

1. EXECUTIVE SUMMARY

1.1 PC92 to the WBOPDP has been promulgated by the Western Bay of Plenty District Council (**Council**) in response to the National Policy Statement on Urban Development 2020 (**NPS-UD**) and the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (**the Housing Supply Act**) to:

- a. apply the Medium Density Residential Standards (**MDRS**) to 'all relevant residential zones';
- b. give effect to Policy 3 (of the NPS-UD); and
- c. make other consequential changes to the WBOPDP (Section 80E of the Housing Supply Act).

1.2 Kāinga Ora – Homes and Communities (**Kāinga Ora**) (Submitter 29 and Further Submitter 70) made submissions and further submissions on PC92, which sought amendments to:

- a. achieve a better plan structure, achieve national consistency, provide for a High Density Residential Zone (**HRZ**);
- b. amend the provisions for the Medium Density Residential Zone (**MRZ**);
- c. amend the Natural Hazard provisions and mapping; and
- d. confirm development capacity for the District.

1.3 The key issues set out in my evidence are the minimum yield provisions for the MRZ and HRZ; the application of Policy 3 of the NPS-UD; the provision for papakāinga; and the rule restricting the extent of development relative to the status of the State Highway 2 / Ōmokoroa Road intersection.

1.4 With respect to the minimum yields, I do not consider that the notified yields give effect to the NPS-UD, are consistent with the direction of the Bay of Plenty Regional Policy Statement (**BOPRPS**) or are a true

representation of medium and high densities. I consider that the notified yields will perpetuate low density outcomes resulting in an inefficient use of infrastructure and land. I support a minimum yield of 35 and 50 residential units / hectare of developable land in the MRZ and HRZ respectively.

- 1.5 In order to give effect to Policy 3(d) of the NPS-UD and provide for a commensurate level of development in and around the Te Puke and Ōmokoroa Town Centres, I consider that the height, height in relation to boundary (**HIRB**) and residential unit amenity standards need to be revised. Most notably, I consider that the height in the Te Puke Town Centre (**TPTC**) should be increased to 24.5m (from 12.5m) and the height in the Ōmokoroa Town Centre (**ŌTC**) should be increased to 24.5m (from 20m). This height adjustment will increase feasibility of development in the centres, which is the most efficient location for development, including residential development, to occur.
- 1.6 In addition to the additional allowances for development in the TPTC and the ŌTC, I consider that the Ōmokoroa Stage 3C areas should be rezoned to HRZ with a consequential 'uplift' in the performance standards, notably the height, HIRB and yield provisions. I support a height of 22m in the HRZ and a HIRB of 19m + 60° (to a depth of 22m and dropping to 8m + 60° thereafter). As noted above, I support a minimum yield in the HRZ of 50 residential units / hectare of developable land. I consider that these provisions will enable a high density urban form and provide for intensification in an efficient location around the ŌTC.
- 1.7 I consider that PC92 needs to make specific provision for papakāinga in order to address s80E of the Housing Supply Act. I acknowledge that the Council is contemplating a future plan change to address papakāinga but I consider it is appropriate to provide for that activity now in PC92. I consider that specific allowance should be made for papakāinga with shared living spaces (aggregated) amounting to no more than 50m² per unit proposed. I consider that this will enable Māori to live in a manner congruent with their cultural

traditions and norms and support their wellbeing while also being compatible with the residential character of these zones.

- 1.8 Despite the modelling not, in my opinion, justifying a rule to manage the safe and efficient operation of the State Highway 2 / Ōmokoroa Road intersection, I accept that there is a margin of error to traffic models and also that I am promoting higher densities (which may exhaust the roundabout capacity sooner than 2048). As such, I consider that a restricted discretionary activity rule is appropriate for managing the issues raised by Waka Kotahi. I have proposed wording for this rule. At the time of finishing my evidence, conversations with Council, Waka Kotahi and Beca were ongoing to determine the appropriate threshold in residential units that would apply to the rule.
- 1.9 There is a raft of other matters that I have addressed in my evidence that would improve the overall intent of PC92. I consider that these will need to be addressed to ensure that PC92 comprehensively supports intensification in Te Puke and Ōmokoroa.

2. INTRODUCTION

- 2.1 My name is Susannah Vrena Tait. I am a Partner at Planz Consultants Limited. I hold Bachelor of Science and Master of Applied Science degrees. I am a full Member of the New Zealand Planning Institute. I have been employed in the practice of planning and resource management for approximately 20 years both in New Zealand and Australia.
- 2.2 I have been involved in a number of Plan Review processes throughout the country, including the Proposed Auckland Unitary Plan, the Proposed Whangarei, Selwyn, Timaru and Waikato District Plans, the Proposed Otago Regional Policy Statement and the Draft Kaipara District Plan. I was also involved, on behalf of Kāinga Ora, on Plan Change 5 to the Hamilton City Plan (the Peacocke Structure Plan).

- 2.3 My work has involved plan drafting, the preparation of s32 and s42A reports, as well as preparing submissions and evidence on Proposed Plans / Plan Changes.
- 2.4 I was involved in the review of the Timaru Growth Management Strategy to determine appropriate areas of residential expansion and intensification/consolidation.
- 2.5 In addition to providing planning expertise to Kāinga Ora in respect of PC92, I am also assisting it with the Intensification Planning Instruments (**IPI**) notified by the Tauranga City Council (Plan Change 33) and the Rotorua Lakes Council (Plan Change 9).
- 2.6 I was previously employed by Aurecon in their Tauranga office and spent three years living and working in the region.
- 2.7 I am familiar with the submissions made by Kāinga Ora and the issues raised in those submissions; however, I was not involved in the preparation of the submissions or the further submissions. I have been engaged by Kāinga Ora to provide evidence in the PC92 process.

3. CODE OF CONDUCT

- 3.1 In preparing my evidence I confirm that I have read the Expert Witness Code of Conduct set out in the Environment Court's Practice Note 2023. I have complied with the Code of Conduct in preparing this evidence and I agree to comply with it while giving oral evidence before the Hearings Panel. 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.

4. SCOPE OF EVIDENCE

- 4.1 In preparing my evidence I have read Council's s42A Report prepared by Mr Tony Clow, Mr Taunu Manihera, Mr Jeff Hextell, Ms

Anna Price and Ms Abi Mark. As there are several authors of the s42A Report, I collectively refer to them in my evidence as 'the reporting officer'.

- 4.2 I was involved in expert conferencing (both informal and formal) that occurred in February and August 2023 prior to the preparation of the s42A Report.
- 4.3 I have also read the corporate evidence of Ms Lezel Beneke and the economic evidence of Mr Phillip Osborne prepared on behalf of Kāinga Ora.
- 4.4 In response to Council's evidence, my evidence addresses the following matters:
- a. National direction (**Section 5**).
 - b. Kāinga Ora position (**Section 6**).
 - c. Ōmokoroa and Te Puke Urban Environments (**Section 7**).
 - d. Capacity (**Section 8**).
 - e. MDRS (**Section 9**).
 - f. Policy 3 (**Section 10**).
 - g. Papakāinga (**Section 11**).
 - h. Ōmokoroa / State Highway 2 intersection (**Section 12**).
 - i. Qualifying Matters (**Section 13**).
 - j. Section 3 – Definitions (**Section 14**).
 - k. Section 4C – Amenity (**Section 15**).
 - l. Section 8 – Natural Hazards (**Section 16**).
 - m. Section 11 – Financial Contributions (**Section 17**).
 - n. Section 12 – Subdivision and Development (**Section 18**).

o. Conclusion (**Section 19**).

4.5 For ease of reference, my recommended amendments are made to the version of provisions shown in Appendix 1 to the s42A Report. I have maintained the Council's colour coding (**green** for provisions prescribed by the Housing Supply Act, black for notified wording, **red** for amendments following submissions) and I have shown my recommended amendments in purple underline and ~~purple strikethrough~~.

5. NATIONAL DIRECTION

5.1 The NPS-UD provides national direction to enable growth opportunities in a way that delivers well-functioning urban environments, ensures sufficient development capacity to meet housing and business needs, aligns growth with the provision of infrastructure and takes into account Te Tiriti o Waitangi. In a nutshell, the NPS-UD's objective is to ensure that there is sufficient housing (and business land), particularly in the most efficient locations, to support people's wellbeing.

5.2 The Housing Supply Act amends the Resource Management Act 1991 (**RMA**) so as to require 'specified territorial authorities'¹ to apply the MDRS and give effect to Policies 3 or 5 of the NPS-UD (depending on a council's status as a Tier 1, 2 or 3 authority) (Sections 77G and 77N). The requirements of MDRS and Policy 3 may be less enabling of development if a Qualifying Matter (**QM**) applies (Sections 77G and 77I) but only to the extent necessary to accommodate a QM (Section 77I).

5.3 When changing its District Plan for the first time, a specified territorial authority must use an IPI and the Intensification Streamlined Planning Process (**ISPP**) (Section 77G).

¹ *specified territorial authority means any of the following: (a) every tier 1 territorial authority; (b) a tier 2 territorial authority that is required by regulations made under section 80I(1) to prepare and notify an IPI; (c) a tier 3 territorial authority that is required by regulations made under section 80K(1) to prepare and notify an IPI*

- 5.4 In my opinion, the NPS-UD, the Housing Supply Act and the ISPP are intended to take, without delay, a proactive (rather than reactionary) long term approach to providing housing by considering opportunities to grow both 'up and out' (although the focus of IPIs is on 'up') and codifying those growth opportunities now for affordable, well-functioning housing both now and in the future. The national direction seeks to remove barriers to intensification, which have typically arisen because of overly regulated planning systems, protection of existing amenity values and character, and a lack of infrastructure development and funding.
- 5.5 PC92 to the WBOPDP has been promulgated by the Council in response to the NPS-UD and the Housing Supply Act to apply the MDRS to all 'relevant residential zones'², give effect to Policy 3 (of the NPS-UD) and make other consequential changes to the WBOPDP (Section 80E).

6. KĀINGA ORA POSITION

- 6.1 Kāinga Ora made submissions and further submissions on PC92 which flagged a number of concerns, including:
- i. Inconsistencies with the National Planning Standards 2019 (**NPS**).
 - ii. Duplication of the MRZ.
 - iii. Reference to existing (and inappropriate) issues, objectives and policies in Section 14A (the new MRZ).
 - iv. The use of the non-complying and discretionary activity status for non-compliance with the structure plan.
 - v. The handling of the higher density residential areas, which require a specific HRZ chapter and suitably enabling provisions.

² relevant residential zone—(a) means all residential zones; but (b) does not include— (i) a large lot residential zone: (ii) an area predominantly urban in character that the 2018 census recorded as having a resident population of less than 5,000, unless a local authority intends the area to become part of an urban environment: (iii) an offshore island: (iv) to avoid doubt, a settlement zone

- vi. Amendments to objectives, policies and rules for improved clarity, effectiveness and focus on the specific resource management issue / effect to be addressed.
- vii. The inclusion of proposed mapping of natural hazard overlays within the WBOPDP, including the proposed liquefaction framework, which, Kāinga Ora says, should be held outside the WBOPDP as a 'non District Plan overlay'.
- viii. Whether Council have reassessed the housing capacity (previously undertaken in 2021) as part of PC92.

Submission points no longer being pursued

6.2 Between the close of submissions (including further submissions) and the PC92 hearing, Kāinga Ora has reflected upon its submission points through both a local and national lens, and has had the benefit of further advice from, and discussions with, its expert advisers.

6.3 I confirm that the following submission points are being withdrawn by Kāinga Ora:

<i>Submission point</i>	<i>Provision</i>	<i>Issue</i>
29.1	Structure	Duplication and inconsistencies with NPS
29.4	MRZ	Duplication
29.7	Definitions	Duplication
29.36	Definitions ('structure')	Potential ambiguity
29.39	Controlled activity - subdivision	Inconsistent structure to the requirements of the NPS
29.49	Structure	Zone based provisions, rather than topic based provisions

7. ŌMOKOROA AND TE PUKE URBAN ENVIRONMENTS

7.1 The NPS-UD defines 'urban environment'³ as:

urban environment means any area of land (regardless of size, and irrespective of local authority or statistical boundaries) that:

- a. is, or is intended to be, predominantly urban in character; and*
- b. is, or is intended to be, part of a housing and labour market of at least 10,000 people*

7.2 I concur with the reporting officer⁴ that Ōmokoroa and Te Puke are urban environments. While they can be argued to be urban environments in their own right, I also think it can be argued that they are an extension of the Tauranga urban environment due to their close proximity and the consequential 'halo effect' (i.e. they function alongside and are influenced by Tauranga).

7.3 The Housing Supply Act defines 'relevant residential zones'⁵ as:

- a. means all residential zones; but*
- b. does not include—*
 - i. a large lot residential zone:*
 - ii. an area predominantly urban in character that the 2018 census recorded as having a resident population of less than 5,000, unless a local authority intends the area to become part of an urban environment:*
 - iii. an offshore island:*
 - iv. to avoid doubt, a settlement zone*

7.4 I concur with the reporting officer⁶ that Ōmokoroa and Te Puke include 'relevant residential zones', namely the Residential Zone and the Medium Density Residential Zone (not to be confused with the proposed MRZ).

³ National Policy Statement for Urban Development 2020, page 8

⁴ S32 Report, pages 8 and 22

⁵ Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021, subpart 1

⁶ S32 Report, page 35

7.5 However, I note that both areas also contain Future Urban Zone (**FUZ**). In Te Puke, only a small amount of operative FUZ is proposed to be rezoned to MRZ; while in Ōmokoroa, the vast majority of Stage 3 operative FUZ is proposed to be rezoned as MRZ (as well as the established areas north of the railway line). For efficiencies sake, I support the use of the IPI and ISPP processes to advance these areas for residential intensification, particularly in Ōmokoroa where the Council has already spent considerable time preparing documentation to rezone Stage 3.

8. CAPACITY

8.1 Kāinga Ora⁷ sought confirmation from the Council that appropriate economic analysis of PC92 had been carried out. I understand that the Council has relied on the SmartGrowth Housing and Business Capacity Assessment 2022 to confirm housing demand and capacity.

8.2 For the Western Bay district, the long term (to 2052) housing demand is estimated to be 9100 dwellings (including margin). However, there is a supply deficit forecast over the long term of 2260 dwellings (including margin), which will start from 2025 onwards (i.e. effectively now). The areas enabled through PC92 will go some way to addressing the demand, but new areas will need to be brought forward to address the shortfall (Te Puke, Katikati and Waihi Beach⁸). This means that PC92 is not providing adequate plan enabled supply to meet the long term demand and further rezoning/upzoning of land will need to be undertaken by the Council.

9. MDRS

9.1 Pursuant to the Housing Supply Act, the MDRS are required to be applied to all 'relevant residential zones'. In the Western Bay of Plenty district, the MRZ in Ōmokoroa and Te Puke (comprising

⁷ Submission 29.2

⁸ SmartGrowth Housing and Business Capacity Assessment 2022, page 12

operative Residential Zone, Medium Density Residential Zone and FUZ) will have the MDRS applied.

MRZ Ōmokoroa and Te Puke Spatial Extent

- 9.2 PC92 applies the MRZ to all relevant residential zones in the Ōmokoroa and Te Puke urban environments. I largely support the MRZ spatial extent recommendation contained in Attachment A to the s42A Report. However, I do not consider that the Stage 3C areas in Ōmokoroa should be zoned MRZ (rather, they should be zoned HRZ), which I discuss further below in **Section 10**.

MRZ Ōmokoroa and Te Puke Explanatory Statement and Issues

- 9.3 Kāinga Ora⁹ opposed the Explanatory Statement and the reference to the Section 14 Issues (rather than the inclusion of Section 14A specific issues). The reporting officer¹⁰ has advised that there is merit in some of the submissions to these sections (including the Kāinga Ora submission) and has recommended that the Explanatory Statement be amended in part and that the Issues be replicated/amended as appropriate for Section 14A.
- 9.4 With respect to the Explanatory Statement, I consider that further amendments are required to better articulate the purpose of the zone (and differentiate it from the HRZ that I will canvas later in my evidence). Specifically:

Explanatory Statement

Ōmokoroa and Te Puke are identified in the Bay of Plenty Regional Policy Statement as priority residential growth areas for the wider western Bay of Plenty sub-region. Amendments to the RMA resulted in Council changing the District Plan in regard to Ōmokoroa and Te Puke to give effect to medium density residential standards (MDRS). This Section incorporates specific

⁹ Submissions 29.22 and 29.20

¹⁰ S42A Report, Section 14A - Ōmokoroa and Te Puke Medium Density Residential Part 1 – Section Labelling, Explanatory Statement, Issues, Objectives & Policies, pages 7 and 13

provisions ~~(including the MDRS)~~ to guide the medium density residential development in growth of these urban areas.

The MDRS enable greater housing supply by permitting medium density developments of up to three residential units on a site subject to meeting more flexible density standards for height, setbacks and building coverage than has existed historically. The MDRS also ensure that residents have sufficient outdoor living space, views from indoor areas to outdoor spaces and streets as well as appropriate landscaping.

Four or more residential units on a site can be applied for through resource consent. These larger ~~medium density~~ developments must be designed comprehensively to achieve high quality and well-functioning urban environments that including consistency take into account ~~with~~ activity performance standards, structure plans and good urban design outcomes.

To cater for the varying needs of the community a range of building types and housing developments need to be provided. This can include different building styles such as single detached residential units and attached residential units, including duplexes, terraced housing and apartments. These can be provided within varying housing development types which could include infill development, comprehensive residential developments, retirement villages and papakāinga ~~and pocket neighbourhood~~ other community based housing typologies, with a variety of different tenures.

~~There are a number of area specific overlays that provide direction on specific requirements including residential yield requirements to ensure that the land resource is used effectively and efficiently. This includes providing for higher density (minimum of 30 residential units per hectare) in Ōmokoroa Stage 3C and the Ōmokoroa Mixed Use Residential Precinct. These locations have particular attributes such as proximity to high amenity areas, transportation routes and the new planned~~

~~commercial centre. The Ōmokoroa Mixed Use Residential Precinct provides for medium to high density residential development with commercial activities primarily at street level. It anticipates denser development with taller buildings to deliver a planned character of a vibrant, complementary mixed-use destination adjacent to the town centre which is able to connect to surrounding natural features (gullies and streams) and planned active transport routes.~~

Structure plans exist for 'greenfield' ~~medium density~~ development areas ~~in Ōmokoroa (Stage 3) and Te Puke (Macloughlin Drive South and Seddon Street East)~~ to provide further guidance for subdivision and development ~~in these areas~~. These structure plans ensure appropriate ~~scale~~ infrastructure is provided including roads, walkways, cycleways, three waters infrastructure and reserves.

~~In support of the provisions of this Section, the Medium Density Residential (Section 14) explanatory statement, issues, objectives and policies still remain applicable. In addition, this Section (14A) also contains more specific objectives for Ōmokoroa and Te Puke. Where there are any inconsistencies in objectives and policies, those specific to Ōmokoroa and Te Puke in this Section (14A) take precedence.~~

- 9.5 With respect to the Section 14A Issue Statements, I consider that amendments are required to better articulate the issues for the zone (and differentiate it from the HRZ that I will canvas later in my evidence). I also consider that amendments are needed to remove reference to natural landforms (seeing as no earthworks rules are proposed now) and the notification issues around higher density development (given that the notification requirements are prescribed by the Housing Supply Act). Specifically:

Significant Issues

1. *Providing sufficient land in a timely manner to enable efficient and effective urbanisation to meet the needs of all*

~~sections of the community by and creating a highly liveable urban environments.~~

2. ~~Land, and especially land with high productive values, is of limited supply. Ensure Land needs to be is used in an efficient manner to minimise the use of highly productive land, maintain as much land as possible in production. To make urban expansion cost effective, and to support the public amenities a more achieve a compact form of urban development is required.~~
3. ~~The location and design of buildings and other structures, as well as the layout of subdivisions and associated infrastructure, can adversely affect the health and wellbeing of people and the safe and efficient movement of pedestrians, cyclists, public transport and vehicles.~~
4. ~~Higher density residential development can be opposed by parties who prefer the status quo leading to either higher costs establishing higher density developments and/or a lack of developable land within the existing urban form.~~
5. ~~A lack of housing diversity and choice limits the range of available lifestyle living options for both current and future generations. Development controls within the District Plan can limit the range and diversity of such lifestyle options.~~
6. ~~Urban development creates large areas of impermeable surfaces, increasing stormwater run-off that can lead to flooding and the carrying discharge of pollutants. The modification of the landform can adversely affect natural processes and the cultural values of the land.~~
7. ~~Urban development needs to be located in areas where the exposure to risk from natural hazards can be avoided, remedied or minimised mitigated.~~

8. ~~Over reliance on and use of private vehicles can cause traffic congestion resulting in adverse environmental and economic effects and related safety issues. The lack of provision of alternative transportation methods and associated networks results in the perpetuation of the overuse of private motor vehicles and a decrease in the health and safety of the community.~~
9. ~~A lack of accessibility in the ability to interact and connect on foot, bicycle and other non-motorised transport with surrounding compatible land uses and internal to services and amenities community facilities can result in a less desirable place to live. and a decrease in the health and safety of the community.~~
10. ~~Non-residential activities at an inappropriate scale can result in additional noise, onstreet parking and/or traffic congestion. In turn, this can result in a detraction to from the planned residential character.~~
11. ~~The establishment of large non-residential activities that have no functional relationship with in the Medium Density Residential Zone has the potential to undermine the viability of zones where such activities are specifically provided for.~~
12. ~~Ad-hoc development can result in sub-optimal location of activities and related infrastructure causing inefficiency, increased cost, inadequate connectivity, and a poorly functioning urban environment.~~

MRZ Ōmokoroa and Te Puke Objectives

9.6 Kāinga Ora¹¹ recommended a number of amendments to the Section 14A objectives. The reporting officer¹² has recommended that the

¹¹ Submissions 29.23, 29.24 and 29.25

¹² S42A Report, Section 14A - Ōmokoroa and Te Puke Medium Density Residential Part 1 – Section Labelling, Explanatory Statement, Issues, Objectives & Policies, pages 20 and 21

submissions be accepted or rejected, although the changes recommended, in my opinion, amount to an outright rejection of the Kāinga Ora submissions. I discuss each of the objectives in turn.

- 9.7 I support the inclusion of Objectives 14A.2.1.1 and 14A.2.1.2, being the objectives prescribed by the Housing Supply Act.
- 9.8 I consider that Objective 14A.2.1.3 should be deleted. While it provides further detail on different potential typologies, it effectively repeats Objective 14A.2.1.2, which seeks to provide for a variety of housing types. I acknowledge the comments of the reporting officer¹³ that *'the inclusion of potential development types is deliberate to clearly indicate that a variety of responses is being encouraged'*; however, the cascading framework (policies and activity rules) clearly articulate how different typologies (papakāinga and retirement villages) and different building forms are anticipated in the zone. With regards to the reporting officer's concerns about building height, I will address this later in my evidence when I discuss the proposed HRZ, but for the sake of clarity, I do not consider that Objective 14A.2.1.3 clearly signals that greater than three storeys is anticipated in the zone.
- 9.9 With respect to Objective 14A.2.1.4, I consider it is appropriate to amend this to better clarify the outcomes intended by the performance standards. It is not the intention of the objective to provide for 'positive private and public amenity outcomes', rather the performance standards will provide for good quality onsite amenity for residents and manage the effects of development on the public realm. The reporting officer¹⁴ has provided lengthy commentary addressing the ability for the Council to include additional objectives and why it is appropriate to 'provide for positive amenity outcomes' including citing s7 and s31 of the RMA, and Ministry for the Environment guidance.

¹³ S42A Report, Section 14A - Ōmokoroa and Te Puke Medium Density Residential Part 1 – Section Labelling, Explanatory Statement, Issues, Objectives & Policies, page 15

¹⁴ S42A Report, Section 14A - Ōmokoroa and Te Puke Medium Density Residential Part 1 – Section Labelling, Explanatory Statement, Issues, Objectives & Policies, pages 16, 17 and 18

- 9.10 The s32 Report prepared for the NPS-UD states *'the intent of the amenity provisions of the NPS-UD is to allow urban environments to change in response to changing needs, and to ensure local authorities don't unduly prioritise maintaining and enhancing existing amenity values enjoyed by individuals at the expense of changing and diverse urban outcomes for wider communities'*. An objective to provide for 'positive private and public amenity outcomes' will further entrench historic issues of communities blocking evolving urban environments that cater to the needs of everyone. It is incumbent on the Council to ensure that PC92 gives effect to the NPS-UD, which serves to clearly articulate the purpose of the RMA. It is my opinion that retaining Objective 14A.2.1.4 as notified will not give effect to the NPS-UD, specifically Objective 4 and Policy 6.
- 9.11 Having regard to the proposed policies, I also consider that the wording I have recommended for Objective 14A.2.1.4 cascades into the relevant policies better.
- 9.12 I have recommended simplifying Objective 14A.2.1.5 as the objective ('the what') is to achieve a more compact form, while the policy ('the how') is by doing this through greater densities. I therefore consider that the first part of the objective can be deleted. I have also recommended deleting reference to Stage 3C, as this will be addressed later in my evidence when I discuss the HRZ.
- 9.13 I have recommended deleting Objective 14A.2.1.6 as earthworks performance standards are no longer proposed and therefore, I do not consider that a specific objective is required. I provide further commentary on the proposed earthworks assessment criteria below in paragraphs 9.78 – 9.80, but if these are retained then I consider Objective 14A.2.1.4 provides the necessary framework for these matters.
- 9.14 I do not consider that Objective 14A.2.1.7 is necessary as stormwater is sufficiently covered in Section 12 and there are no rules in Section 14A that cascade from this objective.

- 9.15 I have recommended deleting Objective 14A.2.1.8 from Section 14A but will relocate it to the HRZ that Kāinga Ora are seeking.
- 9.16 The amendments to the Section 14A objectives that I am recommending are as follows:

Objectives

14A.2.1.1: A well-functioning urban environment that enables all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.

14A.2.1.2: Provide for a variety of housing types and sizes that respond to housing needs and demand and the neighbourhood's planned urban built character, including three-storey buildings.

~~*14A.2.1.3: Provide for a variety of housing developments including infill development, comprehensive residential developments, retirement villages, papakāinga and pocket neighbourhood other community based housing typologies with a variety of different tenures.*~~

~~*14A.2.1.4: An urban form that provides for good quality onsite residential amenity providing positive private and public amenity outcomes and manages effects of development on the public realm.*~~

~~*14A.2.1.5: Increased density of development to provide a more Achieve a compact urban settlement pattern supporting integrated and connected community facilities, infrastructure and public transport. including higher density development within Ōmokoroa Stage 3C and the Ōmokoroa Mixed Use Residential Precinct.*~~

~~*14A.2.1.6: Minimisation of the adverse effects of earthworks and retaining walls on the existing natural landform and associated cultural and amenity values as well as on the stability of land and the safety of buildings and structures.*~~

~~14A.2.1.7: Maintenance and enhancement of the stormwater management functions of both the natural and built stormwater network.~~

~~14A.2.1.8: A well-functioning high quality residential-led mixed use area within the Ōmokoroa Mixed Use Residential Precinct that actively and positively integrates and engages with the surrounding environment and is complementary to the function, viability and vitality of the neighbouring Commercial Zone, comprising daytime and night-time activities compatible with residential uses.~~

MRZ Ōmokoroa and Te Puke Policies

- 9.17 Kāinga Ora¹⁵ recommended a number of amendments to the proposed Section 14A policies. The reporting officer¹⁶ has recommended that the submissions be accepted or rejected. I discuss each of the policies in turn.
- 9.18 I support the inclusion of Policies 14A.2.2.1 – 14A.2.2.5, being the policies prescribed by the Housing Supply Act.
- 9.19 Following on from paragraphs 9.7 and 9.8 above, I consider that Policy 14A.2.2.6 is an appropriate policy response to Objective 14A.2.1.2 by providing further detail of anticipated typologies. I acknowledge the change recommended by the reporting officer to delete ‘pocket neighbourhood’ and replace it with ‘other community based housing’. I understand now that the reference to pocket neighbourhoods is really a reference to ‘gated communities’ and on this basis, I consider that ‘other community based housing’ should also be deleted. I do not consider that gated communities contribute to the public realm and would be at odds with Policy 14A.2.2.3. I consider that the inclusion of ‘such as’ in the policy means that the listed typologies are not exhaustive.

¹⁵ Submissions 29.26, 29.27, 29.28, 29.29, 29.30, 29.31, 29.32, 29.33, 29.34, 29.35

¹⁶ S42A Report, Section 14A - Ōmokoroa and Te Puke Medium Density Residential Part 1 – Section Labelling, Explanatory Statement, Issues, Objectives & Policies, pages 20 and 21

- 9.20 I do not support the inclusion of Policy 14A.2.2.7. The policy prescribes the criteria by which multi-unit (4+) developments will be assessed. In my opinion Policy 14A.2.2.7 does not provide any additional context (explanation of ‘the how’) over and above Policies 14A.2.2.1, 14A.2.2.3 and 14A.2.2.5. The requirement for infrastructure to adequately service developments is clearly articulated in Section 12 of the WBOPDP.
- 9.21 I do not consider Policy 14A.2.2.8 is necessary. I consider that Policy 14A.2.2.1 directs that a mix of densities are enabled, which is achieved through Rule 14A.4.2(a).
- 9.22 Kāinga Ora sought for the outright deletion of Policy 14A.2.2.9; however, I am comfortable if it is retained with amendments. I consider that the factors contributing to residential amenity need to be limited to the relevant performance standards, namely outdoor living, outlook space and landscaping.
- 9.23 I support the amendments recommended by the reporting officer to Policy 14A.2.2.10.
- 9.24 I do not support the amendment to Policy 14A.2.2.12 to explicitly refer to the effects of traffic generation. I consider that traffic effects can be covered off in an assessment of residential amenity and function. Also, given that the NPS-UD has directed that parking standards be deleted, the reference to ‘vehicle parking congestion’ is inappropriate.
- 9.25 Given that the earthworks rules are to be deleted, I do not consider it necessary to retain Policy 14A.2.2.13.
- 9.26 I do not consider that the management of stormwater and overland flow paths needs to be articulated through the MRZ policies. There is sufficient scope with the Section 12 framework to manage these matters.

- 9.27 I have recommended deleting Policies 14A.2.2.16 and 14A.2.2.17 from Section 14A but will relocate them to the HRZ that Kāinga Ora are seeking.
- 9.28 I do not support Policy 14A.2.2.18. I consider that it is counterintuitive to the character of a mixed use zone to require non-residential activities to mitigate their effects on residential activities. I note that Rule 4C.1.3.2(c) requires noise sensitive activities to provide appropriate noise mitigation when locating near activities likely to give rise to noise.
- 9.29 The amendments to the Section 14A policies that I am recommending are as follows:

Policies

14A.2.2.1: Enable a variety of housing types with a mix of densities within the zone, including three-storey attached and detached residential units, and low-rise apartments.

14A.2.2.2: Apply the MDRS except in circumstances where a qualifying matter is relevant (including matters of significance such as historic heritage and the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga).

14A.2.2.3: Encourage development to achieve attractive and safe streets and public open spaces, including by providing for passive surveillance.

14A.2.2.4: Enable housing to be designed to meet the day-to-day needs of residents.

14A.2.2.5: Provide for developments not meeting permitted activity status, while encouraging high-quality developments.

14A.2.2.6: Enable a variety of housing developments such as infill development, comprehensive residential development, retirement villages, and papakāinga and pocket neighbourhoods

~~other community based housing~~ in a manner which responds to the specific needs of the community which they are designed for.

~~14A2.2.7: Require proposals of four or more residential units on a site to provide integrated assessments which fully assess how the land is to be used effectively and efficiently, how the relevant requirements of the structure plan are met including provision of infrastructure and how high quality urban design outcomes are being achieved.~~

~~14A2.2.8: Require proposals of four or more residential units on a site to achieve the minimum number of residential units per hectare of developable area unless it can be clearly demonstrated that any adverse effects can be adequately mitigated.~~

14A2.2.9: Ensure that residential development achieves good private amenity outcomes by ~~utilising the orientation of the site/s for solar access and by~~ providing for ~~on-site privacy,~~ outdoor living spaces, landscaping and outlook space ~~and surveillance to and from public spaces.~~

14A2.2.10: Ensure that the interface between residential development and public boundaries is positive ~~by avoiding or mitigating the visual dominance of buildings other than residential units,~~ minimising repetition of building form and blank facades, limiting the heights of solid fences and by providing appropriate landscaping.

14A2.2.11: Provide connections from subdivisions and developments to reserves, open spaces and/or commercial centres that have a high level of public amenity and in accordance with any relevant structure plans, reserve management plans and recreation and open space activity plans.

14A2.2.12: Limit non-residential activities, accommodation facilities and home enterprises such that to being undertaken only where any potential adverse effects on residential amenity values and on the transportation network including vehicle parking

~~congestion the functioning of the residential environment are able to be avoided or mitigated.~~

~~14A2.2.13: Ensure Encourage subdivision and development is to be designed to utilise the existing natural landform where practicable to limit the need for earthworks and retaining walls.~~

~~14A2.2.14: The maximum limit for impervious surfaces should not be exceeded unless any additional stormwater runoff can be mitigated on-site and prevented or delayed (as required) from entering Council's stormwater network or the receiving environment.~~

~~14A2.2.15: Retain existing overland flowpaths or if modified maintain or enhance their function and as to not result in additional stormwater runoff onto neighbouring properties.~~

~~14A2.2.16: The permitted gross floor area of non-residential uses within the Ōmokoroa Mixed Use Residential Precinct should not be exceeded unless it can be demonstrated through economic impact assessment that the economic viability and associated vitality of use of the neighbouring Commercial Zone would not be significantly affected.~~

~~14A2.2.17: Ensure developments in the Ōmokoroa Mixed Use Residential Precinct are designed to integrate positively with surrounding land uses, public spaces and natural features holistically with respect to surrounding land uses, buildings and contour changes, positively connect with and contribute to the quality of public spaces and provide a density of development to promote of use of land to deliver the planned character of a vibrant, complementary mixed-use destination that complements and supports adjacent to the town centre.~~

~~14A2.2.18: Avoid, remedy or mitigate adverse effects on residential uses from non-residential uses in the Ōmokoroa Mixed Use Residential Precinct.~~

MRZ Ōmokoroa and Te Puke Activities

- 9.30 Kāinga Ora¹⁷ made a number of submissions in relation to the activities provided for in the MRZ. This included support for up to three residential units (the MDRS prescribed density); explicit provision for papakāinga in Rule 14A.3.1); general support for a floor area limit on non-residential activities in the Ōmokoroa Mixed Use Residential Precinct (**ŌMURP**) subject to clarification that the limit was 'per activity'; moving the controlled activity subdivision rules under a 'Subdivision' topic chapter; and retaining the restricted discretionary activity status for retirement villages. The reporting officer¹⁸ has recommended that the submissions be accepted or rejected.
- 9.31 I support Rule 14A.3.1 (the prescribed density standard) but will discuss the need to explicitly include papakāinga in **Section 11** of my evidence. I support the reporting officer's recommendation to qualify Rule 14A.3.1(g) confirming that the non-residential floor area limit applies 'per activity'.
- 9.32 I would like to add a side comment on Rule 14A.3.1(g). In my experience, it is generally more effective to limit the overall floor area of each category, rather than 'per activity', if the end goal is to avoid distribution effects. This would also ensure that the predominantly residential character targeted for the precinct is not undermined. I also note that, as the rule currently reads, retailing, restaurants and other eating places and taverns and commercial services above ground floor are not limited to 150m² (i.e. they would be able to be larger than 150m²). However, I do not think this is the intent of the rule.
- 9.33 With regards to the activity status of retirement villages, I support the reporting officer's recommendation to retain the notified restricted discretionary activity status. I consider that there are effects

¹⁷ Submissions 29.37, 29.38 and 29.39 and further submission 70.21

¹⁸ Section 42A Report, Section 14A - Ōmokoroa and Te Puke Medium Density Residential, Part 2 - Definitions, Activity Lists & Activity Performance Standards

associated with retirement village activities that require consenting scrutiny afforded by the restricted discretionary status.

MRZ Ōmokoroa and Te Puke Performance Standards

9.34 Kāinga Ora¹⁹ supported the inclusion of the prescribed MDRS as required by the Housing Supply Act (Rules 14A.4.1(a), 14A.4.1(b)(i), 14A.4.1(c), 14A.4.1(d)(i), 14A.4.1(e) – in part, 14A.4.1(f), 14A.4.1(g), 14A.4.1(h) and 14A.4.1(i). Given that this is a legal requirement pursuant to Section 77G, I consider that PC92 has fulfilled the Council’s legal obligations. The reporting officer²⁰ has recommended that these, by and large, be retained as notified (thereby recommending that the Kāinga Ora submissions be accepted). The exception to this is Rule 14A.4.1(d)(ii)(e), which Kāinga Ora opposed²¹, but the reporting officer recommended be amended.

9.35 I oppose the reporting officer’s recommendation to retain Rule 14A.4.1(d)(ii)(e) on the basis that it is more lenient than s87BA of the RMA. However, I consider that the process set out s87BA is in place to protect the landowner, the affected party and the Council by creating a paper trail. If necessary, an advice note could be added referring the plan user to s87BA of the RMA. I recommend the following amendments to the rule:

ii. This standard does not apply to:

...

~~*e. Except for a front yard, where the written approval of the owner(s) of the immediately adjoining property to a specified lesser distance is obtained.*~~

9.36 With regards to 14A.4.1(b)(ii), 14A.4.1(d)(ii)(b), 14A.4.1(e) – in part, I will discuss these later when I discuss the HRZ and the KiwiRail QM respectively.

¹⁹ Submissions 29.21, 29.37, 29.40 and 29.41

²⁰ Section 42A Report, Section 14A - Ōmokoroa and Te Puke Medium Density Residential, Part 2 - Definitions, Activity Lists & Activity Performance Standards

²¹ Submission 29.40

9.37 PC92 includes nine additional performance standards for development in the MRZ. I am proposing to transfer Rule 14A.4.2(q) to the HRZ provisions (but to clarify, I support the rule); and I am not proposing to comment on Rule 14A.4.2(i), which is a site specific rule. I discuss the remaining additional performance standards (submitted on by Kāinga Ora) in turn below.

9.38 Kāinga Ora²² opposed Rule 14A.4.2(a) – Yield, as the proposed density minimums were not consistent with a medium density outcome. The reporting officer²³ has recommended that the Kāinga Ora submission be rejected on the basis that:

‘The notified densities of 15, 20 and 30 lots/units per hectare are still considered by the Reporting Team to be the most appropriate for the reasons they were originally chosen based on topography and proximity to certain amenities. Also, because they are commensurate with the level of commercial activity and community services in these ‘smaller’ towns. Another key issue for Council is the capacity of wastewater infrastructure in Ōmokoroa. There is no treatment plant and the wastewater pipe to Tauranga City only has capacity for around 13,000 people’.

9.39 I will discuss the MRZ yields here, and I will discuss the higher yield sought by Kāinga Ora (50 units / ha) in **Section 10** where I discuss the proposed HRZ (although many of the arguments will be the same).

9.40 I do not support the lower yields that the reporting officer is recommending be retained. However, I do not generally support yield targets. I consider that it “takes a stick” to market forces, which is not what the District Plan should attempt to do. Rather, the District Plan should be sufficiently enabling of intensification that it makes sense for developers to deliver higher density residential development, which will deliver housing at a price point that will

²² Submission 29.42

²³ S42A Report, Section 14A - Ōmokoroa and Te Puke Medium Density Residential, Part 2 - Definitions, Activity Lists & Activity Performance Standards

readily support uptake (i.e. be affordable for purchasers, while still delivering a sufficient return for developers).

9.41 However, PC92 does include a yield standard (which has not been opposed outright by Kāinga Ora) and that being the case, I consider that if the performance standard is retained, it should be a true representation of what medium (and high) density entails (although I will cover off the Ōmokoroa Stage 3C areas separately). To this end, I note the following:

- a. The NPS-UD²⁴ is very clear that a variety of homes (to meet the needs of the community) should be provided. That will include detached, duplex, terrace, and apartment typologies. Developers still have an opportunity to meet the market, but with the state of the New Zealand housing market, there is undeniably latent demand for more affordable housing typologies. As such, I am not convinced by the arguments that ‘the market is not ready’.
- b. I note that Plan Change 6 to the Bay of Plenty Regional Policy Statement (**BOPRPS**) (to give effect to the NPS-UD) has revised the approach to intensification by removing target yields and instead are relying on policies that promote intensification²⁵, specifically:

~~*Policy UG 4A: Providing for residential development yields in district plans – western Bay of Plenty sub-region.*~~

~~*Policy UG 5A: Establishing urban limits – western Bay of Plenty sub-region*~~

~~*Policy UG 6A: Sequencing of Efficient use of land and infrastructure for urban growth and development.*~~

~~*Policy UG 7A: Providing for unanticipated or out-of-sequence urban growth – urban environments.*~~

²⁴ National Policy Statement of Urban Development, Policy 1

²⁵ Proposed Change 6 (NPS-Urban Development) to the Bay of Plenty Regional Policy Statement, Staff Recommendations Redline Amendment Version

Policy UG 7Ax: Enable increased-density urban development – urban environments.

~~*Policy UG 15B: Accommodating population growth through greenfield and residential intensification development – western Bay of Plenty sub-region*~~

- c. I acknowledge that the Panel recommendations on Plan Change 6 to the Bay of Plenty Regional Council are still to be made. However, the Council risks being inconsistent with the approach taken in the BOPRPS (if the changes above are adopted). Although, I do not necessarily consider that the WBOPDP would not be giving effect to the BOPRPS if it were to include yield standards, I just question the need to maintain a method of achieving density that is no longer endorsed by the BOPRPS.
- d. With respect to Ōmokoroa, the *Ōmokoroa Stage 3 Development Sequencing, Indicative Timeframes and Yield Areas Plan* indicates a yield of 3,276 residential units, although I note that this is a simplified calculation using net site area and does not consider the feasible or realisable capacity (i.e. it assumes all land is developable and can be brought to market based on the underlying planning controls). I consider it highly unlikely that Ōmokoroa Stage 3 will yield 3,276 dwellings unless the WBOPDP enables this through the planning framework, which has been determined using the appropriate economic assessments. If the target yields (as a minimum) are unable to be achieved this will result in an inefficient use of infrastructure.
- e. With respect to infrastructure, I note that the Council's approach to the Ōmokoroa Peninsula is that it is only targeting a population of 13,000 people, as this is the maximum number of people that the infrastructure has been designed for. Rather than determining the feasible and realisable capacity of the land, developing a correspondingly enabling planning framework, and planning infrastructure investment accordingly, the Council are limiting the development potential of the Ōmokoroa Peninsula

and driving an inefficient use of land (so as not to exceed the capacity of the infrastructure). This in turn means that greenfield land needs to be brought online sooner with the associated cost of infrastructure required, which is usually forward funded by council debt.

- f. I do not consider it appropriate to inefficiently use land in order to avoid further investment in infrastructure. Infrastructure should be planned to support well-functioning urban environments; it should not be the reason for under developing land and driving sprawl (which requires considerably more infrastructure investment than intensification).
- g. Recent medium density developments by Kāinga Ora have achieved 47²⁶ and 86²⁷ residential units / hectare (net) (or 211m² and 116m² respectively). As such, the yields proposed in Ōmokoroa (excluding Stage 3C) and Te Puke, being 15 or 20 dwellings per hectare of developable land, are not medium density yields.
- h. At 15 and 20 dwellings / hectare²⁸, the lot sizes anticipated under these yields are 500m² and 375m² respectively. I consider that these yields are low density yields and will perpetuate low density outcomes and an inefficient use of land.
- i. Lastly, I would like to reflect on the comments of the reporting officer²⁹ where they state: *‘the notified densities of 15, 20 and 30 lots/units per hectare are still considered by the Reporting Team to be the most appropriate for the reasons they were originally chosen based on topography and proximity to certain amenities. Also, because they are commensurate with the level of commercial activity and community services in these ‘smaller’*

²⁶ <https://kaingaora.govt.nz/urban-development-and-public-housing/public-housing/public-housing-developments/wellington-region/durham-crescent>

²⁷ <https://kaingaora.govt.nz/urban-development-and-public-housing/public-housing/public-housing-developments/wellington-region/naenae-road>

²⁸ Assuming that this is developable area (as defined) less roads (i.e. less 25% of land) as indicated in the S42A Report.

²⁹ S42A Report, Section 14A - Ōmokoroa and Te Puke Medium Density Residential, Part 2 - Definitions, Activity Lists & Activity Performance Standards

towns'. There is no 'commensurate assessment' required for the application of MDRS, rather the Housing Supply Act requires MDRS to be applied to all 'relevant residential zones'. The MDRS are intended to enable the intensification of land and remove planning barriers that have remained to the point that they have harmed our urban environments and the ability for people to provide for their wellbeing. The yield standard (not a mandatory requirement) is requiring housing targets be met. My position is that those housing yields should be consistent with the anticipated outcome for the zone, i.e. a medium density outcome.

- 9.42 I therefore consider that the 35 residential units per hectare of developable area (or 215m² sites) proposed by Kāinga Ora in the Ōmokoroa and Te Puke MRZ (excluding the Ōmokoroa 3C areas) are appropriate.
- 9.43 Kāinga Ora³⁰ opposed Rule 14A.4.2(b) – Residential unit typology as this rule is considered to be inconsistent with Policy 1 of the NPS-UD. The reporting officer³¹ has recommended that this rule (and related assessment criteria) be deleted on the basis that it is incumbent on the District Plan to enable a variety of dwelling typologies not dictate what these will be. I support the recommendation of the reporting officer as I do not consider that the rule is consistent with the NPS-UD, in particular Policy 1(a)(i) and (d).
- 9.44 I consider that Rule 14A.4.2(c) should be moved to the new HRZ proposed by Kāinga Ora. I discuss this in **Section 10** below.
- 9.45 Kāinga Ora³² opposed Rule 14A.4.2(e) – Vehicle crossing and access on the basis that it did not provide for shared / two way accessways. The reporting officer³³ has recommended an

³⁰ Submission 29.43

³¹ S42A Report, Section 14A - Ōmokoroa and Te Puke Medium Density Residential, Part 2 - Definitions, Activity Lists & Activity Performance Standards

³² Submission 29.44

³³ S42A Report, Section 14A - Ōmokoroa and Te Puke Medium Density Residential, Part 2 - Definitions, Activity Lists & Activity Performance Standards

amendment to the rule although it is not entirely clear what that change is as the wording of the rule is different to the explanatory image. Specifically, the wording allows for a vehicle crossing up to 5.4m in width or 50% of the boundary, while the explanatory image allows for a vehicle crossing up to 5.9m in width or 50% of the boundary.

- 9.46 I support an amendment of the rule to provide for, the lesser of, a vehicle crossing up to 6m in width or 50% of the boundary. I propose the following wording:

For a site with a front boundary, the vehicle crossing shall be the lesser of the following: not exceed 5.4m 6m in width ~~(as measured along the front boundary)~~; or cover more than ~~40% 50%~~ of the length of the front boundary ~~as shown in the diagram below~~.

- 9.47 I consider that my proposed revisions provide the necessary clarity to the rule allowing for either a two way access, or a crossing that extends up to 50% of the frontage; which for the smallest 'allowable' lot (of 8m x 15m), is a 4m (or one way) crossing. By being limited to 'the lesser of' the two parameters ensures that lots with a frontage of over 12m are not providing unnecessarily large (more than 6m wide) vehicle crossings that compromise the safety of pedestrians. I do not consider that the explanatory image adds any value and I recommend deleting it.
- 9.48 Kāinga Ora³⁴ supported Rule 14A.4.2(f) – Streetscape but did not consider that there was the appropriate objective and policy framework that set up the rule. The reporting officer³⁵ has recommended that the submission be accepted in part on the basis that the rule is supported in general by the objectives and policies (without explicitly referencing garages). The reporting officer has recommended a small change to the rule in response to another submission, which I consider is appropriate. I agree with the reporting officer that Objective 14A.4.1.4 supports the rule (although

³⁴ Submission 29.45

³⁵ S42A Report, Section 14A - Ōmokoroa and Te Puke Medium Density Residential, Part 2 - Definitions, Activity Lists & Activity Performance Standards

note that I have recommended changes to the wording of this objective). I have also recommended changes to the wording of Policy 14A.4.2.10 to clarify that blank facades should also be minimised (which is typically what a garage presents to the street). Specifically:

14A2.2.10: Ensure that the interface between residential development and public boundaries is positive by ~~avoiding or mitigating the visual dominance of buildings other than residential units~~, minimising repetition of building form and blank facades, limiting the heights of solid fences and by providing appropriate landscaping.

- 9.49 I support the deletion of the Rule 14A.4.2(g) – Earthworks. I do not support the proposed matters of discretion (to be provided in lieu of the earthworks rule) and I discuss this further in paragraph 9.78 – 9.80 of my evidence.
- 9.50 Kāinga Ora³⁶ opposed clause ii of Rule 14A.4.2(j) which directed that accommodation facilities must not include a kitchen facility or otherwise be self-contained. The reporting officer³⁷ has recommended that the submission be rejected on the basis that larger accommodation facilities (e.g. motels) are discretionary activities (Rule 14A.3.4(b)) and are not captured by this rule. They state that the rule is limited to smaller accommodation activities such as bed and breakfast activities.
- 9.51 Having reviewed the discussion in the s42A Report, I understand the point of Rule 14A.4.2(j) but consider that the framework for accommodation facilities in the MRZ could be clearer. I recommend the following amendments:

Rule 14A.3.1 Permitted Activities

...

³⁶ Submission 29.47

³⁷ S42A Report, Section 14A - Ōmokoroa and Te Puke Medium Density Residential, Part 2 - Definitions, Activity Lists & Activity Performance Standards

d. ~~Accommodation facilities for a combined maximum of five persons (excluding staff) complying with 14A.4.2(j).~~

...

Performance Standard 14A.4.2

...

j. ~~Accommodation Facilities, where:~~

- i. ~~There are no more than five persons guests at any one time (excluding staff);~~
- ii. ~~The total area available for the exclusive use for the occupants of guests is no greater than 60m² gross floor area; and~~
- iii. ~~There is no kitchen food preparation facilities within the area available for the exclusive use of guests facility or otherwise be self-contained;~~
- iv. ~~For Discretionary accommodation facilities, information is to be provided in accordance with 4A.6.2.~~

9.52 Kāinga Ora³⁸ opposed Performance Standard 14A.4.2(k) insofar as its application is to a 'site', which includes any multi-unit development that has not undergone subdivision and all units subdivided under the Unit Titles Act 1972. The reporting officer³⁹ has recommended that the submission be accepted in part and that the solution is to provide more explanation in the accompanying advice note.

9.53 I do not agree with the reporting officer's recommendation. I consider that the rule is overly confusing, and that it is not appropriate to extract a rule from the Operative WBOPDP and apply it in the context of PC92, when the purpose of PC92 is to allow multiple dwellings on a site, potentially without ever having to subdivide them. As such, I consider that the performance standard should be amended as follows:

a. *Home Enterprises*

- i. ~~Shall only Will~~ be conducted within a building.

³⁸ Submission 29.48

³⁹ S42A Report, Section 14A - Ōmokoroa and Te Puke Medium Density Residential, Part 2 - Definitions, Activity Lists & Activity Performance Standards

- ii. ~~Shall only Will~~ be conducted within a gross floor area not exceeding 25m². Carparks ~~shall be are~~ excluded from the ~~maximum gross floor~~ area calculation ~~of for~~ the activity.
- iii. ~~Involves no more than three staff on site at any one time. Is carried out by a maximum of three persons.~~
- iv. Any goods sold must be:
 - a. goods produced onsite; and/or
 - b. goods that are ordered by the customer by telephone, mail or electronic transaction and redistributed to them by post, courier, or electronically; and/or
 - c. goods ancillary and related to a service provided by the home enterprise.
- v. Any advertising shall comply with Section 4D.3.2.1.

Note: The above activity performance standards ~~will shall~~ apply to every residential unit on a site. ~~cumulatively to all home enterprises per site. Except that in the case of land subdivided under the Unit Titles Act 1972 or the Unit Titles Act 2010 or a cross lease system, the above activity performance standards shall apply cumulatively to all home enterprises per individual unit title or cross lease title.~~

9.54 Kāinga Ora⁴⁰ opposed Performance Standards 14A.4.3(b) and 14A.4.3(c). Specifically, Kāinga Ora opposed the shape factor proposed as part of both rules, as well as the yield provisions and the activity status of (c). The reporting officer⁴¹ has recommended that the minimum shape factor be amended to 8m x 15m for both performance standards, but that the Kāinga Ora submissions relating to yield and activity status be rejected.

9.55 I agree with the reporting officer that the minimum shape factor should be amended to 8m x 15m as this will provide for a range of typologies in the MRZ (most likely standalone houses and duplexes). I have discussed the appropriateness of higher yields above in paragraph 9.41 and rely on that discussion for also amending

⁴⁰ Submissions 29.51 and 29.52

⁴¹ S42A Report, Section 14A - Ōmokoroa and Te Puke Medium Density Residential, Part 2 - Definitions, Activity Lists & Activity Performance Standards

Performance Standard 14A.4.3(c). I consider it appropriate for the activity status of 14A.4.3(c) to be amended to restricted discretionary; this will enable the relevant matters to be assessed and enable Council to decline the application if appropriate. I consider the matters of discretion should be:

1. *The effect of the design and layout of the allotments and whether it enables the efficient use of land.*
2. *The effects of infrastructure and servicing.*
3. *The degree of connectivity to open space, services and facilities.*
4. *Accessibility by all modes of transport, including for cyclists and pedestrians.*
5. *Whether the layout precludes the ability to develop neighbouring or nearby land*
6. *Whether the layout is practicable and provides for the existing or intended purpose of the land*

9.56 Kāinga Ora⁴² also made a submission seeking a performance standard providing for subdivision around an existing residential unity be included as a controlled activity. The reporting officer⁴³ has recommended that this submission be rejected on the basis that there are sufficient subdivision performance standards proposed that will cover the scenario. I agree with the reporting officer that Performance Standard 14A.4.3(a) provides for subdivisions in accordance with an approved land consent (ii), and subdivisions where the land use consent is being applied for concurrently (iii) as a controlled activity. I do not consider that an additional performance standard is required.

⁴² Submission 29.50

⁴³ S42A Report, Section 14A - Ōmokoroa and Te Puke Medium Density Residential, Part 2 - Definitions, Activity Lists & Activity Performance Standards

- 9.57 Kāinga Ora⁴⁴ sought amendments to the notification clauses in Rule 14A.5.1 to make clarifications and further exemptions. The reporting officer⁴⁵ has recommended that the submission be rejected on the basis that Rule 14A.5.1 is recommended to be deleted.
- 9.58 The Housing Supply Act⁴⁶ makes particular public and/or limited notification exemptions for certain activities and performance standard non-compliances. Effectively these provide for:
- up to three residential units that do not comply with the density standard/s (except clause 10), do not need to be publicly notified, but can be limited notified;
 - four or more residential units that comply with the density standards, do not need to be publicly or limited notified, but can be publicly or limited notified when there are non-compliances with the density standards; and
 - subdivision consents for residential units do not need to be publicly or limited notified, but other subdivisions can be publicly or limited notified.
- 9.59 The density standards referred to (in clause 5), are the density standards set out in clauses 10 – 18 of Schedule 3A of the Housing Supply Act (the 'mandated' standards).
- 9.60 I do not consider that Rule 14A.5.1 should be deleted as recommended by the reporting officer. I consider it important that a plan is user friendly and for people to understand any notification exemptions/considerations. The vast majority of people would have no idea what the RMA directs on notification. I consider that, as a minimum, the clause 5 notification exemptions should be retained.
- 9.61 With respect to the changes sought by Kāinga Ora, these go further than the prescribed notification exemptions and seek exemptions

⁴⁴ Submissions 29.53 and 29.54

⁴⁵ Section 14A - Ōmokoroa and Te Puke Medium Density Residential, Part 2 - Definitions, Activity Lists & Activity Performance Standards

⁴⁶ Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021, Schedule 3A, clause 5

relating to some of the 14A.4.1 'mandated' standards and all of the 14A.4.2 'other' standards.

- 9.62 With regards to the prescribed 14A.4.1 standards, I consider that three or more residential units that do not comply with outdoor living space (f), outlook space (g), windows to street (h) and landscaped area (i) should be exempt from public and limited notification. I consider that these matters are internal design matters (outdoor living space and outlook space) and urban design matters (windows to street and landscaped area), and I do not consider that a person or people could be considered to be affected by non-compliances with these standards.
- 9.63 I consider that the public and limited notification exemptions should be extended to the 14A.4.2 standards. These standards relate to matters that will not adversely affect neighbours or the public in general. Yield (a) and impervious surfaces (d) requirements are broad scale outcomes that do not affect a person or people at a personal level. While minimum storey requirements (c), vehicle crossing and access (e) and streetscape (f) are urban design matters that, while nice to achieve, cannot be said to directly affect a person or people. I note that a performance standard infringement is a restricted discretionary activity and the Council will retain the ability to decline the application if they do not feel that the effects have been appropriately dealt with.
- 9.64 I note that the building bulk and location standards (specifically, height, HIRB, setbacks and building coverage) remain 'untouched' by the notification exemptions, as I agree that non-compliances with these standards have the ability to adversely affect a person or people and should be subject to the 'normal' notification scrutiny afforded to Council under s95 of the RMA.
- 9.65 I acknowledge the comments of the reporting officer that *'a common concern was that limited notification would be required for not meeting 'internal' standards such as providing outdoor living areas or outlook space for residents within a development. However,*

Council staff should ultimately be trusted to make informed decisions and not have these abilities removed because of potentially undue concerns'. However, I consider that the planning changes advanced through the NPS-UD and the Housing Supply Act are intended to give people more certainty and a 'clear(er) line of sight' to gaining resource consent. For matters that really have no bearing on other people, there is no reason not to give applicant's more certainty about notification.

9.66 I consider that Rule 14A.5.1 should be amended as follows:

14A.5.1 Requirements

- a. Council may require public or limited notification of resource consent applications except as listed in (b) below.
- b. Council ~~shall~~ will not require:
 - i. Public notification if the application is for the construction and use of one, two or three residential units that do not comply with one or more of the density standards in Rule 14A.4.1 (except for the standard in 14A.4.1 (a)) and the performance standards in Rule 14A.4.2.
 - ii. Limited notification if the application is for the construction and use of one, two or three residential units that do not comply with density standards in Rules 14.4.1(f), (g), (h) and (i) and the performance standards in Rule 14A.4.2.
 - iii. Public or limited notification if the application is for the construction and use of four or more residential units that comply with the density standards in Rule 14A.4.1 (except for the standard in 14A.4.1 (a)).
 - iv. Public or limited notification if the application is for the construction and use of four or more residential units that does not comply with the density standards in Rules 14.4.1(f), (g), (h) and (i) and the performance standards in Rule 14A.4.2.

v. Public or limited notification if the application is for a subdivision associated with an application for the construction and use of residential units described in subclause (i) and (ii) above.

~~vi. Notification for a controlled activity as specified in Section 4A – General in Rule 4A.4.7.1.~~

MRZ Ōmokoroa and Te Puke Matters of Discretion

- 9.67 Kāinga Ora⁴⁷ opposed the matters of discretion contained in Rule 14A.7.1 on the basis that they were too complex. The reporting officer⁴⁸ has recommended that this submission be accepted in part as a substantial rewrite of the matters of discretion has been undertaken.
- 9.68 I was involved in expert conferencing on 1 August 2023 which focussed on the urban design matters of discretion for multi-unit (4+) developments.
- 9.69 I support the proposed amended matters of discretion 14A.7.1(a) – (k). These are consistent with the outcomes of the expert conferencing. There is one minor amendment needed to matter of discretion 14A.7.1(a) to delete reference to the residential unit typology standard.
- 9.70 I do not support the Advice Note regarding the Residential Outcomes Framework or matters of discretion 14A.7.1(l) and (m).
- 9.71 I do not consider that an Advice Note directing applicants to the Western Bay of Plenty District Council's Residential Design Outcomes is appropriate. It is not that I do not think the document has merit, it is that there is a raft of other urban design guidelines that could or should be referred to. In my experience, processing planners tend to undertake a 'tick box' exercise against urban design guides (particularly where they are referred to in a district plan),

⁴⁷ Submission 29.55 and further submission 70.22

⁴⁸ Section 14A - Ōmokoroa and Te Puke Medium Density Residential, Part 3 – Matters of Control and Matters of Discretion

which is not how they are intended to be used. I understand that Kāinga Ora has its own urban design guide against which its developments are assessed and while this results in quality urban form and design outcomes, it may be inconsistent with the Council's Residential Design Outcomes. Likewise, both those documents might be inconsistent with other current, or future, urban design guidance. On this basis, I do not think any specific guideline should be referred to in the District Plan, but rather the appropriate guidelines can be applied in appropriate circumstances (i.e. on a case-by-case basis).

- 9.72 I do not support the matters of discretion in 14A.7.1(l). Firstly, these matters of discretion were not agreed, or even tabled by Council officers, at conferencing. Given that matter of discretion 14A.7.1(a) affords the Council discretion to consider the effects of any non-compliance with the impervious surfaces, then it stands that any stormwater management will be considered against that non-compliance (notwithstanding the specific matters of discretion contained in 14A.7.13 for non-compliance with this standard).
- 9.73 I do not support the matters of discretion in 14A.7.1(m). I consider it inappropriate to prioritise the natural landform and topography in areas where intensification is to be the focus. In order to achieve an appropriate building platform, greater volumes of earthworks will likely be required, which could (and should) substantially change the landform if this supports intensification outcomes.
- 9.74 It is my understanding (from feedback at conferencing) that a primary concern of elected members is the visibility of retaining walls. However, retaining walls are going to be required to facilitate higher density housing on sloping land and, other than retaining walls on the front boundary, these retaining walls will be largely screened by subsequent development and landscaping. I acknowledge the need to manage retaining wall heights on the front boundary (and the unsightliness of large concrete walls along road boundaries) however, retaining walls will be managed by matters of discretion in 14A.7.1(a) and 14A.7.17 (in particular 17(a)).

- 9.75 I consider that matter of discretion 14A.7.1(m)(iv) – cultural values associated with the existing natural landform – is effectively functioning like a QM. Section 77I of the Housing Supply Act enables the Council to make the MDRS less enabling to accommodate a QM, including for a matter of national importance (s6 of the RMA). More specifically, s6(e) provides for *‘the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga’*. If the natural landform of Ōmokoroa and Te Puke needs to be retained to protect the relationship of Māori with these areas, then I consider that this is a matter that should be justified through S77J of the Housing Supply Act (noting that there is no existing overlay for this matter). I note that the earthworks procedures set out in Section 4 of the WBOPDP address the need to consult with mana whenua and the protocols associated with accidental discoveries, including of koiwi, artefacts and indications of occupation.
- 9.76 Kāinga Ora⁴⁹ made submissions on the matters of discretion for non-compliance with the performance standards. The reporting officer⁵⁰ has recommended that these submissions be accepted, accepted in part or rejected. I discuss the relevant matters in turn below.
- 9.77 I am comfortable with maintaining separate matters for height and HIRB non-compliances, rather than combining them as sought by Kāinga Ora. I support the addition of (e) to 14A.7.3.
- 9.78 I recommended a similar addition to 14A.7.4 – non-compliance with setbacks, although I consider that the new matter should be located under ‘side and rear yards’ as it relates to multiple detached dwellings on a site and whether the side and rear setback non-compliances serve a purpose to the residents on the same site. The specific wording that I propose is:

⁴⁹ Submissions 29.56, 29.57, 29.58, 29.59, 29.60, 29.61 and 29.63 and further submission 70.14

⁵⁰ Section 14A - Ōmokoroa and Te Puke Medium Density Residential, Part 3 – Matters of Control and Matters of Discretion

Whether the non-compliance is internalised within a development and promotes a more efficient use of land and liveable outcome.

- 9.79 Further to this, I support the reporting officer's recommendation to reject the KiwiRail⁵¹ submission seeking to include an additional matter of discretion to ensure that side and rear yards can be used, accessed and allow for maintenance clear of the rail corridor. I discuss this further below.
- 9.80 I am comfortable with the amended wording of 14A.7.5, and in particular support the deletion of matter (c) as I consider it inappropriate for a matter of discretion to seek an alternative design outcome.
- 9.81 I support the deletion of matter (e) in 14A.7.9. While not mutually exclusive, I do not consider that stormwater effects should be assessed as part of a landscaping non-compliance.
- 9.82 I have a number of the concerns with the drafting of the matters of discretion for 14A.7.10. I consider that a number of the matters promote an under supply of yield, rather than an oversupply. For example, it is much more likely that a development will achieve compliance with the other performance standards if it does not meet the yield standard because a building with a lower yield is, in my opinion, more likely to have a smaller bulk. The purpose of increasing the bulk and location standard on a site is to ultimately achieve more yield (in multi-unit developments). Similarly, lower yields will have lower demands on the infrastructure and accordingly is a 'better' outcome (particularly as financial contributions need to be paid in line with the minimum yield standards). I consider that 14A.7.10 should be amended as follows:
- a. Any geotechnical or topographical reasons for why the yield requirements cannot be met.*

⁵¹ Submission 30.3

- ~~b. Whether residential units which fail to meet the yield requirements can meet all other relevant activity performance standards.~~
- c. The extent to which the proposed yield is in response to meeting the specific living requirements of the community that the housing development type is designed for including any need for ancillary non-residential buildings.
- d. Demonstration that the land being developed will retain the potential to comply with the required yield in the future e.g. if there is a balance area proposed. This can be achieved by providing an indicative future additional residential unit layout. A consent notice or other legal mechanism may be applied to ensure future development meets the required yield requirements.
- ~~e. How the proposal provides for private space taking into account the size, orientation and shape of the space.~~
- f. The distance and accessibility to public facilities (e.g. schools, commercial areas, reserves and public transport routes).
- ~~g. Adverse effects on existing infrastructure, including stormwater overland flowpaths.~~
- ~~h. Infrastructure capacity within the subject catchment in relation to the anticipated stormwater, water, wastewater and transport demands generated by the proposed activity.~~
- ~~i. How the proposal provides infrastructure services on-site in accordance with the Development Code or approved alternative.~~
- ~~j. How the proposal utilises water sensitive urban design principles for stormwater management and ensures that attenuation is the same or better than pre-development levels.~~

~~k. Whether combined vehicle crossings have been utilised to avoid the need to create separate vehicle crossings.~~

~~l. Whether the distance between separate vehicle crossings would adversely affect pedestrian safety or the ability to accommodate street trees.~~

~~m. How any shortfall in financial contributions is to be mitigated.~~

9.83 I support the deletion of 14A.7.11 and 14A.7.16 as a consequence of the deletion of Performance Standards 14A.4.2(b) and 14A.4.2(g) respectively.

9.84 I am comfortable with the amendments recommended by the reporting officer to 14A.7.13.

9.85 I consider that 14A.7.12 and 14A.7.18 should be moved to the HRZ provisions that Kāinga Ora are promoting for the Ōmokoroa Stage 3C areas. I discuss this further below.

10. POLICY 3

10.1 In addition to adopting MDRS, PC92 must also apply Policies 3 and 4 of the NPS-UD, which state:

Policy 3: In relation to tier 1 urban environments, regional policy statements and district plans enable:

- a. *in city centre zones, building heights and density of urban form to realise as much development capacity as possible, to maximise benefits of intensification; and*
- b. *in metropolitan centre zones, building heights and density of urban form to reflect demand for housing and business use in those locations, and in all cases building heights of at least 6 storeys; and*
- c. *building heights of at least 6 storeys within at least a walkable catchment of the following:*

- i. existing and planned rapid transit stops*
- ii. the edge of city centre zones*
- iii. the edge of metropolitan centre zones; and*
- d. within and adjacent to neighbourhood centre zones, local centre zones, and town centre zones (or equivalent), building heights and densities of urban form commensurate with the level of commercial activity and community services.*

Policy 4: Regional policy statements and district plans applying to tier 1 urban environments modify the relevant building height or density requirements under Policy 3 only to the extent necessary (as specified in subpart 6) to accommodate a qualifying matter in that area.

- 10.2 Work undertaken by Property Economics, has confirmed that the Ōmokoroa and Te Puke centres are a NPS Town Centre Zone equivalent. The reporting officer⁵² has agreed that Ōmokoroa and Te Puke are NPS Town Centre Zone equivalents.
- 10.3 The part of Policy 3 therefore relevant to the Western Bay District is Policy 3(d). For reasons set out below, I do not consider that Council has fulfilled its Policy 3(d) obligations and determined a commensurate level of intensification in and around the Ōmokoroa and Te Puke centres.
- 10.4 Policy 3(d) requires the Council to determine, by way of appropriate assessments, the commensurate level of building heights and densities (relative to the level of commercial activity and community services in the centre) and apply those building heights and densities (without discretion) to both the centres and the surrounding land. However, in terms of Ōmokoroa, it is my understanding that the provisions that were developed as part of a separate plan change process (that was usurped by the Housing Supply Act, IPI and ISPP requirements) were effectively rolled over and were not necessarily revisited through the lens of Policy 3.

⁵² S42A Report, Ōmokoroa Zoning Maps, page 9

- 10.5 Kāinga Ora⁵³ made submissions on PC92 in respect of Policy 3. Kāinga Ora sought that the Ōmokoroa Stage 3C areas be zoned HRZ, as well as a walkable catchment surrounding the TPTC. Suitable HRZ provisions were appended to the submission.
- 10.6 Property Economics personnel and I have discussed, at length, the application of Policy 3 in Ōmokoroa and Te Puke with Kāinga Ora. Our recommendations differ from the relief sought by the Kāinga Ora submission. This raises a question of scope, and that will be addressed by Mr Matheson in his legal submissions on behalf of Kāinga Ora.
- 10.7 My recommendation regarding the application of Policy 3, which Kāinga Ora accepts, is that the ŌTC and TPTC should have their heights increased to 24.5m, and the proposed HRZ should apply to the Ōmokoroa Stage 3C areas. The HRZ in Te Puke is no longer being pursued. The HRZ provisions have been updated to incorporate the relevant objectives, policies and rules relating to the Ōmokoroa Mixed Use Residential Precinct and are appended to my evidence (**Appendix A**).

TE PUKE TOWN CENTRE

- 10.8 The reporting officer provided the following comments with respect to intensification in Te Puke, albeit I acknowledge that these are in relation to the HRZ sought by Kāinga Ora (and not the revised position now seeking additional height in the Town Centre):

For Te Puke, in preparing the Plan Change, Council did consider higher density and walkable catchments but decided not to make provision for an area comparable to 3C in Ōmokoroa. This was because additional time is required to adequately and effectively consult and engage with the Te Puke community. Within Te Puke, the proposed Plan Change therefore only enables housing densities (including to a height to 11m and 20 units per hectare) to occur. This was based on an assessment of each existing lot

⁵³ Submissions 29.5 and 29.6 and further submission 70.24

which concluded that higher density may not be suitable as areas near the town centre were already developed and large-scale re-development may not be feasible. There are also no rapid transit stops identified in the town.

The District Plan Review and upcoming Te Puke Spatial Plan will also be progressing which would allow the Te Puke community to fully engage and provide for the outcomes the community desire. This provides an opportunity to consider not just the future urban form for Te Puke but also align the provision of commercial facilities and community services commensurate to that.

- 10.9 Firstly, I have seen no evidence from Council that the feasibility of higher density housing has been assessed in Te Puke. I consider that, had an appropriate assessment been completed, it would have confirmed that within the town centre greater densities are feasible if the zone provisions provide for greater height.
- 10.10 While I appreciate that a Te Puke Spatial Plan is contemplated and this will consider further the appropriateness of potentially higher residential densities in Te Puke, it does not, in my opinion, override the Council's requirement to give effect to Policy 3 as part of this IPI/ISPP process.
- 10.11 TPTC is the largest commercial centre in the District. It contains two supermarkets and wide range of shops, services, and employment opportunities in both the commercial 'main street' area and in the nearby light industrial areas. The District Plan zone framework needs to recognise the centre's status and provide for commensurate opportunities for growth. NPS-UD Objective 1 seeks to provide for well-functioning urban environments both now and into the future. Objective 3 requires plans to enable people to live in locations where there is a high demand for housing or business land, relative to other areas in the urban environment. Objective 6(b) requires decisions on urban development to be strategic over the medium and long term. I read this strategic policy direction as clearly signalling that Plan provisions need to respond to both the current environment, and also

to be forward looking documents that provide for the environment as sought over the medium to long term i.e. the next 10-30 years. As the largest commercial centre in the District, the proposed zone framework should enable further intensification in a logical location where residents are able to readily access a range of services, and where there are a number of large and/or under-developed sites that could readily accommodate higher density housing without generating the interface and site agglomeration issues that can, at times, face intensification projects within established residential suburban contexts.

- 10.12 I consider that good urban form typically increases density and height as you move towards town centres, and therefore that a commensurate urban form response would be for the Town Centre to enable greater height than the surrounding residential area.
- 10.13 The reporting by Property Economics shows that higher density residential development is feasible within the TPTC and I consider that this should be enabled now to provide opportunities to deliver apartments into the local market. Property Economics confirms that⁵⁴:

...the Centre Zone height of 12.5m in Te Puke places a significant constraint on the ability for residential activities to be located within the Town Centre, which is an otherwise economically efficient location for such activities to occur.

Without the increase in height, the Te Puke Town Centre would essentially have the same enablement as the residential zone which is contrary to the objectives and purpose of the NPS-UD. From an economic viewpoint, this represents an inefficient outcome, with residential density effectively being encouraged to locate outside of the District's largest commercial centre, rather than in it.

⁵⁴ Evidence of Phil Osborne, paragraphs 24 and 28

10.14 On this basis, I consider that the height limit in the TPTC should be revised from 12m to 24.5m to give the Town Centre a competitive advantage in the market and enable housing opportunities in the most efficient economic location. It likewise assists in differentiating, in terms of urban form, the MRZ areas (with 12m height limits) from the Town Centre. I consider that Rule 19.4.1 should be amended as follows:

a. Building height, setback, alignment and design

i. *All buildings shall be provided with a veranda not less than 2m wide, 3m above street level, 0.3m back from the kerb line and not more than 0.4m thick;*

ii. ~~Te Puke and~~ Katikati town centres

Overall building/structure height shall not exceed 12.5m and retain a maximum two storey character (not exceeding 8.0m) facing the street;

The habitable space of any building shall be limited to the first 11m;

Any three storey building shall have its third storey set back in accordance with Diagram 1 following;

iii. ~~Te Puke Commercial Zone and~~ Ōmokoroa Commercial Zone Stage 2-3 Structure Plan Area

~~The maximum building/structure height in the Ōmokoroa Stage 2 Structure Plan area shall be 11m and no provision is made for additional non-habitable space above the 11m height limit.~~

~~The maximum building/structure height in the Ōmokoroa Stage 3 Structure Plan area shall be 20m, except where buildings locate all parking and servicing requirements enclosed below ground level, in which case the 11m maximum height limit; shall be 23m.~~

~~The maximum building/structure height in the Ōmokoroa Stage 3 Structure Plan area shall be 20m 24.5m above ground level, except where buildings provide for parking enclosed below ground level in an area which is equal to the gross floor area of the above ground building, in which case the maximum height shall be 23m. In addition, visitor parking, servicing and loading requirements can be provided on-site at ground level in accordance with Section 4B.~~

~~For the purposes of this rule:~~

- ~~• Only the ground floor of the above ground building shall be included in the calculation of gross floor area; and~~
- ~~• The area for parking enclosed below ground level is inclusive of any areas required for manoeuvring, storage, stairwells, access and ramps.~~

b. Daylight

i. In Katikati Town Centre

All site boundaries adjoining Residential and Rural Zones: No part of any building/structure shall exceed a height equal to 2m height above ground level at all boundaries and an angle of 45° into the site from that point. Except where the site boundary is with a road in which case this rule shall not apply in respect to that boundary.

ii. Te Puke Commercial Zone and Ōmokoroa Commercial Zone Stage 3 Structure Plan Area

~~All site boundaries adjoining Medium Density Residential Zone: No part of any building/structure shall exceed a height equal to 4m height above ground level at all boundaries and an angle of 60° into the site from that point. Except where the site boundary is with a road in which case this rule shall not apply in respect to that boundary.~~

e. Dwellings

Commercial Zone rules shall apply, except as specified below:

- i. Any habitable room in new residential activities established in the Commercial Zone shall be designed to meet an internal **L_{Aeq}** noise level of 45dB at all times;
An acoustic design report from a suitably qualified acoustic engineer will be required to show that the required noise standards will be met;
- ii. All dwellings shall be located above ground floor.
- iii. Minimum size of residential units
 - a. The minimum net floor area of a studio unit shall be 35m²
 - b. The minimum net floor area of a 1+ bedroom unit shall be 45m²
- iv. Outlook space
 - a. An outlook space must be provided from habitable room of a residential unit windows as shown in the diagram below:
 - b. The minimum dimensions for a required outlook space are as follows:
 - i. a principal living room must have an outlook space with a minimum dimension of 4m in depth and 4m in width; and
 - ii. all other habitable rooms must have an outlook space with a minimum dimension of 1m in depth and 1m in width;
 - c. The width of the outlook space is measured from the centre point of the largest window on the building face to which it applies;
 - d. Outlook spaces may be over driveways and footpaths within the site or over a public street or other public open space;
 - e. Outlook spaces may overlap where they are on the same wall plane in the case of a multistorey building;
 - f. Outlook spaces may be under or over a balcony;

g. Outlook spaces required from different rooms within the same building may overlap;

h. Outlook spaces must—

i. be clear and unobstructed by buildings; and

ii. not extend over an outlook space or outdoor living space required by another dwelling.

10.15 To manage the design of buildings in the TPTC, I consider that a new Restricted Discretionary Activity Rule should be added to 19.3.3, specifically:

c. New buildings in the Te Puke Town Centre

Matters of discretion as follows:

1. The design, layout, and appearance of development

2. Effects on the safety, amenity and attractiveness of the street and public open spaces.

3. The location and design of parking, access and servicing

4. The design and layout of residential units

10.16 I consider these rule amendments to the TPTC (and ŌTC) are supported by the existing Section 19 objectives and policies, specifically encouraging residential development into the Town Centre (by increasing heights and improving feasibility) will consolidate the centre, add to its vibrancy and encourage social and cultural interaction (Objective 19.2.1.1); the centres will reflect accepted urban design principles, be attractive, engage with public spaces and be convenient and safe commercial centres (Objectives 19.3.3.2, .3, .5 and .6); and the proposed scale (24.5m) reflects the its position as a Town Centre in an urban environment (Objective 19.3.3.4).

ŌMOKOROA TOWN CENTRE

- 10.17 As a consequence of changes recommended to enable a 'commensurate' level of development in the TPTC, the height, daylight and dwellings rules will also change for Ōmokoroa.

HIGH DENSITY ZONE

- 10.18 As noted above, the HRZ in Te Puke is no longer being pursued (as the more efficient outcome for Te Puke is to focus intensification within the Town Centre); however, Kāinga Ora are still pursuing the HRZ in the Ōmokoroa Stage 3C areas.
- 10.19 With respect to the submission, the reporting officer has advised⁵⁵:

The [3C] areas selected were land:

- *which is currently greenfield;*
- *adjoining high amenity areas (once 'developed') such as green belts with walkways/cycleways, reserve/open space areas;*
- *has (or will have) good connectivity (including walkable catchments);*
- *is a suitable contour for higher density and/or adjacent to the consented town centre.*

Within 3C, the proposed Plan Change assists the enabling of higher housing densities by including provision for buildings to a height of 20m.

The submitters have referred to Policy 3 of the National Policy Statement on Urban Development 2020 which similarly was a key reference point for the Council on this matter.

...

As discussed above Council has developed provisions that are considered appropriate to give effect to Policy 3 in the local context. The proposed plan change provisions provide for higher density residential areas commensurate with the level of commercial activities and community services anticipated.

⁵⁵ S42A Report, Ōmokoroa Zoning Maps, pages 9 and 10

- 10.20 I acknowledge that the 3C areas were chosen for higher density development for accessibility reasons and I support this. Despite this being outside the scope of the Kāinga Ora submission, I do question whether these areas would have been chosen had the Council been working from a 'clean slate' and not relying on documentation being advanced for a separate plan change. Ultimately, the 3C areas are not the most accessible areas (relative to the Town Centre). Notwithstanding this, they are reasonably accessible and topographically favourable, and I support these areas as the spatial extent of the HRZ.
- 10.21 Ultimately, my reading of the intention of Policy 3 (as a whole) is to place as many people as possible in the most efficient and/or accessible locations, where the most efficient and accessible location is in and around centres. Policy 3(d) recognises that smaller centres should be afforded some discretion as to scale and provides for a 'commensurate' assessment to be undertaken. While there is some subjectivity to the assessments when determining scale, I do not consider there is any discretion as to whether or not the conclusions of those assessments are to be applied. Council is obligated to apply provisions that are commensurate.
- 10.22 Mr Osborne describes the benefits of efficiently locating more intense residential development (in and around centres), specifically⁵⁶:

A compact urban form has a number of economic advantages:

- *A compact urban form reduces the marginal cost of construction in terms of infrastructure such as urban roading and wastewater and water supply networks.*
- *A compact urban form reduces the need for and cost of travel for residents to access employment, education, healthcare and services. That is likely to generate savings in resource use (e.g.: fuel or electricity) for trips that use private vehicles*

⁵⁶ Evidence of Mr Phil Osborne, paragraph 48

but also increases the likelihood of active transport modes (e.g.: walking or cycling).

- *Intensification within and around centres reinforces travel efficiency. It increases the accessibility of employment and services and further improves the efficiency of the public transport network.*
- *Improvement of land use efficiencies with regard to the extent of land required to meet demand, reducing the average site cost. This is more likely to result in lower priced residential options.*
- *Increasing the diversity, viability, and comparative advantage of commercial centres.*

10.23 As such, the most benefit is derived from firstly, providing the most enabling standards in centres (making them the most feasible place to develop) and secondly, including a HRZ around the centres to a level commensurate with the planned commercial activity and services (i.e. not based on the state of the centre today). A HRZ also provides an alternative high density living opportunity outside the centre, which may be preferred by some homeowners who are seeking a predominantly residential rather than mixed use living environment.

10.24 Once the spatial extent of the HRZ is determined (usually using walkable catchments), it is then appropriate to determine the scale of development within the HRZ. A HRZ must be notably more enabling (i.e. more feasible) than a MRZ (or other residential zone) to give it a competitive advantage and promote density in proximity to the centres.

10.25 Therefore, the provisions that apply to the HRZ (and provide for 'bulkier' buildings) are a reflection of economic evidence that intensification supports well-functioning urban environments. The recommended provisions for the HRZ are contained in Appendix A to my evidence (**the recommended provisions**). The key

differences between the recommended provisions and the notified provisions are a maximum permitted height of 22m, a HIRB of 19m + 60° and a yield of 50 units / hectare. For ease of reference, the table in **Appendix A** includes a comparison to the notified provisions.

10.26 As I have noted above for the MRZ, it is appropriate that the zone provisions provide for the outcomes anticipated by the zone, in this case, a high density outcome. To this end, I note:

- a. The proposed (22m) height will comfortably enable six storeys, allow for increased finished ground or floor levels to account for any localised stormwater issues, support increased internal floor to ceiling heights to provide improved amenity for occupants, and support design variation in roof form.
- b. The 19m+60° HIRB standard better enables this anticipated outcome to be achieved and reduces the design challenges inherent with new buildings having to have a pyramid or 'wedding cake' form in order to meet HIRB controls. By enabling greater height at the front of sites, it increases the prospect of the rear of sites being free of buildings (noting that Kāinga Ora support the proposed 50% site coverage standard). Over time the rule framework should facilitate a 'perimeter block' form with internal open space and access to sunlight within blocks.
- c. A yield of 50 residential units / hectare would largely be considered by most professionals to be a medium density outcome. However, for Ōmokoroa I consider it is an appropriate yield minimum. All of my comments provided in paragraph 9.41 of my evidence are also relevant to the HRZ, but I would like to reflect on the reporting officer's comment that '*...[the notified yields] are commensurate with the level of commercial activity and community services in these 'smaller' towns*'. The nearest centre to ŌTC is the Bethlehem Town Centre. The rules controlling development within the Bethlehem Town Centre provide for 24,400m² of gross leaseable floor area. As I

understand, there is no floor area cap on the ŌTC and approximately 35,000m² of development is expected⁵⁷. The Bethlehem Town Centre provides for a walkable HRZ catchment of up to 22m in height. Given that the ŌTC is approximately one third larger, I do not accept the reporting officer's comments that a lower density or more conservative urban form outcomes are appropriate.

- 10.27 As such, I consider the recommended provisions, including density standards and a yield standard, appropriately reflect the built form anticipated for a HRZ and are suitably enabling to promote sound economic and urban form outcomes.
- 10.28 Suitable matters of discretion exist (many the same as for the MRZ) to ensure that non-compliances and multi-unit (4+) developments can be assessed against the anticipated outcomes for the zone.
- 10.29 I consider that adopting the recommended provisions for the Stage 3C areas of Ōmokoroa is the most efficient and effective way to give effect to the NPS-UD. I consider that the HRZ will enable more people to live near the CCZ (Objective 3(a)), is integrated with infrastructure planning and funding decisions (Objective 6(a), is strategic over time (Objective 6(b)) and supports reductions in greenhouse gas emissions (Objective 8(a)). Furthermore I consider the HRZ will provide a variety of homes (Policy 1(a)), achieve good accessibility (Policy 1(c)), increase development capacity (Policy 2), is commensurate with the zone's close proximity and accessibility to the town centre (Policy 3(d)), and may detract from existing amenity values appreciated by some people, but will improve amenity values appreciated by other people, communities, and future generations (Policy 6).

11. PAPA KĀINGA

- 11.1 Kāinga Ora⁵⁸ sought the inclusion of a definition of 'papakāinga development' and explicit reference to papakāinga in Rule

⁵⁷ Economic Assessment, 404 Ōmokoroa Road, May 2020

⁵⁸ Submission 29.37

14A.3.1(a) to ensure that papakāinga are enabled in a manner consistent with the MDRS. The reporting officer⁵⁹ has recommended that the submission be rejected, primarily on the basis that a specific plan change for papakāinga is being contemplated by Council and it is better to deal with them as part of that process in consultation with tangata whenua.

11.2 The WBOPDP makes provision for activities related to 'Māori Land' but does not explicitly provide for papakāinga. I consider that explicit provision for papakāinga in the MRZ (and HRZ) is expected by s80E(1)(b)(ii) of the Housing Supply Act, and noting that the relationship of Māori with their whenua and being able to express their cultural traditions and norms is explicitly articulated in the national and regional RMA frameworks, including:

- a. The relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga is a matter of national importance (RMA Section 6(e)).
- b. The principles of te Tiriti o Waitangi shall be taken into account when exercising powers and functions under the RMA / within urban environments (RMA Section 8 and Objective 5 and Policy 9 of the NPS-UD).
- c. Well-functioning urban environments enable Māori to express their cultural traditions and norms (Policy 1(a)(ii) of the NPS-UD).
- d. Kaitiakitanga is recognised and the principles of the Treaty of Waitangi is taken into account; Māori land is developed and used in a manner that enables Māori to provide for their wellbeing, health and safety while safeguarding its mauri, enabling development of Māori land; and providing for papakāinga (operative); and enabling Māori to develop their land, including but not limited to papakāinga housing, marae and

⁵⁹ S42A Report, Section 14A - Ōmokoroa and Te Puke Medium Density Residential, Part 2 - Definitions, Activity Lists & Activity Performance Standards

community facilities (O13, O16, IW-P1B and UG-P22B (operative), UG-P22B(a) (proposed) of the BOPRPS).

- 11.3 Given the directive set out in s80E(1)(b)(ii) of the Housing Supply Act, I consider it appropriate for a definition of papakāinga to be included in the WBOPDP. I recommend the following definition (which is similar to, but not the same as the definition advanced by Kāinga Ora in its submission):

Papakāinga means residential and ancillary non-residential activities to support the cultural, environmental, and economic wellbeing of tangata whenua on their ancestral land.

- 11.4 I consider that this definition provides for Māori (tangata whenua) to live on their ‘ancestral lands’ (being land within the Western Bay of Plenty District), including on general title land and not restricted to ‘Māori land’, which restricts land ownership (and development) to land held under Te Ture Whenua Māori Act 1993. I consider that this definition places emphasis on the residential living practices of Māori, often intergenerational and with shared facilities.

- 11.5 The application of this to the MRZ and HRZ needs to be suitably nuanced to enable Māori to live in a manner congruent with their cultural traditions and norms and support their wellbeing while also being compatible with the residential character of these zones.

- 11.6 To this end, I am particularly concerned with the treatment of shared living spaces, which are integral to papakāinga and should not be penalised (as public community spaces). However, I do think it is appropriate to restrict these shared living spaces to ensure that they do not dominate the site or become large public shared spaces. I think shared spaces amounting to no more than 50m² per unit on the site is appropriate. I propose the following amendments to Rule 14A.3.1(b):

Up to three residential units on a site. This includes up to three papakāinga houses with shared living spaces (aggregated) amounting to no more than 50m² per unit proposed.

11.7 I have advanced a similar rule for papakāinga in the HRZ.

12. ŌMOKOROA STATE HIGHWAY 2 INTERSECTION

12.1 Kāinga Ora⁶⁰ opposed a submission by Waka Kotahi⁶¹ seeking a non-complying rule (with associated objective/s and policy/s) be applied to subdivision and development within Stage 3 of Ōmokoroa to ensure the safe and efficient operation of the State Highway 2 intersection providing access to Ōmokoroa. The reporting officer⁶² has not made a recommendation on this submission noting that correspondence is ongoing.

12.2 I note that Council, Waka Kotahi and Kāinga Ora have been liaising over this matter since the beginning of the year. The first meeting was held on 15 March 2023 and the most recent meeting was held 7 August 2023 with email correspondence in the intervening period. I attended both meetings and have been privy to the email correspondence.

12.3 As noted by the reporting officer, agreement has been unable to be reached between the parties; however, Waka Kotahi are no longer pursuing a pre-roundabout rule, given that construction of the roundabout is imminent⁶³.

12.4 Despite not making a recommendation to accept or reject the submission of Waka Kotahi, the reporting officer concluded:

As part of the on-going discussions with Waka Kotahi additional traffic modelling has been undertaken. The findings of the modelling include level of service assessments based on the interim round-about construction and anticipated growth. [Letter - Ōmokoroa Roundabout Performance Metrics and Development Threshold – Beca 4 August 2023]. Refer to Attachment E

⁶⁰ Further submission 70.25

⁶¹ Submission 41.3

⁶² S42A Report, Section 14A - Ōmokoroa and Te Puke Medium Density Residential, Part 2 - Definitions, Activity Lists & Activity Performance Standards

⁶³ Pers comm Rodney Albertyn (Waka Kotahi), construction commencement is scheduled for October 2023.

Based on this analysis the intersection between Ōmokoroa Road and State Highway 2 is anticipated to operate at an acceptable level of service until approximately 2048. Considering that the District Plan will be subject to a number of reviews within the next 25 years if required, specific development constraints could be developed at the appropriate time. Noting the time period, programmed future work and potential for significant changes in transportation modal splits in the period and the purpose of the Amendment Act is to enable more housing any restriction on residential development in regard to the Ōmokoroa Road and State Highway 2 is not recommended.

- 12.5 I agree completely with the reporting officer and do not consider that, on the basis of the modelling and the long planning horizon, any rule restricting development within Ōmokoroa is warranted (at this stage).
- 12.6 However, despite the modelling not, in my opinion, justifying the rule, I have reflected on the concerns of Waka Kotahi and accept that there is a margin of error to traffic models and also that I am promoting higher densities (which may exhaust the roundabout capacity sooner than 2048). As such, I consider that a restricted discretionary activity rule is appropriate for managing the issues raised by Waka Kotahi.
- 12.7 I acknowledge that the safe and efficient operation of the intersection is imperative, and that a restricted discretionary activity status enables an assessment against discrete and well understood issues (articulated as matters of discretion), and ultimately enables the Council to decline consent if it is unsatisfied with the level of effects. I propose the following wording:

Objective 4B.2.1 (existing)

a. To provide an integrated, efficient, safe and sustainable transportation network that supports the social and economic wellbeing, and land use pattern of the sub-region as defined

in this District Plan and that maintains or enhances the regional strategic linkages.

b. To provide for more efficient land use, development and subdivision of existing areas in a way that recognises and integrates with the functions of different road types, transport modes and the defined transportation network.

Policy 14A.2.2.19:

Providing for growth within the Ōmokoroa peninsula in sequence with the staged upgrade of the intersection of Ōmokoroa Road and State Highway 2, thereby ensuring that vehicular access to and from the peninsula is safe and efficient.

Permitted Activity Rule 14A.3.1(l)

Residential subdivisions or developments of 4 or more residential units within the Ōmokoroa Stage 3 Structure Plan following establishment of the roundabout at the intersection of State Highway 2 and Ōmokoroa Road, but prior to xxx residential units being granted building consent.

Advice note 1: A record of the total number of residential building consents (and household unit equivalents) that have been granted within Ōmokoroa Stage 3 Structure Plan area is available from Council.

Advice note 2: This rule applies to residential subdivision IN ADDITION to Rule 14A.3.3(b) and Rule 14A.4.3(a).

Restricted Discretionary Activity Rule 14A.3.3(g)

Residential subdivisions or developments of 4 or more residential units within the Ōmokoroa Stage 3 Structure Plan area that does not comply with Rule 14A.3.1(l).

Matters of discretion

a. Evidence of consultation with the entity with statutory responsibility for State Highway 2 and its responses to that consultation.

b. The safe and efficient operation of the strategic road network.

Advice note 1: This rule applies to residential subdivision IN ADDITION to Rule 14A.3.3(b) and Rule 14A.4.3(a).

Advice note 2: this rule will cease to apply once the grade separation of the intersection is established.

12.8 I note that the residential unit threshold is currently unspecified. As at today, conversations with Council, Waka Kotahi and Beca were ongoing to determine the appropriate threshold in residential units (rather than Household Unit Equivalents as currently proposed by Waka Kotahi). I envisage that these conversations will be ongoing up to the hearing and I hope to be able to clarify the rule threshold (in residential units) when I appear before the Panel.

13. QUALIFYING MATTERS

13.1 Kāinga Ora⁶⁴ opposed a submission by KiwiRail⁶⁵ seeking that the existing 10m setback (Rule 14A.4.1(d)(ii)(b)) be confirmed as a QM (on the basis that this provides for maintenance of properties without access over the rail corridor). The reporting officer⁶⁶ has recommended that the KiwiRail submission be accepted as the 10m is an existing setback in the WBOPDP.

13.2 I accept that the rail corridor is eligible for protection (by way of a QM) pursuant to s771(e) of the NPS-UD and the Housing Supply Act. However, I do not consider that s771 has been strictly applied to only the extent necessary to accommodate the QM. KiwiRail has advised that the 10m setback is required to enable maintenance of properties without the need to enter the rail corridor. It is my understanding that

⁶⁴ Further submission 70.18

⁶⁵ Submission 30.1

⁶⁶ S42A Report, Section 14A - Ōmōkoroa and Te Puke Medium Density Residential, Part 2 - Definitions, Activity Lists & Activity Performance Standards

a setback of 2.5m (for maintenance purposes) has been acceptable to KiwiRail in other parts of the country and I see no reason why a 10m setback should be required in Ōmokoroa and Te Puke for this purpose. On this basis, I consider that Rule 14A.4.1(d)(ii)(b) should be amended to 2.5m as follows:

site boundaries with a railway corridor or designation for railway purposes (for sites created by way of an application for subdivision consent approved after 1 January 2010) in which case all yards shall be ~~10m~~ 2.5m.

- 13.3 Kāinga Ora⁶⁷ opposed a submission by Powerco⁶⁸ seeking that the distribution network should be recognised as a QM and a new performance standard adopted to give effect to that. The reporting officer⁶⁹ has recommended that the Powerco submission be rejected; although the reporting officer has not drawn a conclusion on whether it is appropriate for the distribution network to be identified as a QM, only that it is inappropriate to include a District Plan rule to trigger non-compliances with the Electrical Code of Practice. Instead, the reporting officer has recommended that an advice note be included in Sections 10 and 14A bringing the Code of Practice to the attention of plan users. This method has been adopted in Tauranga City. I support this approach.
- 13.4 On the basis that the reporting officer does not support the inclusion of a rule (regarding the Code of Practice), I do not think there is cause to identify the distribution network as a QM, i.e. it would serve no purpose because there would be no rule to render MDRS or Policy 3 less enabling.

⁶⁷ Further submission 70.19

⁶⁸ Submission 33.1

⁶⁹ Section 14A - Ōmokoroa and Te Puke Medium Density Residential, Part 2 - Definitions, Activity Lists & Activity Performance Standards

14. SECTION 3 – DEFINITIONS

- 14.1 Kāinga Ora⁷⁰ supported a submission by New Zealand Housing Foundation⁷¹ seeking an amendment to the definition of *building footprint* to align the NPS definition with the WBOPDP definition by excluding buildings which effectively sit at ground level (swimming pools, terraces etc). The reporting officer⁷² has recommended that this submission be accepted.
- 14.2 However, I disagree that the NPS definition of *building footprint* needs amending. The purpose of the MDRS building coverage density standard is to manage the bulk and location of a building. The NPS *building coverage* definition relies on determining *building footprint* (as defined by the NPS), which in turn relies on the NPS definition of *building*. The NPS definition of *building* requires a building to be partially or fully roofed (and fixed or located on or in land) to be a 'building'. As such, much of what the reporting officer is trying to manage by amending the NPS definition of *building footprint* is already exempt (uncovered terraces, uncovered steps, uncovered swimming pools). In the event that these are roofed, then they contribute to the bulk and location of the building and therefore, in my opinion, should be assessed accordingly.
- 14.3 Given the evidence I have presented above on yield, I consider amendments to the definition of *developable area* are required. I note that there have been a large number of submissions on the definition⁷³, which primarily seek that all land unable to be developed for residential purposes be removed from the definition so that the area of developable land fairly reflects the land that a developer will see a return on (i.e. any land to be vested, or any land unsuitable for development). This would require the definition to remove all land to be vested, included all roads, pedestrian accessways, stormwater

⁷⁰ Further submission 70.17

⁷¹ Submission 32.4

⁷² Section 14A - Ōmokoroa and Te Puke Medium Density Residential, Part 2 - Definitions, Activity Lists & Activity Performance Standards

⁷³ Submissions 19.19, 26.1, 39.2, 42.2, 47.4, 58.19, and further submissions 70.23, 74.1, 74.23, 74.34 and 78.2

and neighbourhood reserves. I consider that the definition should be amended as follows:

"Developable Area" when used in ~~Section 11 (Financial Contributions) and~~ Section 14A (Ōmokoroa and Te Puke Medium Density Residential) means all land zoned Medium Density Residential or High Density Residential except for ~~the following~~:

- Any land to be vested; and
- ~~Road reserves of Ōmokoroa Road, Prole Road and Francis Road (including its extension to Ōmokoroa Road);~~
- ~~Identified structure plan link road between Prole Road and Francis Road;~~
- ~~Identified structure plan active reserve.~~
- As part of a resource consent, areas any land identified as unsuitable for the construction of a residential unit by a suitably qualified and experienced engineer.
 - ~~geotechnical engineer or equivalent, or~~
 - ~~stormwater engineer or equivalent due to the land having stormwater management as its primary function, or~~
 - ~~natural hazards engineer or equivalent due to the land being subject to one or more natural hazards.~~

Note: Other areas in Ōmokoroa unsuitable for the construction of residential units have already been excluded through the creation of a Natural Open Space Zone.

15. SECTION 4C – AMENITY

Activities sensitive to noise

- 15.1 Kāinga Ora⁷⁴ supported a submission by the Retirement Villages Association of New Zealand⁷⁵ seeking to exclude the application of Rule 4C.1.3.2(c) to residential zones. The reporting officer⁷⁶ has recommended that this submission be rejected.

⁷⁴ Further submission 70.20

⁷⁵ Submission 34.6

⁷⁶ Section 42A Report, Section 4C – Amenity, page 2

- 15.2 I disagree with the reporting officer's recommendation for a number of reasons, most significantly because the drafting and application of this rule is very outdated and it is appropriate to revisit it through PC92. Specifically:
- a. Firstly, it is not appropriate for a rule to be applied at the discretion of Council. Rules should be drafted with clear thresholds that provide certainty to plan users that they will need to factor acoustic insulation into their building design.
 - b. Secondly, the primary noise requirement is for activities to control their noise within their site boundaries (as per the noise limits set by other rules in the Plan).
 - c. However, there are some exceptions to this. Specifically, activities within centres, and significant operations that would never be able to fully control their noise within their site boundaries (e.g. ports, airports and particularly large manufacturing sites). With respect to the latter, these activities are 'protected' by noise control boundaries with an associated rule or rule framework. In both cases, activities sensitive to noise (**ASAN**) located within centres or within a noise control boundary are required to provide acoustic insulation to, in part, mitigate the effects of noise. When acoustic insulation is required is clearly signalled in the District Plan.
 - d. The ASAN listed in Rule 4C.1.3.2(c) are not truly ASAN. Widely accepted ASAN are residential activities and visitor accommodation, community, educational and health care facilities. In some situations I have seen marae also included.
- 15.3 Ultimately, I consider that Rule 4C.1.3.2(c)(i) should be deleted and redrafted taking into account my comments above. But given this is likely outside the scope of PC92, I propose that Rule 4C.1.3.2(c) should be amended as follows:

Rule 4C.1.3.2(c)

- i. *For potentially noise-sensitive activities such as commercial offices, places of assembly, veterinary facilities, medical or scientific facilities dwellings and accommodation facilities, ~~and education facilities in the Ōmokoroa Mixed Use Residential Precinct~~, an acoustic design certificate shall be provided at the time of building consent demonstrating the building has been designed so that the internal noise limits set out in the ~~following~~ table shown in (iii) are not exceeded.*
- ii. *In the Ōmokoroa Mixed Use Residential Precinct, residential units and visitor accommodation, community, educational and health care facilities will be designed so that the internal noise limits set out in the table shown in (iii) are not exceeded.*
- iii. *Where windows and doors...*

15.4 Kāinga Ora⁷⁷ opposed a submission by KiwiRail⁷⁸ seeking to include new noise and vibration controls for noise sensitive activities within proximity to the rail corridor. The reporting officer⁷⁹ has recommended that the primary submissions be rejected noting that no specific analysis has been undertaken to justify these rules and that Rule 4C.1.3.2(c) would likely be applied where noise sensitive activities are shown to occur within close proximity to the rail corridor. I agree with the reporting officer that there is inadequate analysis to justify these excessive controls.

16. SECTION 8 – NATURAL HAZARDS

16.1 Kāinga Ora⁸⁰ sought to remove the natural hazard layers, specifically the flooding and liquefaction maps, included in PC92 from the WBOPDP to sit as a ‘non District Plan layer’, as well as delete all related provisions. Kāinga Ora⁸¹ made further submissions

⁷⁷ Further submissions 70.15 and 70.16

⁷⁸ Submissions 30.4 and 30.5

⁷⁹ Section 42A Report, Section 4C – Amenity, pages 6 and 7

⁸⁰ Submissions 29.3 and 29.8

⁸¹ Further submissions 70.1, 70.2, 70.3, 70.4, 70.7, 70.8, 70.9, 70.10 and 70.11

regarding the same. The reporting officer⁸² has recommended that these submissions be accepted or accepted in part.

- 16.2 Specifically, the reporting officer has recommended that the maps and provisions relating to liquefaction be deleted due to limited information and the ability to manage any risk through the subdivision and building consent processes.
- 16.3 The reporting officer has also recommended the deletion of the flooding maps for Te Puke as updates to the maps in July 2023 indicated that further work is required and that the most appropriate response is to withdraw the maps (and rely on the subdivision and building consent processes).
- 16.4 On the basis that the information for both liquefaction and flooding risk appears to be evolving (and will continue to evolve). I support the removal of maps (and related liquefaction provisions) from PC92 and including the relevant maps as non District Plan layers on the WBOPDP ePlan.

17. SECTION 11 – FINANCIAL CONTRIBUTIONS

- 17.1 Kāinga Ora⁸³ proposed changes to Rule 11.5.3 to simplify and clarify the provision. The reporting officer⁸⁴ has recommended that the submission be accepted in part. I support the reporting officer's recommended amendments to the rule and consider that they provide the necessary clarification.
- 17.2 Kāinga Ora⁸⁵ made a submission and further submission on Rule 11.5.4 seeking that the rule only applies to infill subdivision for non-residential activities and that it would be fairer if the contribution was paid on a per hectare basis. Further to this, Kāinga Ora⁸⁶ requested that Rule 11.5.5 be deleted, but if retained that it also applies to small infill subdivisions of one or two lots.

⁸² S42A Report, Section 8 – Natural hazards and planning maps

⁸³ Submission 29.9

⁸⁴ S42A Report, Section 11 – Financial contributions

⁸⁵ Submission 29.10 and further submission 70.5

⁸⁶ Submission 29.11 and further submission 70.6

- 17.3 The reporting officer⁸⁷ has recommended that Rules 11.5.4 and 11.5.5 be deleted and that the existing financial contributions rules (also applying to Waihi Beach and Katikati) be reinstated with appropriate amendments.
- 17.4 I support, in part, Rule 11.5.2 as amended, but from my reading of the rule, the exclusion of roads, reserves and accessways has not been adopted into the rule (i.e. a true representation of *developable area*) and I consider that the expected yields set out in the rule table are too low. I have discussed both of these matters in my evidence above.
- 17.5 I also consider that reference to stormwater has been mistakenly deleted from part(b)(iii) of the rule and should be reinstated to ensure that financial contributions can be collected for this infrastructure.

18. SECTION 12 – SUBDIVISION AND DEVELOPMENT

- 18.1 Kāinga Ora⁸⁸ opposed the non-complying activity status for developments that would be inconsistent with the Ōmokoroa Structure Plan, specifically the inability to construct temporary accesses to ensure that sites were not landlocked. The reporting officer⁸⁹ has recommended that the submission be accepted and has proposed a number of changes to the Rule 12.4.4.4(c).
- 18.2 I am generally comfortable with the amendments to Rule 12.4.4.4(c), although I do not consider that bullet point (5) of Rule 12.4.4.4(c) is appropriate and should be deleted. Having reviewed Rule 4B.4.1(a) (copied below), Prole Road and Francis Road are not strategic roads and are therefore not subject to Rule 4B.3.4 (which requires Waka Kotahi or Council approval for access to strategic roads).
- 18.3 I therefore consider that bullet point (5) can be deleted, meaning that Prole Road and Francis Road would retain a restricted discretionary activity status under Rule 12.4.4.4(c) (with suitable matters of

⁸⁷ S42A Report, Section 11 – Financial contributions, pages 16-21

⁸⁸ Submission 29.12

⁸⁹ S42A Report, Section 12 - Subdivision and Development, pages 24, 25 and 26

discretion in place to appropriately assess the activity) and Rule 4B.3.4 be relied upon for Ōmokoroa Road only.

4B.4.1 Rooding Hierarchy (refer to Rooding Hierarchy Map below)

a. Strategic Roods

(i)	<i>Motorways</i>	Tauranga Eastern Link
		Northern Arterial
(ii)	<i>Expressways</i>	
(iii)	<i>Primary Arterial</i>	State Highway 2
		State Highway 29
		State Highway 33
		State Highway 36
(iv)	<i>Secondary Arterial</i>	Te Puke Highway Jellicoe Street Waihi Beach Road
		Athenree / Steele / Emerton Roods
		Ōmokoroa Road (SH2 to Tralee Street)
		Welcome Bay Road
		Te Matai Road
		Maketu Road
		Tara Road

18.4 Kāinga Ora⁹⁰ opposed Rule 12.4.5.17 on a number of grounds, including the legality or appropriateness of some aspects. The reporting officer⁹¹ has recommended a comprehensive rewrite of the rule, thereby recommending that the Kāinga Ora submission be accepted in part. I am comfortable with the revised wording of Rule 12.4.5.17 and by and large agree with the discussion laid out by the reporting officer in support of the changes.

18.5 Kāinga Ora⁹² opposed Rule 12.4.6.3 and requested that it be deleted / rewritten to correct inherent problems with its drafting. The reporting officer⁹³ has recommended that this submission be rejected on the basis that the specifics of the rule are necessary to ensure appropriate management of wastewater within Ōmokoroa ahead of

⁹⁰ Submission 29.13

⁹¹ S42A Report, Section 12 - Subdivision and Development, page 33 – 39

⁹² Submission 29.14

⁹³ S42A Report, Section 12 - Subdivision and Development, page 44

any network upgrades. Given the explanation of the reporting officer, I consider that the rule is appropriate, although I note that this is not an appropriate method by which to manage wastewater, and the growth of Ōmokoroa, in the long term. It is incumbent on Council to undertake the necessary network upgrades to ensure that development in Ōmokoroa is not restricted and significant environmental effects (from a failing wastewater system) do not occur.

- 18.6 Kāinga Ora⁹⁴ opposed Rule 12.4.11.2 requesting that the rule only apply to new residential roads and for the specific tree requirements in (c) be deleted. The reporting officer⁹⁵ has recommended that the submission be accepted and has redrafted the rule accordingly. I support the recommendation of the reporting officer and consider that the amended wording of the rule is appropriate.
- 18.7 Kāinga Ora⁹⁶ opposed Rule 12.4.11.5(b) on the grounds that subclauses (iii) and (iv) repeated the requirements of Rule 12.4.4(c). The reporting officer⁹⁷ has recommended that the submission be accepted and has deleted those provisions accordingly. I support the recommendation of the reporting officer as I consider it is unnecessary and confusing to replicate provisions.
- 18.8 Kāinga Ora⁹⁸ opposed Rule 12.4.11(c) on the grounds that a non-complying activity status for activities that do not comply with the Ōmokoroa Structure Plan is inappropriate and that a restricted discretionary activity status should be adopted. The reporting officer⁹⁹ has recommended that the submission be rejected. Notwithstanding this, the reporting officer has recommended that the activity status be shifted from non-complying to (full) discretionary. Having read the arguments of the reporting officer I have found them to be compelling. I acknowledge that there are a broad range of matters that would be difficult to distil into matters of discretion. I also

⁹⁴ Submission 29.15

⁹⁵ S42A Report, Section 12 - Subdivision and Development, pages 47 – 49

⁹⁶ Submission 29.16

⁹⁷ S42A Report, Section 12 - Subdivision and Development, pages 51 and 52

⁹⁸ Submission 29.17

⁹⁹ S42A Report, Section 12 - Subdivision and Development, pages 54 and 55

acknowledge that the WBOPDP signals that alternative solutions that provide for better outcomes are encouraged. On this basis, I support the discretionary activity status recommended by the reporting officer.

18.9 Kāinga Ora¹⁰⁰ opposed the application of Rule 12.4.14.2 to all residential roads and that it only applies to new roads. The reporting officer¹⁰¹ has recommended that this submission be accepted as that is the intention of the rule. I support this clarification.

18.10 Kāinga Ora¹⁰² opposed the broad application of Rule 12.4.14.3 to all subdivision, use and development in Te Puke, on the basis that a small change of use would not trigger Structure Plan requirements. The reporting officer¹⁰³ has recommended that the submission be rejected on the basis that there is sufficient discretion built into the rule (through the use of 'where applicable') to exclude developments from the requirement where they will not have a bearing on the provision of infrastructure. Having read the arguments of the reporting officer, I am inclined to agree that the rule is suitably discretionary to enable a reasonable judgement call to be made, particularly as it will be very clear cut whether a subdivision, use or development raises demand on infrastructure that would warrant resizing or installation of the infrastructure shown on the Structure Plan.

19. CONCLUSION

19.1 I consider that amendments are needed to PC92 to give effect to the NPS-UD and the Housing Supply Act and to be consistent with the BOPRPS. Notably, I consider changes are needed to the minimum yield provisions for the MRZ and HRZ; the application of Policy 3; the provision for papakāinga; and the State Highway 2 / Ōmokoroa Road intersection. There is a raft of other matters that I have addressed in my evidence that would improve the overall intent of

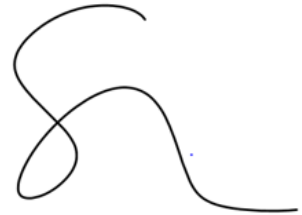
¹⁰⁰ Submission 29.18

¹⁰¹ S42A Report, Section 12 - Subdivision and Development, page 74

¹⁰² Submission 29.19

¹⁰³ S42A Report, Section 12 - Subdivision and Development, page 75

PC92. I consider that these will need to be addressed to ensure that PC92 comprehensively supports intensification in Te Puke and Ōmokoroa.

A handwritten signature in black ink, consisting of a large, stylized 'S' followed by a smaller 'u' and a horizontal line extending to the right.

Susannah Tait
25 August 2023

**APPENDIX A
HIGH DENSITY RESIDENTIAL ZONE PROVISIONS**

High Density Residential Zone	Medium Density Residential Zone
<u>Explanatory Statement</u>	
<p>The High Density Residential Zone provides opportunities for the development of multi-storey residential living typologies and building forms, predominately located within a walkable catchment of existing and planned rapid transit stops and identified commercial centres.</p> <p>The identified commercial centres are:</p> <ul style="list-style-type: none"> - Te Puke Commercial Zone - Ōmokoroa Commercial Zone <p>The purpose of the zone is to enable efficient use of land and infrastructure by enabling greater levels of building heights and densities in close proximity to commercial activity, community services, employment, education facilities, retail and entertainment opportunities, public open space and public transport routes.</p> <p>Building heights in the High Density Residential Zone are enabled to six storeys to support and maximise the benefits of intensification.</p> <p>It is anticipated that the urban form, appearance and amenity of neighbourhoods within the Zone will change over time as existing housing stock is redeveloped with more intensive typologies and densities. Development within the zone is expected to achieve quality design outcomes and manage transitions in building bulk and scale at the zone interface with lower density zones.</p> <p>The development of papakāinga is also provided for within the Zone.</p>	<p>Note: these are the provisions for Ōmokoroa Stage 3C as notified in the S42A report and do not include the changes that I have recommended in my evidence</p> <p>Ōmokoroa and Te Puke are identified in the Bay of Plenty Regional Policy Statement as priority residential growth areas for the wider western Bay of Plenty sub-region. Amendments to the RMA resulted in Council changing the District Plan in regard to Ōmokoroa and Te Puke to give effect to medium density residential standards (MDRS). This Section incorporates specific provisions (including the MDRS) to guide the growth of these urban areas.</p> <p>The MDRS enable greater housing supply by permitting medium density developments of up to three residential units on a site subject to meeting more flexible density standards for height, height in relation to boundary, setbacks and building coverage than has existed historically. The MDRS also ensure that residents have sufficient outdoor living space, views from indoor areas to outdoor spaces and streets as well as appropriate landscaping.</p> <p>Four or more residential units on a site can be applied for through resource consent. These larger medium density developments must be designed comprehensively to achieve high quality and well functioning urban environments that take into account including consistency with activity performance standards, structure plans and good urban design outcomes.</p> <p>To cater for the varying needs of the community a range of building types and housing developments need to be provided. This can include different building styles such as single detached residential units and attached residential units including duplexes, terraced housing and apartments. These can be provided within varying housing development types which could include infill development, comprehensive residential</p>

developments, retirement villages, papakāinga and ~~peket-neighbourhood-other~~ community based housing typologies with a variety of different tenures.

There are a number of area specific overlays that provide direction on specific requirements including residential yield requirements to ensure that the land resource is used effectively and efficiently. This includes providing for higher density (minimum of 30 residential units per hectare) in Ōmokoroa Stage 3C and the Ōmokoroa Mixed Use Residential Precinct. These locations have particular attributes such as proximity to high amenity areas, transportation routes and the new planned commercial centre. The Ōmokoroa Mixed Use Residential Precinct provides for medium to high density residential development with commercial activities primarily at street level. It anticipates denser development with taller buildings to deliver a planned character of a vibrant, complementary mixed-use destination adjacent to the town centre which is able to connect to surrounding natural features (gullies and streams) and planned active transport routes.

Structure plans exist for 'greenfield' medium density development areas ~~in Ōmokoroa (Stage 3) and Te Puke (Macloughlin Drive South and Seddon Street East)~~ to provide further guidance for subdivision and development ~~in these areas~~. These structure plans ensure appropriate scale infrastructure is provided including roads, walkways, cycleways, three waters infrastructure and reserves.

~~*In support of the provisions of this Section, the Medium Density Residential (Section 14) explanatory statement, issues, objectives and policies still remain applicable. In addition, this Section (14A) also contains more specific objectives for Ōmokoroa and Te Puke. Where there are any inconsistencies in objectives and policies, those specific to Ōmokoroa and Te Puke in this Section (14A) take precedence.*~~

The area specific overlays that provide direction on a number of specific requirements within this Section (14A) are shown on the maps below.

Significant Issues

1. Providing sufficient land in a timely manner to enable efficient and effective urbanisation to meet the needs of all sections of the community by creating a highly liveable urban environment.
2. Land, and especially land with high productive values, is of limited supply. Land needs to be used in an efficient manner to maintain as much land as possible in production. To make urban expansion cost effective and to support the public amenities a more compact form of urban development is required.
3. The location and design of buildings and other structures, as well as the layout of subdivisions and associated infrastructure, can adversely affect the health and wellbeing of people and the safe and efficient movement of pedestrians, cyclists and vehicles.
4. Higher density residential development can be opposed by parties who prefer the status quo leading to either higher costs establishing higher density developments and/or a lack of developable land within the existing urban form.
5. A lack of housing diversity and choice limits the range of available lifestyle options for both current and future generations. Development controls within the District Plan can limit the range and diversity of such lifestyle options.
6. Urban development creates large areas of impermeable surfaces increasing stormwater run-off that can lead to flooding and the carrying of pollutants. The modification of the landform can adversely affect natural processes and the cultural values of the land.
7. Urban development needs to be located in areas where the exposure to risk from natural hazards can be avoided, remedied or minimised.

	<p>8. <u>Over reliance on and use of private vehicles can cause traffic congestion resulting in adverse environmental and economic effects and related safety issues. The lack of provision of alternative transportation methods and associated networks results in the perpetuation of the overuse of private motor vehicles. A lack in the ability to interact and connect on foot, bicycle and other non-motorised transport with surrounding compatible land uses and internal community facilities can result in a less desirable place to live and a decrease in the health and safety of the community.</u></p> <p>9. <u>Non-residential activities at an inappropriate scale can result in additional noise, on-street parking and/or traffic congestion. In turn, this can result in a detractor to the planned residential character.</u></p> <p>10. <u>The establishment of non-residential activities that have no functional relationship with the Medium Density Residential Zone has the potential to undermine the viability of zones where such activities are specifically provided for.</u></p> <p>11. <u>Ad-hoc development can result in sub-optimal location of activities and related infrastructure causing inefficiency, increased cost, inadequate connectivity, and a poorly functioning urban environment.</u></p>
<p><u>Objectives</u></p>	

<p>HRZ-O1: A well-functioning urban environment that enables all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.</p> <p>HRZ-O2: Provides for a variety of housing types and sizes that respond to:</p> <ol style="list-style-type: none"> 1. Housing needs and demand; and 2. The neighbourhood's planned urban built form, including 6-storey building. <p>HRZ-O3: Achieve a level of residential amenity within the zone that contributes to quality urban form outcomes and reflects and supports the planned urban form and desired compact urban settlement pattern of the zone.</p> <p>HRZ-O4: Maximise the benefits of intensification through efficient use of the urban land (which is finite physical resource), recognising that residential intensification provides opportunity to leverage economies of scale in the provision and maintenance of community facilities and infrastructure.</p> <p>HRZ-O5: Responds to diverse community needs by:</p> <ol style="list-style-type: none"> 1. comprising densities, locations, types, attributes and unit sizes that meet the social and economic wellbeing needs of households in suitable urban locations; and 2. Can respond to the changing needs of residents, regardless of age, mobility, health or lifestyle preference. <p>HRZ-O6: A well-functioning residential-led mixed use area within the Ōmokoroa Mixed Use Residential Precinct that integrates with the surrounding environment and is complementary to the function, viability and vitality of the neighbouring Commercial Zone.</p>	<ol style="list-style-type: none"> 1. A well-functioning urban environment that enables all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future. 2. Provide for a variety of housing types and sizes that respond to housing needs and demand and the neighbourhood's planned urban built character, including three-storey buildings. 3. Provide for a variety of housing developments including infill development, comprehensive residential developments, retirement villages, papakāinga and poCKET <u>neighbourhood other community based housing</u> typologies with a variety of different tenures. 4. An urban form providing positive private and public amenity outcomes. 5. Increased density of development to provide a more compact urban settlement pattern supporting integrated and connected community facilities, infrastructure and public transport including higher density development within Ōmokoroa Stage 3C and the Ōmokoroa Mixed Use Residential Precinct. 6. Minimisation of the adverse effects of earthworks and retaining walls on the existing natural landform and associated cultural and amenity values as well as on the stability of land and the safety of buildings and structures. 7. Maintenance and enhancement of the stormwater management functions of both the natural and built stormwater network. 8. A well-functioning high quality residential-led mixed use area within the Ōmokoroa Mixed Use Residential Precinct that actively and positively integrates and engages with the surrounding environment and is complementary to the function, viability and vitality of the neighbouring Commercial Zone, comprising daytime and night-time activities compatible with residential uses.
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Policies

<p>HRZ-P1: Enable a variety of housing types with a mix of densities within the zone, including six-storey apartments.</p> <p>HRZ-P2: Apply the high density development performance standards except in circumstances where a qualifying matter is relevant (including matters of significance such as historic heritage and the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga).</p> <p>HRZ-P3: Encourage development to achieve attractive and safe streets and public open spaces, including by providing for passive surveillance.</p> <p>HRZ-P4: Enable housing to be designed to meet the day-to-day needs of residents.</p> <p>HRZ-P5: Provide for more intensive housing developments and encourage best practice urban design outcomes.</p> <p>HRZ-P6: Ensure that the bulk and scale of buildings in the zone provides a level of daylight access and standard of privacy that is consistent with the planned urban form and anticipated amenity in the zone.</p> <p>HRZ-P7: The permitted gross floor area of non-residential uses within the Ōmokoroa Mixed Use Residential Precinct should not be exceeded unless it can be demonstrated that the economic viability and associated vitality of the neighbouring Commercial Zone would not be significantly affected.</p> <p>HRZ-P8: Ensure developments in the Ōmokoroa Mixed Use Residential Precinct integrate with surrounding land uses, public spaces and natural features and provide a density of development to promote a vibrant mixed use destination that complements and supports the town centre.</p>	<ol style="list-style-type: none"> 1. Enable a variety of housing types with a mix of densities within the zone, including three-storey attached and detached residential units, and low-rise apartments. 2. Apply the MDRS except in circumstances where a qualifying matter is relevant (including matters of significance such as historic heritage and the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga). 3. Encourage development to achieve attractive and safe streets and public open spaces, including by providing for passive surveillance. 4. Enable a variety of housing developments such as infill development, comprehensive residential development, retirement villages, papakāinga and pocket neighbourhood <u>other community based housing</u> in a manner which responds to the specific needs of the community which they are designed for. 5. 7. Require proposals of four or more residential units on a site to provide integrated assessments which fully assess how the land is to be used effectively and efficiently, how the relevant requirements of the structure plan are met including provision of infrastructure and how high quality urban design outcomes are being achieved. 6. Require proposals of four or more residential units on a site to achieve the minimum number of residential units per hectare of developable area unless it can be clearly demonstrated that any adverse effects can be adequately mitigated. 7. Ensure that residential development achieves good private amenity outcomes by utilising the orientation of the site/s for solar access and by providing for on-site privacy, outdoor living spaces, landscaping, outlook space and surveillance to and from public spaces. 8. Ensure that the interface between residential development and public boundaries is positive by avoiding or mitigating the visual dominance of buildings other than
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~~residential units~~, minimising repetition of building form, limiting the heights of solid fences and by providing appropriate landscaping.

9. Provide connections from subdivisions and developments to reserves, open spaces and/or commercial centres that have a high level of public amenity and in accordance with any relevant structure plans, reserve management plans and recreation and open space activity plans.
10. Limit non-residential activities, accommodation facilities and home enterprises to being undertaken only where any potential adverse effects on residential amenity values and ~~on the transportation network including vehicle parking congestion~~ ~~the functioning of the residential environment~~ are able to be avoided or mitigated.
11. ~~Ensure~~ Encourage subdivision and development ~~is to be~~ designed to utilise the existing natural landform where practicable to limit the need for earthworks and retaining walls.
12. The maximum limit for impervious surfaces should not be exceeded unless any additional stormwater runoff can be mitigated on-site and prevented or delayed (as required) from entering Council's stormwater network or the receiving environment.
13. Retain existing overland flowpaths are to be retained or if modified shall maintain or enhance their existing function and not result in additional stormwater runoff onto neighbouring properties.
14. The permitted gross floor area of non-residential uses within the Ōmokoroa Mixed Use Residential Precinct should not be exceeded unless it can be demonstrated ~~through economic impact assessment~~ that the economic viability and associated vitality of use of the neighbouring Commercial Zone would not be significantly affected.
15. Ensure developments in the Ōmokoroa Mixed Use Residential Precinct are designed to integrate positively with surrounding land uses, public spaces and

~~natural features holistically with respect to surrounding land uses, buildings and contour changes, positively connect with and contribute to the quality of public spaces and provide a density of development to promote of use of land to deliver the planned character of~~ a vibrant, ~~complementary~~ mixed use destination ~~that complements and supports adjacent to~~ the town centre.

16. Avoid, remedy or mitigate adverse effects on residential uses from non-residential uses in the Ōmokoroa Mixed Use Residential Precinct.

<u>Permitted activities</u>	
New buildings and structures, and any minor works, additions or alterations to any building or structure.	a. Construction or use of buildings and structures within this list
Residential Activities: 1. No more than 3 residential units occupy the site. This includes up to three papakāinga houses with shared living spaces (aggregated) amounting to no more than 50m ² per unit proposed.	a. Up to three residential units on a site.
[showhomes are NCA]	b. Showhomes.
[all accommodation facilities are RDA]	c. Accommodation facilities for a combined maximum of five persons (excluding staff). Rule 14A.4.2(j) i. Have maximum occupancy of five persons at any one time (excluding staff); ii. The total area available for exclusive use for the occupiers be no greater than 60m ² gross floor area; iii. Must not contain a kitchen facility or otherwise be self contained; iv. For Discretionary accommodation facilities, information is to be provided in accordance with 4A.6.2.
[all education facilities are RDA]	d. Education facilities for a combined maximum of four persons (excluding staff).
Home Based Business: 1. Employ no more than 2 people, one of whom must reside on the site on a permanent basis.	e. Home enterprises. Rule 14A.4.2(k) i. Shall only be conducted within a building.

<ul style="list-style-type: none"> 2. Not exceed 30% of the total gross floor area of buildings on the site. 3. Not generate vehicle trips or pedestrian traffic between 2000 to 0800 hours. 4. Not display any indication of the activity from outside the site including the display or storage of materials, except for permitted signs. 5. Retail - only those goods which have been manufactured, repaired, renovated or otherwise produced on the site. 6. Have only one sign with a maximum area of 0.6m², a maximum dimension of 1m and having no part higher than 2m above the adjacent ground level. The sign must be attached to either a fence, wall or building. 	<ul style="list-style-type: none"> ii. Shall be conducted within a gross floor area not exceeding 25m². Carparks shall be excluded from the maximum area calculation of the activity. iii. Is carried out by a maximum of three persons. iv. Any goods sold must be: <ul style="list-style-type: none"> a. goods produced onsite; and/or goods that are ordered by the customer by telephone, mail or electronic transaction and redistributed to them by post, courier, or electronically; and/or b. goods ancillary and related to a service provided by the home enterprise. v. Any advertising shall comply with Section 4D.3.2.1. <p><i>Note: The above activity performance standards shall apply cumulatively to all home enterprises per site. Except that in the case of land subdivided under the Unit Titles Act 1972 or the Unit Titles Act 2010 or a cross lease system, the above activity performance standards shall apply cumulatively to all home enterprises per individual unit title or cross lease title.</i></p>
<p><i>In the Ōmokoroa Mixed Use Residential Precinct, the following activities where they occupy less than 150m² in gross floor area per activity:</i></p> <ul style="list-style-type: none"> a. Offices b. Retailing c. Restaurants and other eating places and taverns d. Commercial services e. Places of assembly (excluding places of worship, marae, halls, theatres and taverns) f. Medical or scientific facilities. 	<p><i>In the Ōmokoroa Mixed Use Residential Precinct only, the following activities where they occupy less than 150m² in gross floor area per activity:</i></p> <ul style="list-style-type: none"> a. Offices b. Retailing (ground floor only) c. Restaurants and other eating places and taverns (ground floor only) d. Commercial services (ground floor only) e. Places of assembly (excluding places of worship, marae, halls, theatres and taverns) f. Medical or scientific facilities.

<p>In the Ōmokoroa Mixed Use Residential Precinct, the following activities are only permitted on ground floor level</p> <ul style="list-style-type: none"> a. Retailing b. Restaurants and other eating places and taverns c. Commercial services 	
<p>[not considered appropriate for HRZ]</p>	<p>a. Activities approved in a reserve management plan or reserve concept plan prepared under the Reserves Act 1977 or Local Government Act 2002.</p>
<p>[not necessary]</p>	<p>b. Works and network utilities as provided for as a permitted activity in Section 10.</p>
<p>[not necessary]</p>	<p>c. Buildings accessory to, and structures accessory to, the foregoing.</p>
<p>[can adopt if this applies to the HRZ areas]</p>	<p>d. Existing urupā</p>
	<p>e. Earthworks.</p>
<p>Supported Residential Care Facilities</p> <ul style="list-style-type: none"> 1. No more than 10 people, including staff and their dependents reside on site. 	
<p>Controlled Activities</p>	
<p>[not necessary – covered in 14A.4.3]</p>	<p>a. Subdivision for the purpose of the construction and use of residential units which comply with the density standards in Rule 14A.4.1.</p>
<p>[not necessary – covered in 14A.4.3]</p>	<p>b. Subdivision for the purpose of the construction and use of residential units which do not comply with the density standards in Rule 14A.4.1 where restricted discretionary consent has been granted or is sought concurrently for the residential</p>

	units.
[not considered necessary – covered in 14A.4.3]	c. For sites less than 1,400m ² , subdivision to create one or two additional lots which are not for the purpose of the construction and use of residential units under Rules 14A.3.2 (a) or (b) above.
[not necessary]	d. Works and network utilities as provided for as a controlled activity in Section 10
<u>Restricted Discretionary Activities</u>	
Permitted and controlled land use activities that do not comply with the density standards or other standards in Rules 14A.4.1 and 14A.4.2.	a. Permitted and controlled land use activities that do not comply with the density standards or other standards in Rules 14A.4.1 and 14A.4.2.
Residential Activities: 1. Four or more residential units on a site.	b. Four or more residential units on a site.
Comprehensive mixed use development within the Ōmokoroa Mixed Use Residential Precinct (except for residential units which are permitted by complying with the density standards).	c. Comprehensive mixed use development within the Ōmokoroa Mixed Use Residential Precinct (except for residential units which are permitted by complying with the density standards).
Retirement village	d. Retirement villages (except for residential units which are permitted by complying with the density standards).
Rest homes. [small supported residential care facilities cover as PA]	e. Rest homes.
[not necessary]	f. Works and network utilities as provided for as a restricted discretionary activity in Section 10.

<p><i>Childcare Facility</i></p> <ol style="list-style-type: none"> 1. <i>The activity shall have a maximum gross floor area for all buildings of 250m².</i> 2. <i>The hours of operation are between 7.00am and 7.00pm, Monday to Friday.</i> 	
<p><i>Accommodation facility</i></p>	
<p><i>Emergency Services Facilities</i></p>	
<p><i>Community Centre</i></p> <ol style="list-style-type: none"> 1. <i>The maximum gross floor area of all buildings on a site will not exceed 200m².</i> 2. <i>The hours of operation will be restricted to 0700- 2200 hours</i> 	
<p><i>Education Facility</i></p> <ol style="list-style-type: none"> 1. <i>The maximum gross floor area of all buildings on a site will not exceed 200m².</i> 2. <i>The hours of operation will be restricted to 0700- 2200 hours</i> 	
<p><i>Healthcare Facility</i></p> <ol style="list-style-type: none"> 1. <i>The maximum gross floor area of all buildings on a site will not exceed 200m².</i> 2. <i>The hours of operation will be restricted to 0700- 2200 hours</i> 	
<p><i>Marae</i></p>	
<p><u>Discretionary Activities</u></p>	
<p><i>Places of assembly.</i></p>	<p>a. <i>Places of assembly.</i></p>

[all accommodation facilities are RDA]	b. Accommodation facilities not complying with 14A.4.2 (j).
[all education facilities are RDA]	c. Education facilities for more than four people (excluding staff).
Medical facilities	d. Medical or scientific facilities.
Dairies no greater than 60m ² gross floor area.	e. Dairies no greater than 60m ² gross floor area.
In the Ōmokoroa Mixed Use Residential Precinct, activities not complying with the permitted gross floor area in Rule 14A.3.1(g).	f. In the Ōmokoroa Mixed Use Residential Precinct, activities not complying with the permitted gross floor area in Rule 14A.3.1(g).
[not considered appropriate for HRZ]	g. Urupā (new sites).
[not necessary]	h. Works and network utilities as provided for as a discretionary activity in Section 10.
[not considered necessary – covered in 14A.4.3]	i. Subdivision which is not for the purpose of the construction and use of residential units under Rules 14A.3.2 (a) or (b) and which does not qualify as a controlled activity under 14A.3.2 (c)
<u>Non-complying activities</u>	
Any non-residential activity that is not listed as a permitted, controlled, restricted discretionary or discretionary activity.	
	a. — Subdivision provided for as a discretionary activity in 14A.3.4 (i) above which fails to comply with the subdivision standards in 14A.4.3 (c).
<u>Performance Standards</u>	

<p>Density</p> <p>[covered by activity above]</p>	<p>Density</p> <p>There must be no more than three residential units per site</p>
<p>Height</p> <p>22m above ground level</p>	<p>Height</p> <p>...</p> <p>a. Ōmokoroa Stage 3C where the maximum height for residential units, retirement villages and rest homes shall be 20 metres.</p> <p>b. Ōmokoroa Mixed Use Residential Precinct where the maximum height for buildings shall be 20 metres.</p> <p>c. Ōmokoroa Mixed Use Residential Precinct where buildings locate all parking and servicing requirements enclosed below ground level, in which case the maximum height shall be 23 metres.</p> <p>...</p>
<p>Height in relation to boundary</p> <p>1. Buildings within 22m from the frontage must not project beyond a 60-degree recession plane measured from a point 19m vertically above ground level along the side boundaries;</p> <p>and</p> <p>2. Buildings at least 22m from the frontage must not project beyond a 60-degree recession plane measured from a point 8m vertically above ground level along the side boundaries.</p> <p>3. Apply a 4m + 60° on boundaries where the HRZ adjoins a site:</p> <p>a. in the Medium Density Residential Zone;</p>	<p>Height in relation to boundary</p> <p>Buildings and structures must not project beyond a 60° recession plane measured from a point 4 metres vertically above ground level along all boundaries, as shown on the following diagram. Where the boundary forms part of a legal right of way, entrance strip, access site, or pedestrian access way, the height in relation to boundary applies from the farthest boundary of that legal right of way, entrance strip, access site, or pedestrian access way.</p> <p>This standard does not apply to:</p> <p>g. a boundary with a road</p> <p>h. existing or proposed internal boundaries within a site:</p>

<p>b. containing a scheduled historic heritage building or structure or an area scheduled as waahi tapu and other places and areas of significance to Māori.</p> <p>Note: Where the boundary forms part of a legal right of way, entrance strip, access site, or pedestrian access way, the height in relation to boundary applies from the farthest boundary of that legal right of way, entrance strip, access site, or pedestrian access way.</p> <p>This standard does not apply to:</p> <ol style="list-style-type: none"> 1. a boundary with a road; 2. existing or proposed internal boundaries within a site; 3. site boundaries where there is an existing common wall between 2 buildings on adjacent sites or where a common wall is proposed. 	<p>i. site boundaries where there is an existing common wall between two buildings on adjacent sites or where a common wall is proposed:</p> <p>j. where a subdivision is proposed between residential units that share a common wall (in this case it will not apply along the length of the common wall).</p> <p>k. subdivision (by unit plan) to the extent that the recession plane above shall only apply to buildings on the base land in their relationship to the base land external site boundaries and shall not apply between the internal boundaries of the principal units within the unit plan, nor between the principal units and their internal boundary with any common property.</p> <p>l. where the written approval of the owner(s) of the immediately adjoining property to the specific encroachment is obtained</p>
<p>Setbacks</p> <p>Front: 1.5m</p> <p>Side: 1m</p> <p>Rear: 1m (excluded on corner sites)</p> <p>This standard does not apply to:</p> <ol style="list-style-type: none"> a. site boundaries where there is an existing common wall between 2 buildings on adjacent sites or where a common wall is proposed. b. site boundaries with a railway corridor or designation for railway purposes (for sites created by way of an application for subdivision consent approved after 1 January 2010) in which case all yards shall be 2.5m. c. subdivision (by unit plan) to the extent that the yards above shall only apply to buildings on the base land in their relationship to the base land external site 	<p>Setbacks</p> <p>Front: 1.5m</p> <p>Side: 1m</p> <p>Rear: 1m (excluded on corner sites)</p> <p>This standard does not apply to:</p> <ol style="list-style-type: none"> a. site boundaries where there is an existing common wall between 2 buildings on adjacent sites or where a common wall is proposed. b. site boundaries with a railway corridor or designation for railway purposes (for sites created by way of an application for subdivision consent approved after 1 January 2010) in which case all yards shall be 10m. c. subdivision (by unit plan) to the extent that the yards above shall only apply to buildings on the base land in their relationship to the base land external site

<p>boundaries and shall not apply between the internal boundaries of the principal units within the unit plan, nor between the principal units and their internal boundary with any common property.</p>	<p>boundaries and shall not apply between the internal boundaries of the principal units within the unit plan, nor between the principal units and their internal boundary with any common property.</p> <p>..</p>
<p>Building Coverage</p> <p>60%</p>	<p>Building coverage</p> <p>The maximum building coverage must not exceed 50% of the net site area.</p> <p><u>Except that:</u></p> <p><u>Within Omokoroa Stage 3C, the maximum building coverage must not exceed 60% of the net site area.</u></p>
<p>Outdoor living space (per unit)</p> <p>1. A residential unit at ground floor level must have an outdoor living space that is at least 20m² and that comprises ground floor, balcony, patio, or roof terrace space that:</p> <ul style="list-style-type: none"> a. Where located at ground level, has no dimension less than 3 metres; and b. here provided in the form of a balcony, patio, or roof terrace, is at least 8m² and has a minimum dimension of 1.8 metres; and c. is accessible from the residential unit; and d. may be: <ul style="list-style-type: none"> i. grouped cumulatively by area in 1 communally accessible location; or ii. located directly adjacent to the unit; and iii. is free of buildings, parking spaces, and servicing and manoeuvring areas. <p>2. A residential unit located above ground floor level must have an outdoor living space</p>	<p>Outdoor living space (per unit)</p> <p>i. A residential unit at ground floor level must have an outdoor living space that is at least 20 square metres and that comprises ground floor, balcony, patio, or roof terrace space that:</p> <ul style="list-style-type: none"> a. where located at ground level, has no dimension less than 3 metres; and b. where provided in the form of a balcony, patio, or roof terrace, is at least 8 square metres and has a minimum dimension of 1.8 metres; and c. is accessible from the residential unit; and d. may be — <ul style="list-style-type: none"> i. grouped cumulatively by area in 1 communally accessible location (or in the case of retirement villages grouped cumulatively by area in 1 or more communally accessible location/s); or ii. located directly adjacent to the unit; and

<p><i>in the form of a balcony, patio, or roof terrace that:</i></p> <ul style="list-style-type: none"> a. <i>is at least 8m² and has a minimum dimension of 1.8 metres; and</i> b. <i>is accessible from the residential unit; and</i> c. <i>may be:</i> <ul style="list-style-type: none"> i. <i>grouped cumulatively by area in 1 communally accessible location, in which case it may be located at ground level; or</i> ii. <i>located directly adjacent to the unit.</i> 	<ul style="list-style-type: none"> iii. <i>is free of buildings, parking spaces, and servicing and manoeuvring areas.</i> ii. <i>A residential unit located above ground floor level must have an outdoor living space in the form of a balcony, patio, or roof terrace that—</i> <ul style="list-style-type: none"> a. <i>is at least 8 square metres and has a minimum dimension of 1.8 metres; and</i> b. <i>is accessible from the residential unit; and</i> c. <i>may be —</i> <ul style="list-style-type: none"> i. <i>grouped cumulatively by area in 1 communally accessible location, in which case it may be located at ground level; or</i> ii. <i>located directly adjacent to the unit</i>
<p>Outlook space (per unit)</p> <ol style="list-style-type: none"> 1. <i>An outlook space must be provided for each residential unit as specified in this standard:</i> 2. <i>An outlook space must be provided from habitable room windows as shown in the diagram below:</i> 3. <i>The minimum dimensions for a required outlook space are as follows:</i> <ul style="list-style-type: none"> i. <i>a principal living room must have an outlook space with a minimum dimension of 4 metres in depth and 4 metres in width; and</i> ii. <i>all other habitable rooms must have an outlook space with a minimum dimension of 1 metre in depth and 1 metre in width.</i> 4. <i>The width of the outlook space is measured from the centre point of the largest window on the building face to which it applies.</i> 5. <i>Outlook spaces may be over driveways and footpaths within the site or over a public street or other public open space.</i> 	<p>Outlook space (per unit)</p> <ol style="list-style-type: none"> 1. <i>An outlook space must be provided for each residential unit as specified in this standard:</i> 2. <i>An outlook space must be provided from habitable room windows as shown in the diagram below:</i> 3. <i>The minimum dimensions for a required outlook space are as follows:</i> <ul style="list-style-type: none"> i. <i>a principal living room must have an outlook space with a minimum dimension of 4 metres in depth and 4 metres in width; and</i> iii. <i>all other habitable rooms must have an outlook space with a minimum dimension of 1 metre in depth and 1 metre in width.</i> 4. <i>The width of the outlook space is measured from the centre point of the largest window on the building face to which it applies.</i> 5. <i>Outlook spaces may be over driveways and footpaths within the site or over a public street or other public open space.</i>

<p>6. Outlook spaces may overlap where they are on the same wall plane in the case of a multi-storey building.</p> <p>7. Outlook spaces may be under or over a balcony.</p> <p>8. Outlook spaces required from different rooms within the same building may overlap.</p> <p>9. Outlook spaces must:</p> <ul style="list-style-type: none"> i. be clear and unobstructed by buildings; and ii. not extend over an outlook space or outdoor living space required by another dwelling. 	<p>6. Outlook spaces may overlap where they are on the same wall plane in the case of a multi-storey building.</p> <p>7. Outlook spaces may be under or over a balcony.</p> <p>8. Outlook spaces required from different rooms within the same building may overlap.</p> <p>9. Outlook spaces must:</p> <ul style="list-style-type: none"> i. be clear and unobstructed by buildings; and ii. not extend over an outlook space or outdoor living space required by another dwelling.
<p>Windows to street</p> <p>Any ground floor residential unit facing the street must have a minimum of 20% of the street-facing façade in glazing. This can be in the form of windows or doors</p>	<p>Windows to street</p> <p>Any residential unit facing the street must have a minimum of 20% of street facing façade in glazing. This can be in form of windows or doors.</p>
<p>Landscaped area</p> <p>1. A site must have a minimum 20% of net site area finished with grass or plants, and can include the canopy of trees regardless of the ground treatment below them.</p> <p>2. The landscaped area may be located on any part of the site, and does not need to be associated with each residential unit.</p>	<p>Landscaped area</p> <p>1. A site must have a minimum 20% of net site area finished with grass or plants, and can include the canopy of trees regardless of the ground treatment below them.</p> <p>2. The landscaped area may be located on any part of the site, and does not need to be associated with each residential unit.</p>
<p>Fences and walls</p> <p>1. Fences, walls and retaining structures adjoining any Natural Open Space or Open Space Zone, esplanade, access strip or public walkway, or within 1.5 metres of the road boundary shall have a combined height of:</p> <ul style="list-style-type: none"> (a) 1.5 metres; or 	

<p>(b) 1.8 metres for no more than 50 percent of the site frontage and 1.5 metres for the remainder; or</p> <p>(c) 1.8 metres if the fence is at least 50 percent visually permeable as viewed perpendicular to the boundary.</p> <p>2. Any fence or standalone wall, retaining wall or combination of these structures, must not exceed a maximum height of 2 metres above ground level where within 1 metre of any side or rear boundary.</p>	
<p><u>Other standards</u></p>	
<p>Yield</p> <p>50 residential units per hectare of developable area</p>	<p>Yield</p> <p>Four or more residential units on a site are subject to the following requirements:</p> <ul style="list-style-type: none"> • 30 residential units per hectare of developable area
<p>Minimum storey requirements</p> <p>Within the Ōmokoroa Mixed Use Residential Precinct, buildings shall be a minimum of two storeys (except for residential units which are permitted by complying with the density standards)</p>	<p>Minimum storey requirements</p> <p>Within the Ōmokoroa Mixed Use Residential Precinct, buildings shall be a minimum of two storeys (except for residential units which are permitted by complying with the density standards)</p>
	<p>Impervious surfaces</p> <p>i. Impervious surfaces shall not exceed 70% of net site area.</p>
<p>Vehicle crossing and access</p> <p>i. For a site with a front boundary the vehicle crossing shall not exceed 6m in width (as measured along the front boundary) or cover more than 50% of the length of the front boundary as shown in the diagram below.</p>	<p>Vehicle crossing and access</p> <p>i. For a site with a front boundary the vehicle crossing shall not exceed 5.4m in width (as measured along the front boundary) or cover more than 40% 50% of the length of the front boundary as shown in the diagram below.</p>

	<p>Streetscape</p> <p><i>Garages (whether attached to or detached from a residential unit) and other buildings (except residential units), as measured at the façade shall not cumulatively occupy more than 50% of the total width of the building frontage facing the front boundary.</i></p>
	<p>Height of fences, wall and retaining walls</p> <p><i>i. Within a side or rear yard (including on a side or rear boundary)</i></p> <p><i>The maximum height above the ground level of the relevant boundary shall be as follows:</i></p> <ul style="list-style-type: none"> • <i>Fence – 2m</i> • <i>Wall – 2m</i> • <i>Retaining wall – 1.5m (plus a safety fence if required by the Building Code of no greater than 1m above the highest point of the retaining wall)</i> <p><i>Except that:</i></p> <p><i>Where the relevant boundary is with a public reserve or walkway, the height shall not exceed 1.2m unless the portion that is above 1.2m has a visual permeability of at least 60%.</i></p> <p><i>In all cases where a safety fence exceeds a height of 2m the portion that is above 2m must have a visual permeability of at least 60%.</i></p> <p><i>ii. Within a front yard (including on a front boundary)</i></p> <p><i>The maximum height above the ground level of the relevant boundary shall be as follows:</i></p> <ul style="list-style-type: none"> • <i>Fence – 1.2m</i>

Commented [ST1]: This is inconsistent with MDRS (more stringent), pick up in evidence

	<ul style="list-style-type: none"> • Wall – 1.2m • Retaining wall – 1.2m (plus a safety fence if required by the Building Code of no greater than 1m above the highest point of the retaining wall) <p>Except that:</p> <p>The height may exceed 1.2m up to a height of 2m (or 2.2m in the case of a safety fence on a retaining wall) provided that the portion that is above 1.2m has a visual permeability of at least 60%.</p> <p>The maximum height of a fence, wall or retaining wall within a yard (including on the boundary) is measured above the “ground level at boundary” as illustrated in the examples in the diagram below</p>
<p>Offensive Odours in the Ōmokoroa Mixed Use Residential Precinct</p> <p><i>In addition to Section 4C.4: External air ventilation or extraction outlets, ducting or pipework serving non-residential uses in the Ōmokoroa Mixed Use Residential Precinct shall be located at least two metres from any window, deck or terrace balustrade of any residential unit.</i></p> <p><i>For this rule, non-residential uses means offices, retailing (ground floor only), restaurants and other eating places (ground floor only), commercial services (ground floor only), places of assembly (excluding places of worship, marae, halls and theatres) and Medical or scientific facilities.</i></p>	<p>Offensive Odours in the Ōmokoroa Mixed Use Residential Precinct</p> <p><i>In addition to Section 4C.4: External air ventilation or extraction outlets, ducting or pipework serving non-residential uses in the Ōmokoroa Mixed Use Residential Precinct shall be located at least two metres from any window, deck or terrace balustrade of any residential unit.</i></p> <p><i>For this rule, non-residential uses means offices, retailing (ground floor only), restaurants and other eating places (ground floor only), commercial services (ground floor only), places of assembly (excluding places of worship, marae, halls and theatres) and Medical or scientific facilities.</i></p>
<p><u>Subdivision standards</u></p>	
<p>Controlled activity subdivision for the purpose of the construction and use of residential units</p>	<p>Controlled activity subdivision for the purpose of the construction and use of residential units</p>

<p>An application for a controlled activity subdivision under Rules 14A.3.2 (a)-(b) shall demonstrate that all lots are for the purpose of the construction and use of a residential unit or units and shall be submitted with one or more of the following (as applicable):</p> <ul style="list-style-type: none"> i. Information demonstrating that it is practicable to construct on every lot within the proposed subdivision, as a permitted activity, a residential unit that meets the density standards; ii. Information demonstrating that the residential units have been granted land use consent for not meeting one or more of the density standards; iii. A concurrent land use consent application for residential units which do not meet one or more of the density standards and which have not previously been granted land use consent under (ii). 	<p>An application for a controlled activity subdivision under Rules 14A.3.2 (a)-(b) shall demonstrate that all lots are for the purpose of the construction and use of a residential unit or units and shall be submitted with one or more of the following (as applicable):</p> <ul style="list-style-type: none"> iv. Information demonstrating that it is practicable to construct on every lot within the proposed subdivision, as a permitted activity, a residential unit that meets the density standards; v. Information demonstrating that the residential units have been granted land use consent for not meeting one or more of the density standards; vi. A concurrent land use consent application for residential units which do not meet one or more of the density standards and which have not previously been granted land use consent under (ii).
<p>Controlled activity subdivision for sites of less than 1,400m² to create one or two additional lots not for the purpose of the construction and use of residential units</p> <p>An application for a controlled activity subdivision under Rule 14A.3.2 (c) is subject to the following requirements:</p> <ul style="list-style-type: none"> i. Shape factor: <p>All lots shall be capable of accommodating a rectangle of 8m X 15m exclusive of yard requirements.</p>	<p>Controlled activity subdivision for sites of less than 1,400m² to create one or two additional lots not for the purpose of the construction and use of residential units</p> <p>An application for a controlled activity subdivision under Rule 14A.3.2 (c) is subject to the following requirements:</p> <ul style="list-style-type: none"> i. Shape factor: <p>All lots shall be capable of accommodating a rectangle of 40m-8m X 15m exclusive of yard requirements.</p>
<p>Restricted discretionary activity subdivision not for the purpose of the construction and use of residential units</p> <p>An application for a discretionary activity subdivision under Rule 14A.3.4 (i) is subject to the following requirements:</p> <ul style="list-style-type: none"> i. Yield requirements: 	<p>Discretionary activity subdivision not for the purpose of the construction and use of residential units</p> <p>An application for a discretionary activity subdivision under Rule 14A.3.4 (i) is subject to the following requirements:</p> <ul style="list-style-type: none"> i. Yield requirements:

<p><i>Minimum yield of 50 lots per hectare of developable area</i></p> <p>Note:</p> <p><i>Where one or more balance lots are proposed, these will be excluded from calculations of developable area and minimum yield of lots per hectare of developable area.</i></p> <p><i>For this rule, balance lot shall mean any proposed lot which is 1,400m² or greater and which is not demonstrated to be for the purpose of the construction and use of residential units under Rules 14A.3.2 (a) – (b).</i></p> <p><i>Shape factor:</i></p> <p><i>All lots shall be capable of accommodating a rectangle of <u>8m</u> X 15m exclusive of yard requirements.</i></p>	<p><i>Minimum yield of 30 lots per hectare of developable area</i></p> <p>Note:</p> <p><i>Where one or more balance lots are proposed, these will be excluded from calculations of developable area and minimum yield of lots per hectare of developable area.</i></p> <p><i>For this rule, balance lot shall mean any proposed lot which is 1,400m² or greater and which is not demonstrated to be for the purpose of the construction and use of residential units under Rules 14A.3.2 (a) – (b).</i></p> <p><i>Shape factor:</i></p> <p><i>All lots shall be capable of accommodating a rectangle of 40m <u>8m</u> X 15m exclusive of yard requirements.</i></p>
<p>Accept all matters of discretion as proposed per my evidence</p>	

