-S2;
 - ii. GRZ-S3;
 - iii. **GRZ-SX**
 - iv. GRZ-S4;
 - v. GRZ-S5;
 - vi. GRZ-S6;
 - vi. GRZ-S7;
 - vii. GRZ-S8;
 - viii. GRZ-S9;
 - ix. GRZ-S10;
 - x. GRZ-S11;
 - xi. GRZ-S12;
 - xii. GRZ-S13; and
 - xiii. GRZ-S14.

2. Activity status where gross floor area is 200m² – 400m² and/or compliance with condition GRZ-R5(1)(b) is not achieved: RDIS

Matters over which discretion is restricted (where relevant to the infringed standard(s)):

- a. Assessment matters:
 - i. GRZ-AM1.
 - ii. GRZ-AM2.
 - iii. GRZ-AM3.
 - iv. GRZ-AM4.
 - v. GRZ-AM5.
- b. Assessment matters in the following chapters:
 - i. TRAN – Transport.
 - ii. LIGHT – Light.
 - iii. NOISE – Noise.

3. Activity status where gross floor area is over 400m² compliance with condition GRZ-R5(1)(a) is not achieved: DIS

GRZ-R6 Community facilities

Activity Status: PER

Where the following conditions are met:

- a. Limited to 100m² gross floor area.
- b. Compliance with:
 - i. GRZ-S2;
 - ii. GRZ-S3;
 - iii. **GRZ-SX**
 - iv. GRZ-S4;
 - v. GRZ-S5;
 - vi. GRZ-S6;
 - vii. GRZ-S7;
 - viii. GRZ-S8;
 - ix. GRZ-S9;
 - x. GRZ-S10;
 - xi. GRZ-S11;
 - xii. GRZ-S12;
 - xiii. GRZ-S13; and
 - xiv. GRZ-S14.

2. Activity status where compliance with condition GRZ-R6(1)(b) is not achieved: RDIS

Matters over which discretion is restricted (where relevant to the infringed standard(s)):

- a. Assessment matters:
 - i. GRZ-AM1.
 - ii. GRZ-AM2.
 - iii. GRZ-AM3.
 - iv. GRZ-AM4.
 - v. GRZ-AM5.
- b. Assessment matters in the following chapters:
 - i. TRAN – Transport.
 - ii. LIGHT – Light.
 - iii. NOISE – Noise.

3. Activity status where compliance with condition GRZ-R6(1)(a) is not achieved: DIS

GRZ-R7 Emergency service activities and emergency aviation movements

1. Activity Status: PER

Where the following conditions are met:

- a. Limited to 100m² gross floor area.

2. Activity status where compliance with condition GRZ-R7(1)(b) is not achieved: RDIS

- b. Compliance with:
 - i. GRZ-S2;
 - ii. GRZ-S3;
 - iii. **GRZ-SX**
 - iv. GRZ-S4;
 - v. GRZ-S5;
 - vi. GRZ-S6;
 - vii. GRZ-S7;
 - viii. GRZ-S8;
 - ix. GRZ-S9;
 - x. GRZ-S10;
 - xi. GRZ-S11;
 - xii. GRZ-S12;
 - xiii. GRZ-S13; and
 - xiv. GRZ-S14.

Matters over which discretion is restricted (where relevant to the infringed standard(s)):

- a. Assessment matters:
 - i. GRZ-AM1.
 - ii. GRZ-AM2.
 - iii. GRZ-AM3.
 - iv. GRZ-AM4.
 - v. GRZ-AM5.
- b. Assessment matters in the following chapters:
 - i. TRAN – Transport.
 - ii. LIGHT – Light.
 - iii. NOISE – Noise.

3. Activity status where compliance with condition GRZ-R7(1)(a) is not achieved: DIS

GRZ-R8 Community corrections activities

1. Activity Status: PER

Where the following conditions are met:

~~Limited to 100m² gross floor area.b.~~

- Compliance with:
- i. ~~GRZ-S2;ii.~~
 - ~~GRZ-S3;iii.~~
 - ~~GRZ-S4;iv.~~
 - ~~GRZ-S5;v.~~
 - ~~GRZ-S6;vi.~~
 - ~~GRZ-S7;vii.~~
 - ~~GRZ-S8;~~
 - viii. ~~GRZ-S9; ix.~~
 - ~~GRZ-S10;x. GRZ-~~
 - ~~S11;xi. GRZ-S12;~~
 - ~~xii. GRZ-S13; andxiii.~~
 - ~~GRZ-S14.~~

2. Activity status where compliance with condition GRZ-8(1)(b) is not achieved: RDIS

Matters over which discretion is restricted (where relevant to the infringed standard(s)):

- a. ~~Assessment matters:~~
 - ~~i. GRZ-AM1.~~
 - ~~ii. GRZ-AM2. iii.~~
 - ~~GRZ-AM3.iv. GRZ-~~
 - ~~AM4.v. GRZ-AM5.~~
- b. ~~Assessment matters in the following chapters:~~
 - ~~i. TRAN – Transport.ii.~~
 - ~~– LIGHT – Light.~~
 - ~~iii. NOISE – Noise.~~

3. Activity status where compliance with condition GRZ-R8(1)(a) is not achieved: DIS

GRZ-R9 Relocated buildings

1. Activity Status: PER

Where the following conditions are met:

- a. The building must be for the purpose of accommodating a permitted or consented activity on the site.
- b. Compliance with GRZ-S15.

2. Activity status where compliance not achieved: RDIS

Matters over which discretion is restricted:

- a. Whether the building is structurally sound, the condition of the building and the works needed to bring the exterior of the building up to an external visual appearance that is tidy, of appropriate standard, and compatible with other buildings in the vicinity.
- b. The bulk and location of the building in relation to the requirements of the zone.
- c. The need for structural repairs and reinstatement of the building and the length of time for completion of that work.
- d. The imposition of a performance bond to ensure compliance with the consent conditions.

Note: this rule applies to the building only. Any activities occurring within the building are subject to the District Plan rules relating to the activity itself.

GRZ-R10 Commercial activities

1. Activity Status: CON

Where the following conditions are met:

- a. Limited to:
 - i. The retail sale of goods in a building of no more than 75m² gross floor area (including storage).
- b. Compliance with:
 - i. GRZ-S2;
 - ii. GRZ-S3;
 - iii. **GRZ-SX**
 - iv. GRZ-S4;
 - v. GRZ-S5;
 - vi. GRZ-S6;

2. Activity status where compliance with condition GRZ-R10(1)(b) is not achieved: RDIS

Matters over which discretion is restricted (where relevant to the infringed standard(s)):

- a. Assessment matters:
 - i. GRZ-AM1.
 - ii. GRZ-AM2.
 - iii. GRZ-AM3.
 - iv. GRZ-AM4.
 - v. GRZ-AM5.

- vi. GRZ-S7;
- vii. GRZ-S8;
- viii. GRZ-S9;
- ix. GRZ-S10;
- x. GRZ-S11;
- xi. GRZ-S12;
- xii. GRZ-S13; and
- xiii. GRZ-S14.

Matters over which control is reserved:

- c. Building setback from boundaries, landscaping, and screening to ensure that:
 - i. the activity is compatible with the character and amenity values of the surrounding area.
 - ii. the privacy of neighbours is maintained.
 - iii. the openness and attractiveness of the street scene is maintained.
 - iv. access to daylight and sunlight on adjoining sites is maintained.
- d. On-site carparking, vehicle access, manoeuvring and loading design to mitigate adverse effects on the safety and efficiency of the roading network from traffic associated with the activity.

- b. Assessment matters in the following chapters:
 - i. TRAN – Transport.
 - ii. LIGHT – Light.
 - iii. NOISE – Noise.

3. Activity status where compliance with condition GRZ-R10(1)(a) is not achieved: NC

GRZ-R11 Retirement villages and rest homes

1. Activity Status: DIS

Where the following conditions are met: N/A

2. Activity status where compliance not achieved: N/A

GRZ-R12 Relocatable building depots

1. Activity Status: DIS

Where the following conditions are met: N/A

2. Activity status where compliance not achieved: N/A

GRZ-R13 Any other activity not otherwise provided for

1. Activity Status: DIS

Where the following conditions are met: N/A

2. Activity status where compliance not achieved: N/A

GRZ-R14 Intensive primary production activities

1. Activity Status: NC

Where the following conditions are met: N/A

2. Activity status where compliance not achieved: N/A

GRZ-R15 Industrial activities

<p>1. Activity Status: NC</p> <p>Where the following conditions are met: N/A</p>	<p>2. Activity status where compliance not achieved: N/A</p>
<p>GRZ-R16 Service activities</p>	
<p>1. Activity Status: NC</p> <p>Where the following conditions are met: N/A</p>	<p>2. Activity status where compliance not achieved: N/A</p>

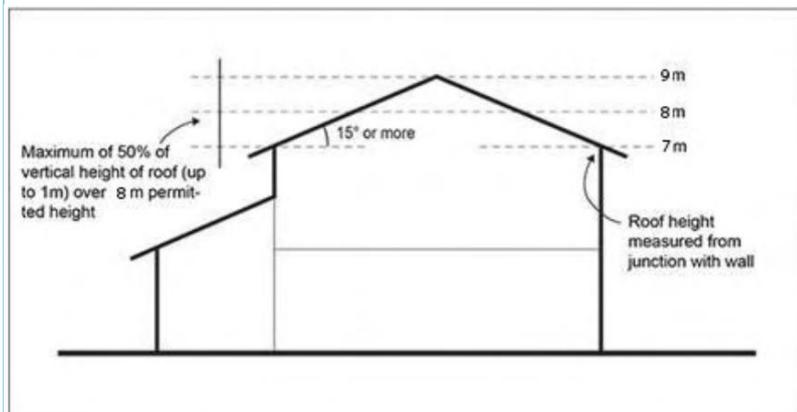
Standards

GRZ-S1 Residential Density

All	<ol style="list-style-type: none"> There must be no more than two residential units (including minor residential units) on any site. Minimum net site area for any site connected to a reticulated sewerage system is: <ol style="list-style-type: none"> 350300m² for each residential unit contained within the site, except that: for each residential unit with a gross floor area less than 60m², the minimum net site area for any site is 150m². Minimum net site area for any site is 1000m² for each residential unit where it is not connected to a reticulated sewerage system.
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GRZ-S2 Height of Buildings

All	<p>1. Maximum height of any building(s) is 8m, <u>except that 50 per cent of a building's roof in elevation, measured vertically from the junction between wall and roof, may exceed this height by 1m, where the entire roof slopes 15 degrees or more, as follows:</u></p>
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Note: in all instances, height is measured from the natural ground level.

GRZ-S3 Height in Relation to Boundary	
All	<ol style="list-style-type: none"> 1. No part of a building must exceed a height of 2-3 metres plus the shortest horizontal distance between that part of the building and the nearest side and rear site boundary, except for the following: <ol style="list-style-type: none"> a. chimneys, ventilation shafts, lift and stair shafts and spires, poles and masts that meet the maximum height standard for the relevant zone, provided the maximum dimension of these structures measured parallel to the boundary under consideration must not exceed 3m; b. domestic water storage tanks, provided the maximum dimension of these structures measured parallel to the boundary under consideration must not exceed 3m; c. solar panels or solar hot water systems (and associated hardware), provided that the panels do not protrude more than 500mm from the surface of the roof. 2. Where an internal-side or rear boundary of a site immediately adjoins an access or part of an access which is owned or partly owned with that site, or has a registered right-of-way over it in favour of that site, the height in relation to boundary is measured from the far side of the access. 3. <u>Where two or more residential buildings on the same or an adjoining site are connected along a common existing or proposed boundary, the requirement for a recession plane will be dispensed with along that boundary.</u>
<u>GRZ-Sx Building Coverage</u>	
<u>Building Coverage (All)</u>	<ol style="list-style-type: none"> 1. <u>Building coverage must not exceed 50% of the net site area of any site.</u>
GRZ-S4 Setback from Roads and Rail Network	
From road boundaries	<ol style="list-style-type: none"> 1. Minimum setback of any building(s) is 3m. 2. Where the vehicle access to garage faces a road boundary, the garage building must be setback at least 5m from the road boundary.

From the Rail Network Boundary	3. Minimum setback of any building(s) is 1.5m.
GRZ-S5 Setback from Neighbours	
All	<ol style="list-style-type: none"> 1. Minimum setback of buildings for an activity from internal side and rear boundaries is 1m. Domestic water storage tanks up to 2m in height are exempt from this standard. 2. <u>The setback requirement does not apply to site boundaries where there is an existing common wall between two buildings on adjacent sites or where a common wall is proposed.</u>
GRZ-S6 Outdoor Living Space	
Residential Activities	<ol style="list-style-type: none"> 1. For each residential unit at ground level, there must be a minimum continuous area for outdoor living space, contained in one area within the net site area of the site, of 8020m² with a minimum dimension of 54m, except that: <ol style="list-style-type: none"> a. For any residential unit with a gross floor area less than 65m², the minimum area may be reduced to 30m² with a minimum dimension of 3.5m. 2. <u>For utilities dwellings located entirely above ground level, the outdoor living space requirement may be satisfied in the form of a balcony or a deck that:</u> <ol style="list-style-type: none"> a. <u>Has a minimum area of 6m² for studio and one-bedroom residential units and a minimum dimension of 1.5m-1.8m in any direction; or</u> b. <u>Has a minimum area of 10m² for two or more bedroom units and a minimum dimension of 1.5m 1.8m in any direction.</u> 3. The required minimum area of outdoor living space must be readily accessible from a living area of the residential unit, and may take the form of a deck, terrace, or verandah, but must be kept free of buildings (other than cantilevered decks), access areas (including driveways and manoeuvring areas), parking spaces and dedicated outdoor service space.
GRZ-S7 Outdoor Service Space	
Residential Activities	<ol style="list-style-type: none"> 1. In addition to provision of outdoor living space, for each residential unit, there must be a minimum continuous area for outdoor service space, contained in one area within the net site area of the site, of 15m² with a minimum dimension of 3m.
GRZ-S8 Hours of Operation	

<p>All (except for Residential Activities, Emergency Service Activities, or Visitor Accommodation)</p>	<p>1. Limited to the following hours of operation:</p> <ul style="list-style-type: none"> a. 0700 – 2200 hours, seven days a week; except where: <ul style="list-style-type: none"> i. the entire activity is located within a building; and ii. each person engaged in the activity outside the above hours resides permanently on the site; and iii. there are no visitors, customers, or deliveries to the activity outside the above hours.
<p>GRZ-S9 Heavy Vehicle Storage</p>	
<p>All</p>	<p>1. There must be no more than one heavy vehicle stored on a site.</p>
<p>GRZ-S10 Screening of Outdoor Storage and Service Areas</p>	
<p>Non-Residential Activities</p>	<p>1. Any outdoor storage (including waste) or service area associated with non-residential activities must be fully screened from adjoining sites and from the street by fencing to a maximum height of 2 metres, and/or by landscaping.</p> <p>2. If using landscaping to achieve the above rule, trees must have a minimum height of 2 metres at the time of planting (PB95) and shrubs must have a minimum height of 1 metre at the time of planting and be able to grow to 2 metres in height.</p> <p>3. <u>Screening shall not obscure emergency or safety signage or obstruct access to emergency panels, hydrants, shut-off valves, or other emergency response facilities.</u></p>
<p>GRZ-S11 Electricity Safety Distances</p>	
<p>All</p>	<p>1. Any activity, including the establishment of buildings and structures within the vicinity of overhead electric lines must comply with the New Zealand Electrical Code of Practice for Electrical Safety Distances (NZCEP 34:2001).</p>
<p>GRZ-S12 Transport (Access, Parking, Loading)</p>	
<p>All</p>	<p>1. Activities must comply with the provisions of the TRAN – Transport chapter.</p>
<p>GRZ-S13 Light</p>	
<p>All</p>	<p>1. Activities must comply with the provisions of the LIGHT – Light chapter.</p>
<p>GRZ-S14 Noise</p>	

All	1. Activities must comply with the provisions of the NOISE – Noise chapter.
GRZ-S15 Relocated Buildings	
All	<ol style="list-style-type: none"> 1. Any relocated building intended for use as a dwelling or for visitor accommodation must have previously been designed, built and used as a dwelling or for visitor accommodation. 2. The relocated building must comply with all other relevant performance standards for the zone. 3. A Building Pre-Inspection Report must be submitted to the Council with each application to relocate a building. The report must: <ol style="list-style-type: none"> a. state whether the building is structurally sound; b. describe the condition of the building and identify all reinstatement works needed to bring the exterior of the building up to an external visual appearance that is tidy, workmanlike and compatible with other buildings in the vicinity; c. state the proposed timetable to complete the external reinstatement works (including connections to all infrastructure services and closing in and ventilation to the foundations) within 12 months from the date the building is moved to the site; d. provide clear photographs of the building in its current state; and e. provide such plans and elevations of the building as are necessary to illustrate the new site location and likely external design and appearance of the building as a result of the reinstatement work. 4. The Building Pre-Inspection Report must be prepared by: <ol style="list-style-type: none"> a. A Member of Engineering New Zealand (the Institute of Engineering Professionals) (Structural and Civil); or b. A member of the New Zealand Institute of Building Surveyors; or c. An independent person, persons or company as approved by Central Hawke's Bay District Council Building Control Authority; or d. A Building Control Officer (or equivalent) from the Territorial Local Authority where the building is being relocated from outside of the District. 5. The Council must be notified of the intended delivery date at least 48 hours before the building is relocated. Relocation must not be undertaken until the site is visited by Council officers to inspect the standard of the site, footpath, vehicle entrance and road. This standard will be met provided that the building is relocated within 5 days of the notified date. 6. The building must be placed on permanent foundations no later than two weeks from the date the building is moved to the site.

- ~~7. All external reinstatement works identified in the Building Pre-Inspection Report, including connections to all infrastructure services and closing in and ventilation to the foundations, must be completed within 12 months from the date the building is moved to the site.~~
- ~~8. The owner of the site on which the relocated building is placed must certify to the Council that the reinstatement work identified in the Building Pre-Inspection Report will be completed within the 12-month period. The site owner will be responsible for ensuring this work is completed.~~

Note: All necessary building consents under the Building Act 2004 (including consent to place the building on permanent foundations) must be obtained prior to the relocated building being placed on the destination site, unless otherwise agreed in writing by the Council.

Assessment Matters

For Discretionary Activities, Council's assessment is not restricted to these matters, but it may consider them (among other factors).

GRZ-AM1 Residential Density, Height of Buildings, Height in Relation to Boundary, **Building Coverage**, Setback from Roads and Rail Network, Setback from Neighbours

1. The degree to which the proposed buildings:
 - a. will be compatible with the planned built form character and amenity of the zone area, including the nature and scale of other buildings in the surrounding area;
 - b. ~~will~~may overshadow adjoining sites and result in reduced sunlight and daylight;
 - c. ~~will~~may cause a loss of privacy through being over-looked from neighbouring buildings;
 - d. ~~will~~may block views from properties in the vicinity, or from roads or public open space in the surrounding area;
 - e. ~~will~~may diminish or contribute to the openness and attractiveness of the street scape scene;
 - f. ~~will~~may detract from the amenity of adjoining sites, in terms of such matters as noise, odour, dust, glare or vibration occurring as a result of the building; and
 - g. will adversely affect the safe and efficient operation of the land transport network.
 - h. May result in adverse visual dominance effects arising from any building coverage exceedance;
 - i. May result in increased stormwater runoff as a result of any building coverage exceedance, and associated

effects on infrastructure capacity.

2. The ability of the applicant to:
 - a. provide adequate opportunity for garden and tree planting around buildings;
 - b. provide adequate vehicle parking and manoeuvring space on the site;
 - c. provide adequate outdoor space on the site for all outdoor activities associated with residential and other activities permitted on the site;
 - d. mitigate any adverse effects of increased height or exceedance of the height in relation to boundary, such as through increased separation distances between the building and adjoining sites or the provision of screening; and
 - ~~e. mitigate any adverse effects on people affected by the proposal.~~
3. Where sewerage reticulation is not available to the site, the ability of the applicant to adequately dispose of effluent, which avoids:
 - a. any potential contamination of groundwater;
 - b. any potential slope instability problems;
 - c. any potential odour, noise and vibration nuisance to neighbours; and
 - d. any potential seepage of effluent at ground surface.
4. The degree to which the non-compliance with the standard allows more efficient, practical and/or pleasant use of the remainder of the site.
5. The degree to which alternative practical locations are available for the building.

GRZ-AM2

Outdoor Living and Service Space

1. The degree to which the reduction in outdoor living or service space and/or its location will adversely affect the ability of the site to provide for the outdoor living or service needs of likely future residents of the site.
2. Any alternative provision on, or in close proximity to, the site for outdoor living or service space to meet the needs of likely future residents of the site.
3. The degree to which access to alternative outdoor living or service space (e.g. balconies or communal open space) is provided.

GRZ-AM3

Hours of Operation

1. The degree to which additional visitors, employees, customers, or suppliers to the site will result in traffic generation and pedestrian activity that is incompatible with the character of the surrounding area.
2. Any adverse effects of the extended hours in terms of noise, vibration, glare, loss of privacy, traffic and/or parking congestion.

GRZ-AM4 Heavy Vehicle Storage

1. The degree to which the vehicles being stored can be viewed from adjoining sections, the road and public places and the degree to which screening (either by fences, buildings, or landscaping) may mitigate any adverse visual impact.
2. The degree of noise that may be generated from the starting, manoeuvring and mechanical repair of vehicles on site and the degree to which this will contrast with the existing noise environment.
3. Where a heavy vehicle to be stored has been used for the cartage of animals the procedures to be adopted for the washing down of the vehicles and the disposal of the waste and wash water.

GRZ-AM5 Screening of Outdoor Service Areas

1. The degree to which the visual characteristics of the activity to be established are compatible with the character and amenity of the surrounding area and the degree to which screening or landscaping can mitigate any adverse impact.

GRZ-AM6 Home Businesses

1. The degree to which the character of the site will ~~retain~~ remain compatible with the purpose and anticipated outcomes of the zone, and supported by open space or tree and garden plantings rather than become dominated by buildings and areas of hard surfacing.
2. The degree to which the activities on the site remain dominated by residential activities, rather than by activities which are not associated with or incidental to residential activities on the site.
3. The degree to which additional employment is an integral and necessary part of other activities being undertaken on the site and contributes towards alternative home-based employment and income-generating opportunities for residents or occupiers of the site.
4. The degree to which the activity fulfils a function at a local level by meeting the needs of residents principally within the surrounding environment.
5. Any adverse effects of the home business in terms of noise, vibration, glare, odour, dust, loss of privacy, traffic and/or parking congestion.

GRZ-AM7 Outdoor Storage

1. The degree to which materials or equipment associated with the activity need to be stored outside the building, taking account of:
 - a. the nature, coverage area and height of materials or equipment; and

- b. the time period over which materials or equipment are intended to be outside a building.
- 2. The degree to which provisions would be needed for:
 - a. security;
 - b. control of litter and vermin; and
 - c. prevention or containment of fire hazard.
- 3. Where goods are not stored to the rear of a building or not screened from public view, the degree to which the outdoor storage will be compatible with the appearance, layout and functioning of other sites in the adjoining area, and the degree to which it will detract from the attractiveness of the site, as viewed from adjoining roads and sites.

GRZ-AM8 Visitor Accommodation

- 1. Any adverse effects of the likely traffic and pedestrian generation from the proposed visitor accommodation in terms of:
 - a. Noise, vibration and glare from vehicles entering and leaving the site or adjoining road, which is incompatible with the levels acceptable in a medium-density residential environment;
 - b. Loss of privacy;
 - c. Levels of traffic congestion, reduction in levels of traffic safety, or reduction in availability of on-street parking, which are inconsistent with the classification of the adjoining road; and
 - d. Any cumulative effect of traffic generation from the activity in conjunction with traffic generation from other activities in the vicinity.
- 2. The ability to mitigate any adverse effects of the additional traffic generation such as through the location and design of vehicle crossings, parking and loading areas or through the provision of screening. (Other factors may reduce the effect of the additional traffic generation, such as infrequency of the activity, or limited total time over which the traffic movements occur).

GRZ-AM9 Community Facilities, Day Care Facilities and Educational Facilities

- 1. The degree to which the proposed buildings will be compatible and integrate with the character of the surrounding area, including the layout, height, bulk, location and scale of buildings.
- 2. Any adverse effects from the proposed activity in terms of:
 - a. loss of privacy to neighbours, including being over-looked by buildings;
 - b. loss of openness and attractiveness of the street scene;
 - c. noise, vibration, and glare; and
 - d. admission of sunlight and daylight to adjoining sites.
- 3. The volume and type of traffic which may be generated by the

activity and the ability to avoid or mitigate any adverse effects on the function of the road network and/or the safety of pedestrians, cyclists and vehicles using the road network (including cumulative effects) through the provision of appropriate on-site parking, vehicle queuing, loading, manoeuvring and access design.

4. Whether the amenity of the residential environment will be adversely affected by the scale and/or intensity of the activity. The following matters will be considered:
 - a. the number of patrons and/or staff on the site at any one time;
 - b. the hours of operation to maintain the residential amenity of the area;
 - c. the proximity of the activity to adjacent residential activities;
 - d. the anticipated number of transportation movements (including pedestrians and vehicular traffic); and
 - e. whether the proposed activity is located in an area where there are already one or more non-residential activities in close proximity and the resultant cumulative effect on residential amenity.
5. Whether landscaping and/or screening is proposed to mitigate potential adverse visual effects of the activity.

GRZ-AM10 Commercial Activities

1. The degree to which the proposed buildings will be compatible and integrate with the character of the surrounding area, including the layout, height, bulk, location, and scale of buildings.
2. Any adverse effects from the proposed activity in terms of:
 - a. loss of privacy to neighbours, including being over-looked by buildings;
 - b. loss of openness and attractiveness of the street scene;
 - c. noise, vibration, and glare; and
 - d. admission of sunlight and daylight to adjoining sites.
3. The volume and type of traffic which may be generated by the activity and the ability to avoid or mitigate any adverse effects on the function of the road network and/or the safety of pedestrians, cyclists and vehicles using the road network (including cumulative effects) through the provision of appropriate on-site parking, vehicle queuing, loading, manoeuvring and access design, as well as any necessary landscaping.

Methods

Methods, other than the above rules, for implementing the policies:

GRZ-M1 Other Provisions in the District Plan

Other sections of the District Plan contain additional rules and standards applying to activities in the General Residential Zone:

1. NU – Network Utilities – includes rules and standards relating to network utility operations.
2. TRAN – Transport – includes rules and standards relating to access,

- parking, and loading.
3. HAZS – Hazardous Substances – includes rules relating to the storage, handling and use of hazardous substances, and rules applying to major hazardous facilities.
 4. NH – Natural Hazards – includes rules applying in areas specifically identified as subject to natural hazards.
 5. HH – Historic Heritage – includes rules applying specifically to identified heritage buildings.
 6. TREE – Notable Trees – includes rules applying specifically to identified notable trees.
 7. SASM – Sites and Areas of Significance to Māori – includes rules applying specifically to identified sites of significance.
 8. SUB – Subdivision – includes rules and standards applying to subdivision.
 9. EW – Earthworks – includes rules and standards relating to earthworks and land disturbance, mining, quarrying and mineral prospecting and exploration.
 10. NOISE – Noise – includes rules and standards relating to the emission of noise.
 11. LIGHT – Light – includes rules and standards relating to light and glare.
 12. PKH – Papakāinga and Kaumātua Housing, and associated Marae-based Development – includes rules and standards relating to papakāinga and kaumātua housing and marae-based developments on Māori land.
 13. SIGN – Signs – includes rules and standards relating to the design and installation of signs.
 14. TEMP – Temporary Activities – includes rules and standards relating to temporary activities, temporary buildings, and temporary events.

Principal Reasons

The principal reasons for adopting the policies and methods:

Housing needs and lifestyle preferences of people in the District differ according to age and income. Family homes constitute the predominant form of residential dwellings in Waipukurau and Waipawa but are not necessarily representative of the needs of the community, particularly the elderly, retired, disabled, or single. The Plan recognises and provides for diversity in living environments.

These objectives and policies are designed to allow activities appropriate to a residential environment. Residential activities are the predominant land use permitted as of right, and certain non-residential activities, such as home businesses and primary production activities, are also provided for, recognising their contribution to the social, economic, and cultural well-being of the District. The Council does not want to unnecessarily constrain individual building design and architecture but will enforce some development standards in order to ~~maintain and enhance the character and amenity values of residential areas~~ ensure that built form outcomes are consistent with the planned character of the zone.

The Residential Zone performance standards cover such matters as building setback, height and coverage, residential density, outdoor living and service spaces, parking, and access, and noxious or nuisance elements, including noise, glare, traffic generation. They have been set at a level that reflects the existing residential amenity. Persons undertaking activities that do not meet these standards will need to obtain a resource consent from the Council, at which time the merits and consequences of such use in a residential neighbourhood will be assessed.

Anticipated Environmental Results

The environmental results anticipated from the policies and methods:

- GRZ-AER1** A variety of housing options to meet the diversity of needs of Waipukurau and Waipawa residents.
- GRZ-AER2** Retention of the predominant **built form** character and scale of development within the District's residential settlements of Waipukurau and Waipawa **that is one to two storey's high in a variety of form and sizes.**
- GRZ-AER3** Compact and coherent residential areas which achieve:
1. residential accommodation close to employment and social services; and
 2. diversity in housing and lifestyle types, to meet a range of community needs.
- GRZ-AER4** A high degree of residential amenity expressed by way of:
- ~~1. dominance of open space and plantings over buildings;~~
 2. dominance of **medium density one to two storey housing in a variety of forms;**
 - ~~3. limited high density housing; and~~
 4. compatibility between activities, with residential use the predominant activity.
- GRZ-AER5** Diversity in building architecture, providing for individual and community expression.

Appendix A – Recommended Changes

Black Text – Original wording of Proposed District Plan

Black Underline – Officer’s recommended changes, as set out in Section 42a report.

Red Text - Additional changes proposed by Kāinga Ora. Consequential amendments may be required to numbering.

COMZ – Commercial Zone

Introduction

Waipukurau and Waipawa are the largest commercial business and rural service centres in the District, providing a wide range of activities, including retail shops, professional and administrative offices, community facilities, personal and household services, entertainment, restaurants and industry.

The existing buildings in the central retail areas are generally one or two storeys high, and are often characterised by verandahs and display windows adjacent to the street frontage. The Council provides off-street parking, street furniture and public toilets in these areas.

Waipawa and Waipukurau have a number of historic buildings. In Waipawa they are wooden, built around the turn of last century; while, in Waipukurau they are typically in ‘art deco’ style, built after the 1931 Napier earthquake.

Performance standards aim to ~~maintain and enhance~~ ensure the existing character the quality and amenity of the zone is not degraded, and ~~while~~ providing flexibility in ~~site~~ built form and development to enable activities that support the objectives of the zone.

Performance Standards also apply to activities within the Commercial Zone that are on sites adjoining the General Residential Zone, to ensure that ~~the amenity values and quality of the residential environment are not adversely affected~~ effects resulting from commercial activities at the interface are appropriately managed so as not to adversely affect residential amenity.

Issues

COMZ-I1 Amenity

There is a need to provide for and enable a diverse range of commercial business activities to establish within the urban areas of Waipawa and Waipukurau, as they contribute to the economic and social wellbeing of the District. However, the establishment and operation of businesses without adequate environmental controls can cause noise, odour, dust, loss of visual amenity, and traffic congestion, leading to reduced quality of the environment and incompatibility with other land uses.

Explanation

The inner commercial areas of Waipawa and Waipukurau contain retail and service activities and their characteristics are quite distinct.

Visually, the Commercial Zone is characterised by one and two storey buildings built up to all

boundaries, often with large display windows, verandahs and advertising signs. Important issues with regard to visual amenity are:

- retaining the existing scale and spatial distribution of buildings
- preventing the proliferation of advertising from detracting from amenity
- preventing the erection of large blank walls along road frontages
- a safe and pleasant pedestrian environment

To maintain an attractive environment, new buildings should not significantly exceed existing heights or create large blank walls which have no interest or appeal. Large, sealed areas, such as car parks, also have little visual interest and fragment the continuity of buildings. The potential effects of a proliferation of advertising is discussed in the SIGNS – Signs chapter.

Certain buildings in the District's business areas (such as the Waipawa Town Hall and Library) contain significant historical, architectural, or cultural values. Poorly considered development can compromise the character of buildings. It is therefore important to ensure that the development and refurbishment of these buildings is sympathetic to, and maintains, their important values.

COMZ-I2 Reverse Sensitivity

New sensitive activities locating within the Commercial Zone can create actual or potential reverse sensitivity effects.

Explanation

The establishment of more sensitive activities within the zone, such as residential activities, can potentially restrict the operation of lawfully established commercial activities because they have different expectations in relation to environmental standards, including noise levels, traffic, light and glare.

Objectives

COMZ-O1 ~~Maintain and enhance the character and amenity values of the commercial areas in a manner that enables~~ Provide for commercial activities ~~to that~~ support the local economy and provide a pleasant work environment, while avoiding, remedying or mitigating adverse effects ~~within and adjoining the Commercial Zones on the environment.~~

COMZ-O2 Provide for complementary and compatible non-commercial activities within the Commercial Zone that recognise the sensitivities and amenity levels within the Commercial Zones are provided for.

COMZ-O3 ~~Business Commercial~~ activities which do not detract from the standard of amenity in the adjoining General Residential Zone areas.

Policies

COMZ-P1 To ~~maintain and enhance~~ ensure the commercial environment achieves and appropriate level of amenity by avoiding, remedying or mitigating adverse dust and noise effects created by activities ~~such as noise, glare, dust, odour and car parking or visual impacts~~; by:

1. requiring all parking and vehicle manoeuvring areas to be formed and sealed to minimise the creation of dust nuisance; and
2. ensuring noise standards within commercial areas do not compromise the functioning of anticipated activities, while recognising that the areas need to remain pleasant to visit and work in.

COMZ-P2 To ~~maintain and enhance the existing~~ ensure development is consistent with the overall form and character of central commercial areas in terms of building height, setback from streets, building coverage, verandahs and display windows.

COMZ-P3 To maintain, and where appropriate enhance, the character and integrity of buildings ~~which identified as having~~ significant cultural, historic or architectural values of significance.

COMZ-P4 To differentiate between commercial activities, based on the general nature of their effects, so that incompatible activities are not located together; by:

1. ensuring the retention of a central commercial area (Commercial Zone) in Waipukurau and Waipawa, with particular focus on the retail and commercial frontage areas, so they remain convenient, accessible, identifiable and pleasant areas to undertake commercial and retail activities.

COMZ-P5 To maintain and enhance public open spaces within commercial areas, and to provide public facilities and street furniture (such as bench seats) for the enjoyment and convenience of visitors, workers and residents.

COMZ-P6 To provide for a mix of activities within the Commercial Zone which meet the needs of the local community with convenient access to goods and services, while ensuring adverse effects on the environment, human health and safety are avoided, remedied or mitigated.

COMZ-P7 To recognise and encourage a clear distinction between development and activities in the Commercial Zone and the General Residential Zone.

COMZ-P8 At the interface between the Commercial zone and General Residential Zone, to protect ~~living environments~~ residential activities within the General Residential Zone from unacceptable noise, odour, shading, traffic, or reduction in visual amenity by:

1. applying the residential standards for height in relation to boundary and admission of sunlight to buildings on commercial sites adjoining residential areas in the General Residential Zone;
2. applying the residential standard for noise on activities on commercial sites adjoining residential areas; and
3. requiring landscape planting along the boundaries of commercial sites adjacent to residential sites and screening of outdoor storage areas to protect the visual amenity of the

residential areas.

Rule Overview Table

Use/activity	Rule Number
Commercial activities	COMZ-R1
Service activities	COMZ-R2
Community facilities	COMZ-R3
Educational facilities	COMZ-R4
Emergency service activities and emergency aviation movements	COMZ-R5
Community corrections activities	COMZ-R6
Relocated buildings	COMZ-R7
<u>Residential activities</u>	<u>COMZ-RX</u>
Residential activities, r Rest homes and visitor accommodation	COMZ-R8
Commercial boarding and/or breeding of cats, dogs and other domestic pets	COMZ-R9
Relocatable building depots	COMZ-R10
Any other activity not otherwise provided for	COMZ-R11
Intensive primary production activities	COMZ-R12
Industrial activities	COMZ-R13
Warehouses and depots	COMZ-R14

Rules

It is important to note that in addition to the provisions in this chapter, a number of other Part2: District-Wide Matters chapters also contain provisions that may be relevant for activities undertaken in the Commercial Zone.

Also, check to see if consents are required from Hawke's Bay Regional Council, for instance in relation to:

- discharges of contaminants to land or water (e.g. waste disposal, stormwater from an industrial or trade premises).
- discharges of contaminants or odour to air.

COMZ-R1 Commercial activities

1. Activity Status: PER

Where the following conditions are met:

- a. Compliance with:
 - i. COMZ-S1;
 - ii. COMZ-S2;
 - iii. COMZ-S3;
 - iv. COMZ-S4;
 - v. COMZ-S5;
 - vi. COMZ-S6;
 - vii. COMZ-S7;
 - viii. COMZ-S8;
 - ix. COMZ-S9; and
 - x. COMZ-S10.

2. Activity status where compliance not achieved: RDIS

Matters over which discretion is restricted (where relevant to the infringed standard(s)):

- a. Assessment matters:
 - i. COMZ-AM1.
 - ii. COMZ-AM2.
 - iii. COMZ-AM3.
 - iv. COMZ-AM4.
- b. Assessment matters in the following chapters:
 - i. TRAN – Transport.
 - ii. LIGHT – Light.
 - iii. NOISE – Noise.

COMZ-R2 Service activities (excluding warehouses and transport depots)

1. Activity Status: PER

Where the following conditions are met:

- a. Compliance with:
 - i. COMZ-S1;
 - ii. COMZ-S2;
 - iii. COMZ-S3;
 - iv. COMZ-S4;
 - v. COMZ-S5;
 - vi. COMZ-S6;
 - vii. COMZ-S7;
 - viii. COMZ-S8;
 - ix. COMZ-S9; and

2. Activity status where compliance not achieved: RDIS

Matters over which discretion is restricted (where relevant to the infringed standard(s)):

- a. Assessment matters:
 - i. COMZ-AM1.
 - ii. COMZ-AM2.
 - iii. COMZ-AM3.
 - iv. COMZ-AM4.
- b. Assessment matters in the following chapters:
 - i. TRAN – Transport.

x. COMZ-S10.

- ii. LIGHT – Light.
- iii. NOISE – Noise.

COMZ-R3 Community facilities

1. Activity Status: PER

Where the following conditions are met:

- a. Compliance with:
 - i. COMZ-S1;
 - ii. COMZ-S2;
 - iii. COMZ-S3;
 - iv. COMZ-S4;
 - v. COMZ-S5;
 - vi. COMZ-S6;
 - vii. COMZ-S7;
 - viii. COMZ-S8;
 - ix. COMZ-S9; and
 - x. COMZ-S10.

2. Activity status where compliance not achieved: RDIS

Matters over which discretion is restricted (where relevant to the infringed standard(s)):

- a. Assessment matters:
 - i. COMZ-AM1.
 - ii. COMZ-AM2.
 - iii. COMZ-AM3.
 - iv. COMZ-AM4.
- b. Assessment matters in the following chapters:
 - i. TRAN – Transport.
 - ii. LIGHT – Light.
 - iii. NOISE – Noise.

COMZ-R4 Educational facilities

1. Activity Status: PER

Where the following conditions are met:

- a. Compliance with:
 - i. COMZ-S1;
 - ii. COMZ-S2;
 - iii. COMZ-S3;
 - iv. COMZ-S4;
 - v. COMZ-S5;
 - vi. COMZ-S6;
 - vii. COMZ-S7;
 - viii. COMZ-S8;
 - ix. COMZ-S9; and
 - x. COMZ-S10.

2. Activity status where compliance not achieved: RDIS

Matters over which discretion is restricted (where relevant to the infringed standard(s)):

- a. Assessment matters:
 - i. COMZ-AM1.
 - ii. COMZ-AM2.
 - iii. COMZ-AM3.
 - iv. COMZ-AM4.
- b. Assessment matters in the following chapters:
 - i. TRAN – Transport.
 - ii. LIGHT – Light.
 - iii. NOISE – Noise.

COMZ-R5 Emergency service activities and emergency aviation movements

1. Activity Status: PER

Where the following conditions are met:

- a. Compliance with:
 - i. COMZ-S1;

2. Activity status where compliance not achieved: RDIS

- ii. COMZ-S2;
- iii. COMZ-S3;
- iv. COMZ-S4;
- v. COMZ-S5;
- vi. COMZ-S6;
- vii. COMZ-S7;
- viii. COMZ-S8;
- ix. COMZ-S9; and
- x. COMZ-S10.

Matters over which discretion is restricted (where relevant to the infringed standard(s)):

- a. Assessment matters:
 - i. COMZ-AM1.
 - ii. COMZ-AM2.
 - iii. COMZ-AM3.
 - iv. COMZ-AM4.
- b. Assessment matters in the following chapters:
 - i. TRAN – Transport.
 - ii. LIGHT – Light.
 - iii. NOISE – Noise.

COMZ-R6 Community corrections activities

1. Activity Status: PER

Where the following conditions are met:

- a. Compliance with:
 - i. COMZ-S1;
 - ii. COMZ-S2;
 - iii. COMZ-S3;
 - iv. COMZ-S4;
 - v. COMZ-S5;
 - vi. COMZ-S6;
 - vii. COMZ-S7;
 - viii. COMZ-S8;
 - ix. COMZ-S9; and
 - x. COMZ-S10.

2. Activity status where compliance not achieved: RDIS

Matters over which discretion is restricted (where relevant to the infringed standard(s)):

- a. Assessment matters:
 - i. COMZ-AM1.
 - ii. COMZ-AM2.
 - iii. COMZ-AM3.
 - iv. COMZ-AM4.
- b. Assessment matters in the following chapters:
 - i. TRAN – Transport.
 - ii. LIGHT – Light.
 - iii. NOISE – Noise.

COMZ-R7 Relocated buildings

1. Activity Status: PER

Where the following conditions are met:

- a. The building must be for the purpose of accommodating a permitted or consented activity on the site.
- b. Compliance with COMZ-S11.

2. Activity status where compliance not achieved: RDIS

Matters over which discretion is restricted:

- a. Whether the building is structurally sound, the condition of the building and the works needed to bring the exterior of the building upto an external visual appearance that is tidy, of appropriate

- standard, and compatible with other buildings in the vicinity.
- b. The bulk and location of the building in relation to the requirements of the zone.
 - c. The need for structural repairs and reinstatement of the building and the length of time for completion of that work.
 - d. The imposition of a performance bond to ensure compliance with the consent conditions.

Note: this rule applies to the building only. Any activities occurring within the building are subject to the District Plan rules relating to the activity itself.

COMZ-RX Residential activities

1. Activity Status: PER

Where the following conditions are met:

- a. **Compliance with:**
 - i. **COMZ-S1;**
 - ii. **COMZ-S2;**
 - iii. **COMZ-S3;**
 - iv. **COMZ-S4;**
 - v. **COMZ-S5;**
 - vi. **COMZ-S6;**
 - vii. **COMZ-S7;**
 - viii. **COMZ-S8;**
 - ix. **COMZ-S9;**
 - x. **COMZ-S10; and**
 - xi. **COMZ-SX.**

Matters over which control is reserved:

- b. **The implementation of noise attenuation measures to avoid compromising the ability of nearby businesses to continue to operate.**

2. Activity status where compliance not achieved: RDIS

Matters over which discretion is restricted (where relevant to the infringed standard(s)):

- a. **Assessment matters:**
 - i. **COMZ-AM1.**
 - ii. **COMZ-AM2.**
 - iii. **COMZ-AM3.**
 - iv. **COMZ-AM4.**
 - v. **COMZ-AM5.**
- b. **Assessment matters in the following chapters:**
 - i. **TRAN – Transport.**
 - ii. **LIGHT – Light.**
 - iii. **NOISE – Noise.**

COMZ-R8 Residential activities, Rest homes and visitor accommodation

1. Activity Status: CON

Where the following conditions are met:

- c. **Compliance with:**

2. Activity status where compliance not achieved: RDIS

- i. COMZ-S1;
- ii. COMZ-S2;
- iii. COMZ-S3;
- iv. COMZ-S4;
- v. COMZ-S5;
- vi. COMZ-S6;
- vii. COMZ-S7;
- viii. COMZ-S8;
- ix. COMZ-S9; and
- x. COMZ-S10

Matters over which control is reserved:

d. The implementation of noise attenuation measures to avoid compromising the ability of nearby businesses to continue to operate.

Matters over which discretion is restricted (where relevant to the infringed standard(s)):

- c. Assessment matters:
 - vi. COMZ-AM1.
 - vii. COMZ-AM2.
 - viii. COMZ-AM3.
 - ix. COMZ-AM4.
 - x. **COMZ-AM5.**
- d. Assessment matters in the following chapters:
 - iv. TRAN – Transport.
 - v. LIGHT – Light.
 - vi. NOISE – Noise.

COMZ-R9 Commercial boarding and/or breeding of cats, dogs, and other domestic pets

1. Activity Status: DIS

Where the following conditions are met: N/A

2. Activity status where compliance not achieved: N/A

COMZ-R10 Relocatable building depots

1. Activity Status: DIS

Where the following conditions are met: N/A

2. Activity status where compliance not achieved: N/A

COMZ-R11 Any other activity not otherwise provided for

1. Activity Status: DIS

Where the following conditions are met: N/A

2. Activity status where compliance not achieved: N/A

COMZ-R12 Intensive primary production activities (other than commercial boarding and/or breeding of cats, dogs, and other domestic pets)

1. Activity Status: NC

Where the following conditions are met: N/A

2. Activity status where compliance not achieved: N/A

COMZ-R13 Industrial activities

1. Activity Status: NC

Where the following conditions are met: N/A

2. Activity status where compliance not achieved: N/A

COMZ-R14 Warehouses and depots

1. Activity Status: NC

Where the following conditions are met: N/A

2. Activity status where compliance not achieved: N/A

Standards

COMZ-S1 Height of Buildings

All	<p>1. Maximum height of any building(s) is 12m.</p> <p><i>Note: in all instances, height is measured from the natural ground level.</i></p>
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COMZ-S2 Setback from Roads and Rail Network

Within the Commercial Frontage Area	<p>1. Minimum Maximum setback for any building(s) from road boundaries is 5m.</p> <p>2. Car parks must not be constructed within the 5m setback from road boundaries.</p> <p>3. Minimum setback for any building(s) from the Rail Network Boundary is 1.5m.</p>
Outside of the Commercial Frontage Area	<p>4. No minimum setback for buildings from road boundaries.</p> <p>5. Minimum setback for any building(s) from the Rail Network Boundary is 1.5m.</p>

COMZ-S3 Verandahs

Within the Commercial Frontage Area Only	<p>1. Every building(s) for an activity in the Commercial Frontage Area must, on its erection or on being reconstructed or altered in any way that substantially changes the exterior appearance, be provided with a verandah.</p>
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COMZ-S4 Windows

Within the Commercial Frontage Area Only	<p>1. Every building(s) for an activity in the Commercial Frontage Area must contain window(s) covering a minimum of 50% of the area of the ground floor wall(s) facing the road frontage(s).</p>
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COMZ-S5 Outdoor Storage

All	<p>1. All outdoor storage associated with activities must be screened from adjoining roads and sites by landscaping, walls, fences, or a combination of these, at a minimum height of 1.8m.</p>
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2. Screening shall not obscure emergency or safety signage or obstruct access to emergency panels, hydrants, shut-off valves, or other emergency response facilities.

COMZ-S6 Amenity of Adjoining General Residential Zone

Where adjoining a sitezoned General Residential

1. Setback from General Residential Zone boundary:
 - a. the minimum setback of residential buildings is 1m.
 - b. the minimum setback of buildings for any other activity is 5m.
2. Height in relation to boundary:
 - a. No part of a building may exceed a height of ~~2~~ **3**m plus the shortest horizontal distance between that part of the building and the General Residential Zone boundary, except for the following:
 - i. chimneys, ventilation shafts, lift and stair shafts and spires, poles and masts that meet the maximum height standard for the relevant zone, provided the maximum dimension of these structures measured parallel to the boundary under consideration must not exceed 3m;
 - ii. domestic water storage tanks, provided the maximum dimension of these structures measured parallel to the boundary under consideration must not exceed 3m;
 - iii. solar panels or solar hot water systems (and associated hardware), provided that the panels do not protrude more than 500mm from the surface of the roof.
 - b. Where an internal boundary of a site immediately adjoins an access or part of an access which is owned or partly owned with that site or has a registered right-of-way over it in favour of that site, the height in relation to boundary must be measured from the far side of the access.
3. Screening:
 - a. A landscaped area with a minimum width of 2m must be established and maintained along ~~internal~~ boundaries adjoining the General Residential Zone and must be planted with species, which at maturity, will screen the buildings from the adjoining sites in the General Residential Zone.
 - b. In addition, a solid wall or close boarded fence must be constructed at a minimum height of 1.8m, sufficient to screen any outdoor storage areas.

COMZ-S7 Electricity Safety Distances

All	1. Any activity, including the establishment of buildings and structures within the vicinity of overhead electric lines must comply with the New Zealand Electrical Code of Practice for Electrical Safety Distances (NZCEP 34:2001).
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COMZ-S8 Transport (Access, Parking, Loading)

All	1. Activities must comply with the provisions of the TRAN – Transport chapter.
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COMZ-S9 Light

All	1. Activities must comply with the provisions of the LIGHT – Light chapter.
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COMZ-S10 Noise

All	1. Activities must comply with the provisions of the NOISE – Noise chapter.
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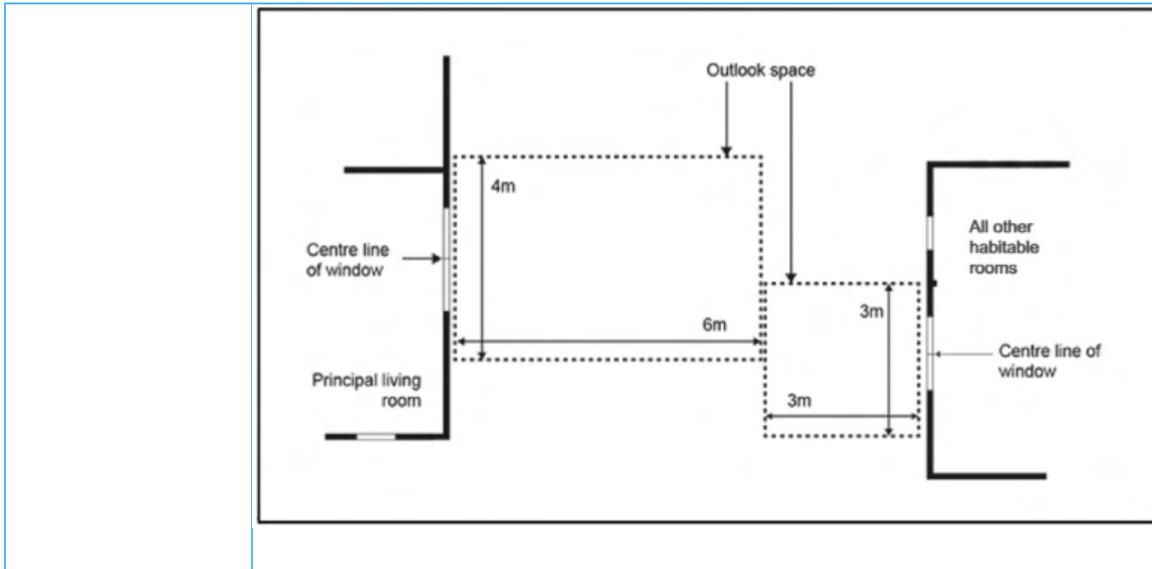
COMZ-S11 Relocated Buildings

All	<ol style="list-style-type: none">1. Any relocated building intended for use as a dwelling or for visitor accommodation must have previously been designed, built, and used as a dwelling or for visitor accommodation.2. The relocated building must comply with all other relevant performance standards for the zone.3. A Building Pre-Inspection Report must be submitted to the Council with each application to relocate a building. The report must:<ol style="list-style-type: none">a. state whether the building is structurally sound;b. describe the condition of the building and identify all reinstatement works needed to bring the exterior of the building up to an external visual appearance that is tidy, workmanlike and compatible with other buildings in the vicinity;c. state the proposed timetable to complete the external reinstatement works (including connections to all infrastructure services and closing in and ventilation to the foundations) within 12 months from the date the building is moved to the site;d. provide clear photographs of the building in its current state; ande. provide such plans and elevations of the building as are necessary to illustrate the new site location and likely external design and appearance of the building as a result of the reinstatement work.
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	<p>4. The Building Pre-Inspection Report must be prepared by:</p> <ul style="list-style-type: none"> a. A Member of Engineering New Zealand (the Institute of Engineering Professionals) (Structural and Civil); or b. A member of the New Zealand Institute of Building Surveyors; or c. An independent person, persons, or company as approved by Central Hawke's Bay District Council Building Control Authority; or d. A Building Control Officer (or equivalent) from the Territorial Local Authority where the building is being relocated from outside of the District. <p>5. The Council must be notified of the intended delivery date at least 48 hours before the building is relocated. Relocation must not be undertaken until the site is visited by Council officers to inspect the standard of the site, footpath, vehicle entrance and road. This standard will be met provided that the building is relocated within 5 days of the notified date.</p> <p>6. The building must be placed on permanent foundations no later than two weeks from the date the building is moved to the site.</p> <p>7. All external reinstatement works identified in the Building Pre-Inspection Report, including connections to all infrastructure services and closing in and ventilation to the foundations, must be completed within 12 months from the date the building is moved to the site.</p> <p>8. The owner of the site on which the relocated building is placed must certify to the Council that the reinstatement work identified in the Building Pre-Inspection Report will be completed within the 12-month period. The site owner will be responsible for ensuring this work is completed.</p> <p><i>Note: All necessary building consents under the Building Act 2004 (including consent to place the building on permanent foundations) must be obtained prior to the relocated building being placed on the destination site, unless otherwise agreed in writing by the Council.</i></p>
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COMZ-SX Residential Activities within the Commercial Zone	
<u>Within the Commercial Frontage Area Only</u>	<u>1. Every residential unit must be provided for above groundfloor level.</u>
<u>All</u>	<u>2. Each residential unit must be provided with a continuous area for outdoor living space which is contained in one area within the net site area of the site, and:</u>

	<ul style="list-style-type: none"> a. <u>For residential units at ground level, must comprise at least 20m² with a minimum dimension of 4m in any direction;</u> b. <u>For residential units above ground floor level, must comprise at least 6m² with a minimum dimension of 1.5m 1.8m in any direction; and</u> c. <u>Must be readily accessible from a living area of the residential units, and may take the form of a deck, terrace, or verandah, but must be kept free of buildings (other than cantilevered decks), access areas (including driveways and manoeuvring areas), parking spaces and dedicated outdoor service space.</u>
	<p><u>3. An outlook space must be provided from the face of a building containing windows to a habitable room. Where the room has two or more external faces with windows the outlook space must be provided from the face with the largest area of glazing.</u></p> <ul style="list-style-type: none"> a. <u>The minimum dimensions for a required outlook space are as follows:</u> <ul style="list-style-type: none"> i. <u>a principal living room of a dwelling or main living and dining area within a boarding house or supported residential care must have a outlook space with a minimum dimension of 6m in depth and 4m in width; and</u> ii. <u>all other habitable rooms of a dwelling or a bedroom within a boarding house or supported residential care unit must have an outlook space with a minimum dimension of 3m in depth and 3m in width.</u> b. <u>The depth of the outlook space is measured at right angles to and horizontal from the window to which it applies.</u> c. <u>The width of the outlook space is measured from the centre point of the largest window on the building face to which it applies.</u> d. <u>The height of the outlook space is the same as the floor height, measured from floor to ceiling, of the building face to which the standard applies.</u> e. <u>Outlook spaces may be within the site, over a public street, or other public open space.</u> f. <u>Outlook spaces required from different rooms within the same building may overlap.</u> g. <u>Outlook spaces may overlap where they are on the same wall plane.</u> h. <u>Outlook spaces must:</u> <ul style="list-style-type: none"> i. <u>be clear and unobstructed by buildings;</u> ii. <u>not extend over adjacent sites, except for where the outlook space is over a public street or public open space; and</u> iii. <u>not extend over an outlook spaces or outdoor living space required by another dwelling.</u>



Assessment Matters

For Discretionary Activities, Council's assessment is not restricted to these matters, but it may consider them (among other factors).

COMZ-AM1 Height of Buildings, Setback from Roads and Rail Network

1. The degree to which the proposed buildings:
 - a. will be compatible with the character and amenity **of development provided for in** of the area, including the nature and scale of other buildings in the surrounding area;
 - b. ~~will~~**may** overshadow adjoining sites and result in reduced sunlight and daylight;
 - c. ~~will cause a loss of privacy through being over-looked from neighbouring buildings~~**may result in overlooking an associated loss of privacy of neighbouring properties;**
 - d. ~~will block views from properties in the vicinity, or from roads or public open space in the surrounding area;~~
 - e. ~~will~~**may** diminish **or contribute to** the openness and attractiveness of the streetscape scene;
 - f. **may result in visual dominance effects;**
 - g. ~~will~~**may** detract from the amenity of adjoining sites, in terms of such matters as noise, odour, dust, glare or vibration occurring as a result of **the height and/or location of** the building; and
 - h. ~~will~~**may** adversely affect the safe and efficient operation of the land transport network.
2. The ability of the applicant to:
 - a. provide adequate vehicle parking and manoeuvring space on site;
 - b. mitigate any adverse effects of increased height or exceedance of the height in relation to boundary, such as through increased separation distances between the building and adjoining sites or the provision of screening; and
 - c. mitigate any adverse effects on people affected by the proposal.

3. The degree to which the non-compliance with the standard allows more efficient, practical and/or pleasant use of the remainder of the site.
4. The degree to which alternative practical locations are available for the building.

COMZ-AM2 Windows, Verandahs and Setback in the Commercial Frontage Area

1. Where windows or verandahs are not to be provided, the degree of the effect this will have on the visual continuity of building frontage as viewed from the street, and on the form and character of buildings in areas of intensive business activity.
2. The volume of pedestrians using the street and the potential impact that a blank wall or lack of verandah may have on the amenity, interest, and attractiveness of the street.
3. The volume of pedestrians using the street and the degree to which they will be exposed to adverse climatic conditions.
4. Whether a new verandah or window would detract from the heritage values of a building.
5. ~~The design and appearance of the building and its compatibility with other adjoining buildings in terms of design, height, setback, and scale.~~
6. The degree to which setback from the road boundary will affect the visual continuity of the building frontage along the street and the character of the area.
7. The means to mitigate the loss of continuity and character through landscaping.

COMZ-AM3 Amenity of General Residential Zone

1. Setback and Height in Relation to Boundary.
 - a. matters in COMZ-AM1.
2. Screening
 - a. The degree of the visual impact of buildings and outdoor storage areas on sites with a reduced area of planting.
3. The degree to which the site is visible from adjoining residential sites and areas.
4. The degree to which other factors may compensate for a reduced landscaped area, such as:
 - a. a higher quality of planting over a smaller area;
 - b. a high standard of architectural design that is not visually obtrusive;
 - c. the type of building materials used; and
 - d. the location of different activities on-site and their relationship to the boundaries of the site and their visibility from the general area.

COMZ-AM4 Outdoor Storage

1. The degree to which materials or equipment associated with the activity need to be stored outside the building, taking account of:
 - a. the nature, coverage area and height of materials or equipment; and
 - b. the time period over which materials or equipment are intended to be outside a building.
2. The degree to which provisions would be needed for:
 - a. security;
 - b. control of litter and vermin; and
 - c. prevention or containment of fire hazard.

3. Where goods are not stored to the rear of a building or not screened from public view, the degree to which the outdoor storage will be compatible with the appearance, layout and functioning of other sites in the adjoining area, and the degree to which it will detract from the attractiveness of the site, as viewed from adjoining roads and sites.

COMZ-AM5 Residential Activities within the Commercial Zone

1. **In relation to any non-compliances with COMZ-SX(1):**
 - a. **The extent to which the proposal will contribute to, or detract from, an active street frontage;**
 - b. **The extent to which the proposed non-compliance would result in a reduction in on-site residential amenity; and**
 - c. **The extent to which establishment of residential activities may compromise the ability to provide for commercial demand within the district.**
2. **In relation to any non-compliances with COMZ-SX(2):**
 - a. **Whether the outdoor living space would provide for an appropriate level of on-site residential amenity;**
 - b. **Whether the proposal is located proximate to, and has reasonable access to, public open space;**
 - c. **The size of residential units proposed.**
3. **In relation to any non-compliances with COMZ-SX(3):**
 - a. **Any adverse effects of reduced outlook on the amenity of adjoining sites and sense of privacy within the site;**
 - b. **The ability to mitigate any adverse effects of reduced outlook through the use of alternative methods;**
 - c. **The design, layout and use of the site which may compensate for reduced outlook.**

Methods

Methods, other than the above rules, for implementing the policies:

COMZ-M1 Other Provisions in the District Plan

Other sections of the District Plan contain additional rules and standards applying to activities in the Commercial Zone:

1. NU – Network Utilities – includes rules and standards relating to network utility operations.
2. TRAN – Transport – includes rules and standards relating to access, parking, and loading.
3. HAZS – Hazardous Substances – includes rules relating to the storage, handling and use of hazardous substances, and rules applying to major hazardous facilities.
4. NH – Natural Hazards – includes rules applying in areas specifically identified as subject to natural hazards.
5. HH – Historic Heritage – includes rules applying specifically to identified heritage buildings.
6. TREE – Notable Trees – includes rules applying specifically to identified notable

trees.

7. SASM – Sites and Areas of Significance to Māori – includes rules applying specifically to identified sites of significance.
 8. SUB – Subdivision – includes rules and standards applying to subdivision.
 9. EW – Earthworks – includes rules and standards relating to earthworks and land disturbance, mining, quarrying and mineral prospecting and exploration.
 10. NOISE – Noise – includes rules and standards relating to the emission of noise.
 11. LIGHT – Light – includes rules and standards relating to light and glare.
 12. SIGN – Signs – includes rules and standards relating to the design and installation of signs.
- TEMP – Temporary Activities – includes rules and standards relating to temporary activities, temporary buildings, and temporary events.

COMZ-M2 Council-Funded Projects

Provide finance and initiate projects for street and open space enhancement and the provision of public facilities.

Principal Reasons

The principal reasons for adopting the policies and methods:

Commercial viability depends on the ability to attract customers. Therefore, a high standard of amenity is encouraged so that people want to visit, and to provide for the well-being of people working in businesses or living in commercial areas. Amenity is improved when works are undertaken to enhance the environment, adverse effects are minimised, or incompatible activities are separated from each other. The policies provide direction on how Council will maintain and improve the amenity and quality of commercial environments.

These policies seek to avoid, remedy, or mitigate adverse effects on the surrounding environment created by commercial activities. Of particular concern, is the effect that such activities may have on the quality of living environments both adjacent to and within the zone itself. The policies address the business/residential interface and control residential occupation and visitor accommodation within the commercial areas.

Commercial areas are dependent on vehicles for the transporting of goods and customers. Policies provide for transport needs but also ensure that the safety and efficiency of roads is not compromised.

Anticipated Environmental Results

The environmental results anticipated from the policies and methods:

COMZ-AER1 Enhancement or retention of the vitality, convenience, accessibility and pleasantness of the towns' commercial and retail areas.

COMZ-AER2 Retention of the existing scale of commercial buildings.

COMZ-AER3 Adequate car-parking for business activities with surfaces that minimise dust nuisance.

COMZ-AER4 **Minimal noise disturbance within the business environment.**

COMZ-AER5 **Adequate public facilities, such as street furniture, public toilets, rubbish bins and information signage.**

COMZ-AER6 **Preservation of the living environment adjacent to business areas through the management of light admission, noise and odour.**

COMZ-AER7 **Maintenance of visual amenity on residential sites adjacent to business sites.**

COMZ-AER8 **A wide range of business activities within defined locations.**

COMZ-AER9 **Efficient loading and unloading of goods and convenient access to business.**

COMZ-AER10 **Maintaining and enhancing the historic, heritage and cultural values of buildings where such values exist.**

Appendix B - Section 32AA assessment

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

[Changes and common issues across the GRZ and COMZ](#)

Effectiveness and efficiency

- The recommended amendments to the General Residential Zone's ('GRZ') provisions will more effectively deliver on the chapter's objectives to achieve the efficient use of land and patterns of development which are compatible with the role, function and predominant planned character of the zone, while providing for housing choice within the Central Hawkes Bay context.
- The recommended amendments to the Commercial Zone's ('COMZ') provisions will more effectively deliver on the chapter's objectives to provide for compatible non-commercial (i.e., residential) activities within the COMZ, by requiring a greater level of amenity for such activities while providing for housing choice within the Central Hawkes Bay context.
- Deletion of the 'relocation of buildings' standards will avoid resource consents being triggered on the basis of Building Act matters that do not directly address 'environmental' effects or valid resource management issues.

Costs/Benefits

- The recommended amendments enable a legitimate range of housing styles, sizes and forms to occur within the GRZ and COMZ, consistent with the higher-order strategic objectives of the Urban Form and Development chapter ('UFD').
- This will have the benefit of encouraging redevelopment and intensification to support the outcomes expressed in both the PDP and to be had regard to in the NPSUD.
- The recommended amendments will provide greater opportunities for infill development and intensification within existing urbanised areas, to mitigate the adverse effects of premature, inefficient and unsustainable urban sprawl into identified urban growth areas.
- Additional standards for residential activities within the COMZ will achieve a greater degree of residential amenity and ensure a well- functioning living environment.
- Greater infill opportunities within the GRZ and permitted residential activities in the COMZ will provide additional population within existing urbanised areas and in proximity to the Waipukurau and Waipawa'centres which will contribute to greater economic support to Centres.
- The modest increases in height, height in relation to boundary and reduction in minimum net site area for the GRZ will facilitate more housing choice. In concert with a notification exclusion for compliant multi-unit development and assessment in reference to the 'planned outcomes' of the zone, it will provide greater certainty to investors and developers.
- The building coverage standard will address the existing plan-deficiency of unfettered site/building coverage, and enable the assessment of stormwater effects as an identified infrastructure constraint by Council. This will ensure that reduced minimum area requirements for outdoor living space continue to provide an appropriate level of onsite amenity.

Risk of acting or not acting

- I consider that the appropriateness of adopting the relief sought must be considered in the context of the direction set out in higher order policy documents and to be had regard to in the NPSUD.

- I am of the opinion that the relief sought by Kāinga Ora will be more in line with outcomes expressed in the UFD chapter, and to be had regard to in the NPSUD.
- The risk of not acting is that intensification or redevelopment opportunities are not taken up or are unnecessarily prevented from occurring, leading to inefficient land use and incentivisation of urban sprawl.

Decision about most appropriate option

- The recommended amendments as set out in my evidence are therefore considered to be more appropriate in achieving the purpose of the RMA than the notified version of the PDP or the proposed changes set out in the section 42A report.