Proposed Waitaki District Plan

Section 42A Report: Residential Provisions

Report on submissions and further submissions

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Abbreviations

Abbreviation	Full Text
Council	Waitaki District Council
CRPS	Canterbury Regional Policy Statement 2013
DMRU	Detached Minor Residential Unit
FUG	Future Urban Growth
GRZ	General Residential Zone
HiRB	Height in Relation to Boundary
MDRDGs	Medium Density Residential Design Guidelines
MRU	Minor Residential Unit
MRZ	Medium Density Residential Zone
NEA	Natural Environment Act 2026
NES	National Environmental Standard
NES-CF	National Environmental Standards for Commercial Forestry 2023
NES-CS	National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011
NES-DMRU	National Environmental Standards for Detached Minor Residential Units 2025
NES-ETA	National Environmental Standards for Electricity Transmission and Electric Vehicle Charging Infrastructure Activities 2026
NES-FW	National Environmental Standards for Freshwater 2020
NES-P	National Environmental Standards for Papakāinga 2026
NES-DW	National Environmental Standards for Sources of Drinking Water 2007
NES-TF	National Environmental Standards for Telecommunication Facilities 2016
NPS	National Policy Statement
NPS-EN	National Policy Statement for Electricity Networks 2008
NPS-FM	National Policy Statement for Freshwater Management 2020
NPS-HPL	National Policy Statement for Highly Productive Land 2022
NPS-I	National Policy Statement for Infrastructure 2025
NPS-IB	National Policy Statement for Indigenous Biodiversity 2023
NPS-NH	National Policy Statement for Natural Hazards 2025
NPS-UD	National Policy Statement on Urban Development 2020
NPS-REG	National Policy Statement for Renewable Electricity Generation 2011
NPStds	National Planning Standards 2019
NZCPS	New Zealand Coastal Policy Statement 2010
ODP	Operative Waitaki District Plan
ORPS	Otago Regional Policy Statement 2021

Abbreviation	Full Text
pORPS	Proposed Otago Regional Policy Statement 2021
PA	Planning Act 2026
PDP	Proposed Waitaki District Plan
Plan Stop	Subpart 5B of the RMA
RESZ	Residential Zones
RMA	Resource Management Act 1991
RMP	Waitaki Reserves Management Plan 2014
RVA	Residential Visitor Accommodation

1 Submitters Addressed in Report

Tables 1 and **2** below list the original and further submitters addressed in this report.

Table 1: Original Submitters Addressed in this Report

Sub	Submitter Name	on Behalf of	Abbreviation
26	Hamish Osborne		H Osborne
73	Marcelo Carena		M Carena
76	John Laurie (and others)		J Laurie
77	HB		H Barrell
85	Andrew Rabbidge, Holly Singline & RSM Trust Ltd		Rabbidge Group
132	David John Rush		D Rush
147	Peter Plunket		P Plunket
149	Malcolm John McKenzie		M McKenzie
163	Fire and Emergency New Zealand	Fire and Emergency New Zealand	FENZ 2
164	NPHS Te Waipounamu		NPHS
166	Horticulture New Zealand		HortNZ
168	Kāinga Ora		KO
176	Terramark Limited		Terramark
190	Alliance Group Limited		Alliance
195	New Zealand Pork Industry Board		NZ Pork
233	KiwiRail Holdings Limited		KiwiRail
242	Ministry of Education Te Tāhuhu o Te Mātauranga		MOED
244	Telecommunication Companies		Telcos
246	Federated Farmers of New Zealand Incorporated		FFNZ
253	Royal Forest and Bird Protection Society of New Zealand Incorporated		Forest & Bird
259	Otago Regional Council		ORC
271	Canterbury Regional Council		CRC
272	Dave and Karen Ellis		D & K Ellis
305	Erin Nivonne Schultz		E Schultz
306	Waitaki Property Guardians Incorporated		WPG 2
314	Fe Heffernan		F Heffernan

Table 2: Further Submitters Addressed in this Report

F Sub	Further Submitter Name	on Behalf of	Abbreviation
FS152	NZ Transport Agency Waka Kotahi		NZTA
FS168	Kainga Ora - Homes and Communities		KO
FS233	KiwiRail Holdings Limited		KiwiRail
FS271	Canterbury Regional Council		CRC
FS306	Waitaki Property Guardians Incorporated		WPG
FS317	Nara Developments Limited		Nara Developments

2 Introduction

2.1 Experience and Qualifications

1. My full name is Emily Kate McEwan. I am a Senior Planner – District Plan at Waitaki District Council, a position I have held for five months. I have a Master of Planning from the University of Otago (with distinction) and a Bachelor of Science in Geography and a Diploma in Horticulture (Landscape Horticulture) from Massey University (with distinction).

2. I have almost eight years' planning experience, including six years as a Policy Planner and Senior Planner at Dunedin City Council and 1 year as a Planning & Policy Consultant at 4Sight Consulting (now part of SLR). I also previously operated my own residential landscape design consultancy in Dunedin for seven years. My planning experience mainly relates to developing and finalising a range of changes to Dunedin's second-generation district plan, including a review of residential provisions via a plan variation. I also gave evidence on the Urban Form and Development chapter of the Otago Regional Policy Statement 2021 (ORPS) on behalf of Dunedin City Council.

3. I was not involved in the development of the Waitaki Proposed District Plan (PDP/Plan).

4. Although this is a Council hearing, I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note and that I have complied with it when preparing this report. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person. Having reviewed the submitters and further submitters relevant to this topic I advise there are no real or perceived conflicts of interest that would impede me from providing independent advice to the Hearings Panel.

2.2 Purpose and Scope of this Report

5. The purpose of this report is to provide the Hearing Panel with a summary and analysis of the submissions received on this topic, and to make recommendations in response to those submissions, to assist the Hearing Panel in evaluating and deciding on the submissions.

6. This report is prepared under s42A of the RMA in relation to residential provisions in the PDP. It covers the provisions of the following PDP sections:

    - Future Urban Growth (FUG)
    - Residential Zones (RESZ)
    - General Residential Zone (GRZ)
    - Medium Density Residential Zone (MRZ)
    - Appendix 11 – Medium Density Residential Design Guidelines; and
    - Definitions (for 'residential activity' only).

7. Note that in some instances, submissions made on the above PDP sections have been allocated to other report topics where they are more appropriately considered together with other submissions on similar topics (e.g., infrastructure user notes), or cross-plan submissions (e.g., on providing for relocatable buildings across the PDP, or taking a more enabling approach to emergency service facilities across the PDP).

8. This report also does not address:

    - papakāika provisions, which were dealt with in the Mana whenua report in the first hearing stream;
    - the spatial extent of the Future Urban Growth Overlay or residential zones, which will be dealt with in the residential rezoning report in the next hearing stream; or
    - Settlement Zone provisions, which will be dealt with in a separate report for this hearing stream.

9. This report considers the submissions and further submissions that were received in relation to residential provisions. It includes recommendations to either retain provisions without amendment, or to delete, add to, or amend provisions in response to submissions. All recommended amendments are shown by way of ~~strikeout~~ and underlining in **Appendix 1** to this Report, or, in relation to mapping, through recommended spatial amendments to the mapping. Footnoted references to the relevant submitter(s) identify the scope for each recommended change. Recommended responses to each submission are given in **Appendix 2**.

10. The analysis and recommendations have been informed by transport advice provided by Waitaki District Council Development Engineer, Rodger McGaw, resource consent implementation advice provided by Waitaki District Council Resource Management Planner, Charlotte Hunt, and residential development bulk and location testing prepared by Barker and Associate's Urban Designer, Sam Foster.

11. Where changes are recommended, an evaluation has been undertaken in accordance with Section 32AA of the RMA.

12. The conclusions reached and recommendations made in this report are not binding on the Hearing Panel. It should not be assumed that the Hearing Panel will reach the same conclusions having considered all the information in the submissions and the evidence to be brought before them by the submitters.

2.3 Submissions on Withdrawn PDP Provisions

13. On 15 January 2026, the Council withdrew aspects of the PDP that would no longer be progressed under the Plan Stop provisions in subpart 5B of the RMA. There were no provisions fully withdrawn from the PDP sections that are the subject of this report, although some minor wording changes were made to cross-references where the referenced provisions were withdrawn.

14. As no submissions related to the residential provisions have been fully withdrawn, none are listed in **Appendix 3**, and this is not considered further in this report. Please refer to the Hearing Panel Minute regarding scope matters.

3 Topic Overview

3.1 Summary of Relevant Provisions of the PDP

15. This report relates to residential provisions. This section of the report provides a brief summary of the provisions relevant to this topic.

3.1.1 Residential Zones

16. There are two residential zones in the PDP, being the General Residential Zone (GRZ) and Medium Density Zone (MRZ).[1] Provisions for these zones are in separate PDP chapters, with objectives and policies that apply to both zones given in the overarching Residential Zones chapter.

17. The GRZ covers most of the suburban areas in the District, including Ōamaru and the towns of Weston, Kakanui, Palmerston, Lake Ōhau Village, Ōmārama, Otematata and Kurow. The GRZ provides for residential development of a typical suburban character primarily with standalone dwellings, where effects on amenity values are minimised through conservative bulk and location standards and controls on non-residential activities.

18. The MRZ is a new zone introduced through the PDP to provide for a greater height and density of development and a wider range of housing typologies in accessible locations (in response to NPS-UD Policy 5). The new MRZ is applied within Ōamaru at South Hill, near the town centre, and at Ōamaru North. The bulk and location standards for the MRZ are more enabling than for the GRZ but are relatively conservative compared to provisions for medium density zones in larger and faster growing centres.[2] The MRZ approach to managing non-residential activities is similar to that for the GRZ.

3.1.2 Medium Density Residential Design Guidelines

19. Medium Density Residential Design Guidelines are given in Appendix 11 to the PDP and guide the design of various medium density development across both the GRZ and MRZ, including for multi-unit development. Assessments of proposals' consistency with these design guidelines are required to be submitted with the relevant resource consent applications.

3.1.3 Future Urban Growth

20. The Future Urban Growth (FUG) chapter reflects a new method in the PDP. It addresses three areas currently zoned Rural Lifestyle Zone that have been identified as suitable for future residential development by application of the FUG overlay.[3] These areas were earlier identified through the Spatial Plan for Ōamaru, Weston & Kakanui 2022[4] as

[1] The Settlement Zone relates to small settlements in rural areas and is not addressed in this report.
[2] WDC is classified as a Tier 3 local authority in the NPS-UD.
[3] Note that some parts of the FUG overlay area at Awamoa/Beach roads are zoned General Rural Zone in the ODP. All other land within the FUG overlays is zoned Rural Residential Zone in the ODP.
[4] Available online: final-oamaru-spatial-plan-may-2022.pdf

suitable for urban growth, but not within the lifetime of the district plan. **Figures 1** and **2** below show the FUG overlay areas.

21. The provisions that apply in the FUG overlay are intended to ensure that development prior to residential rezoning does not compromise future development at a residential scale. The provisions also set out the requirements for matters that must be addressed via structure planning for the two larger FUG overlay areas prior to their rezoning, to ensure that effects on the environment are appropriately managed.



Figure 1: The Awamoa/Beach roads FUG overlay (red outline)

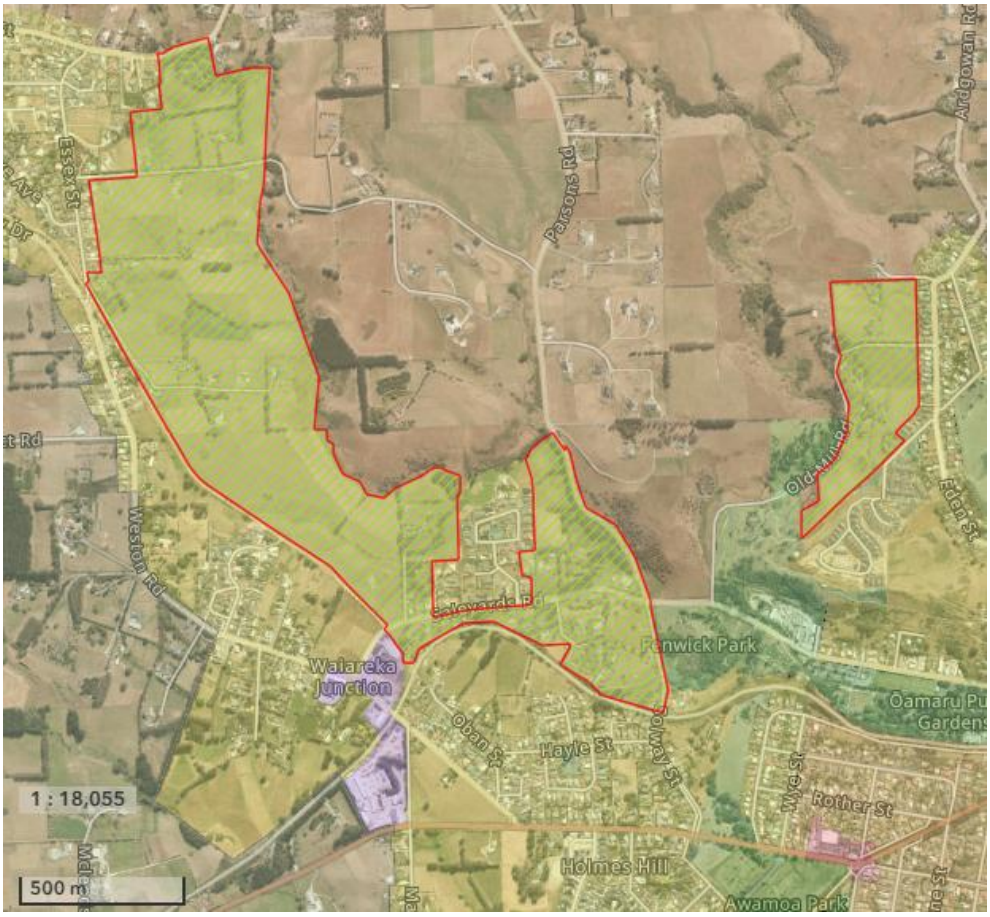


Figure 2: Weston Road (west) and Old Mill Road (east) FUG overlays (red outlines)

3.2 Background to Relevant Provisions

22. The approach for the GRZ has generally rolled over from the Operative District Plan (ODP) to maintain the character and amenity expectations across most suburban areas. Some additional areas of GRZ have been included through rezoning, as detailed in Table 3 of the Residential Zones Section 32 Report.[5]

23. Analysis for provision of the new MRZ began with the Spatial Plan for Ōamaru, Weston & Kakanui 2022, which identified areas of higher accessibility to services that could be suitable for more intensive residential development.

24. With the MRZ being a new zone, consultation with the public was key in determining the community appetite for change. As a result of public consultation on the draft district plan, the draft density and bulk and location standards were amended to reduce the extent of change provided for, while still maintaining a distinction from the GRZ provisions.

25. Additional work was also undertaken during preparation of the Plan regarding how new development might impact any existing but as-yet unprotected heritage and character values in key locations. Further information on the outcome of this work is provided below.

[5] Available online: section-32-evaluation-report-residential-zones.pdf

3.2.1 Ōamaru Heritage and Character Assessments

26. Heritage and character assessments were undertaken for South Hill and North Ōamaru during the development of the Plan by Boffa Miskell Ltd and Heritage Consultancy Services on behalf of Council (see **Appendix 4**). These assessments identified areas of special character or historic character within the now-MRZ (and with substantial parts within the GRZ and small parts in the Mixed Use Zone) that were considered by experts to be suitable for some form of protection from inappropriate development in the district plan (see **figures 3** and **4**).

27. However, the recommended character areas were not progressed due to decisions of Council, and the heritage and character values of these areas remain without any special protection from unsympathetic development.

28. As a result of these decisions, design guidelines for the Ōamaru North and South Hill areas of Ōamaru sit outside the Plan and consideration of these in the development of new buildings within these areas is voluntary. [6]

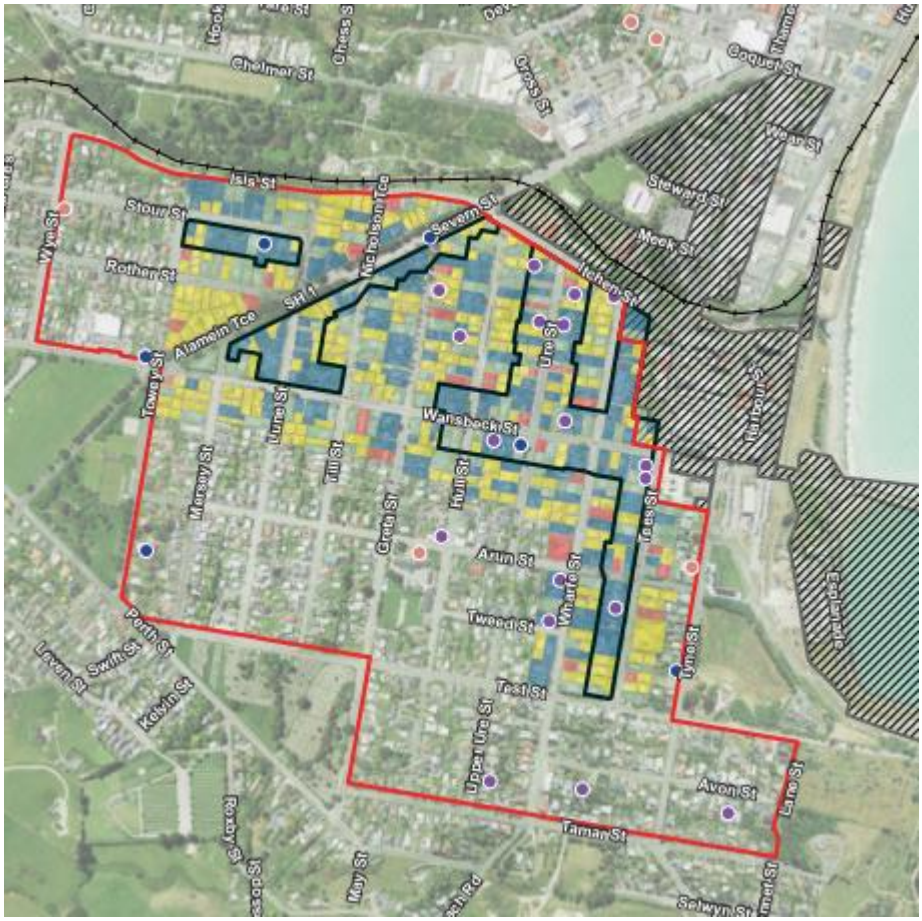


Figure 3: South Hill Neighbourhood Precinct (outlined in red) as recommended by Boffa Miskell and Heritage Consultancy Services in their report Appendix 1

[6] These are available online: ōamaru-north-voluntary-design-guidelines.pdf and south-hill-ōamaru-voluntary-design-guidelines.pdf



Figure 4: Ōamaru North Historic Character Area (outlined in red) as recommended by Boffa Miskell and Heritage Consultancy Services in their report Appendix 1

29. No submissions have been identified that seek inclusion of heritage or character protections within the GRZ or MRZ. However, I have kept the heritage and character assessments in mind as I have assessed submissions seeking changes to the bulk and location standards in the GRZ and MRZ due to strategic direction SD-CHI-O1, which seeks to recognise and protect Waitaki's character, historic and cultural heritage, and identity throughout the district.[7]

[7] There are also provisions in higher-order planning documents that are likely to be relevant. However, I have not considered these in detail at this stage.

4 Overview of Submissions

30. The full list of submission points addressed in this report is set out in **Appendix 2**. Overall, 153 original submission points and 19 further submission points are addressed.

31. **Table 3** provides a brief summary of which provisions received submissions and the key issues raised in submissions, which are discussed in more detail in the evaluation in **Section 7** of this report.

Table 3: Summary of Key Issues Raised in Submissions

Topic	Summary of Issue	Position of Submitters
General Submissions	General submissions reallocated from Hearing 1 reporting.	5 submissions seeking changes generally across the Plan.
Definition	'Residential activity'	1 submission in support.
Future Urban Growth	The FUG provisions were generally supported, with changes only sought to two policies regarding additional matters to consider.	7 submissions: 4 in support, and: • 1 seeking changes to FUG-P1 Subdivision, use and development within the FUG • 2 seeking changes to FUG-P2 Structure plans for land within the FUG. 4 further submissions: 3 in support, and 1 in opposition.
Residential Zones: Objectives	The four Residential Zones objectives were generally supported, with changes only sought to one objective for minor wording changes.	15 submissions: 13 in support, and: • 2 seeking changes to RESZ-O4 Sustainable residential development. No further submissions.
Residential Zones: Policies	The eight policies of the Residential Zones section received a mixed response, with changes sought to five of the policies.	30 submissions: 17 in support, and: • 4 seeking changes to RESZ-P1 Location of residential development • 3 seeking changes to RESZ-P2 Design of new development • 1 seeking changes to RESZ-P3 Multi-unit development • 1 seeking changes to RESZ-P6 Minor residential units • 4 seeking changes to RESZ-P7 Sustainable design. 3 further submissions in opposition.
GRZ: Objectives & policy	The two objectives and one policy of the GRZ were generally supported, with changes only sought to GRZ-O2.	14 submissions: 13 in support, and: • 1 seeking changes to GRZ-O2 Character of the General Residential Zone No further submissions.
GRZ: Rules & standards for buildings & structures	These rules and eight standards received a mixed response, with changes sought to all standards except two.	24 submissions: 12 in support, and: • 2 seeking changes to GRZ-S2 Maximum height • 2 seeking changes to GRZ-S3 Height in relation to boundary • 1 seeking changes to GRZ-S6 Minimum setbacks • 1 seeking deletion of GRZ-S7 Designing for safe streets • 4 seeking changes or deletion of GRZ-S8 Frontage fencing • 2 seeking changes to GRZ-S11 Servicing and firefighting water supply. 8 further submissions, 6 in support and 2 in opposition.

Topic	Summary of Issue	Position of Submitters
GRZ: Permitted residential activity rules & standards	These provisions were generally supported with changes only sought to two of the eight provisions.	12 submissions: 10 in support, and: • 1 seeking changes to GRZ-R3 Residential unit • 1 seeking changes to GRZ-S10 Outdoor storage screening. 1 further submission in support.
GRZ: Permitted non-residential activity rules	The four rules for permitted non-residential activities received a mixed response, with changes sought to all rules except one.	12 submissions: 4 in support, and: • 3 seeking changes to GRZ-R9 Residential visitor accommodation • 3 seeking changes to GRZ-R10 Educational facility • 2 seeking changes to GRZ-R11 Medical and health facility. No further submissions.
GRZ: Rules for RD, D & NC activities	These nine rules were either supported or did not receive submissions.	8 submissions in support.
GRZ: Other	Submissions relating to Lake Ōhau Village and design guidelines that sit outside the Plan.	2 submissions: 1 in support and 1 seeking changes. No further submissions.
MRZ: Objectives & policy	The two objectives and one policy of the MRZ were generally supported, with changes only sought to MRZ-O2.	6 submissions: 5 in support, and: • 1 seeking changes to MRZ-O2 Character of the Medium Density Residential Zone No further submissions.
MRZ: Rules & standards for buildings and structures	These rules and eight standards received a mixed response, with changes sought to half of the standards.	11 submissions: 2 in support, and • 4 seeking changes to MRZ-S2 Maximum height • 3 seeking changes to MRZ-S3 Height in relation to boundary • 1 seeking changes to MRZ-S6 Minimum setbacks • 1 seeking changes to MRZ-S11 Servicing and firefighting water supply and access. 3 further submissions, 2 in support and 1 in opposition.
MRZ: Permitted residential activity rules & standards	Most of these eight provisions did not receive submissions and changes were only sought for two provisions.	2 submissions: • 1 seeking changes to MRZ-R3 Residential unit • 1 seeking changes to MRZ-S1: Residential site density No further submissions.
MRZ: Permitted non-residential activity rules	Most of these four provisions were not submitted on and changes were only sought for one provision.	1 submission seeking changes to MRZ-R10 Educational facility. No further submissions.
MRZ: Rules for RD, D & NC activities	These nine rules did not receive submissions.	No submissions.
APP11	Medium density residential design guidelines.	3 submissions: 1 in support, and 2 seeking changes or deletion. No further submissions.

5 Relevant Statutory Provisions

32. The assessment for the PDP includes the matters identified in sections 74-76 of the RMA. This includes whether:

- it is in accordance with the Council's functions (s74(1)(a));
- it is in accordance with Part 2 of the RMA (s74(1)(b));
- it will give effect to any national policy statement or operative regional policy statement (s75(3)(a) and (c));
- the objectives of the proposal are the most appropriate way to achieve the purpose of the RMA (s32(1)(a));
- the provisions within the plan change are the most appropriate way to achieve the objectives of the District Plan (s32(1)(b)).

33. In addition, assessment of the PDP must also have regard to:

- any proposed regional policy statement, and management plans and strategies prepared under any other Acts (s74(2));
- the extent to which the plan is consistent with the plans of adjacent territorial authorities (s74 (2)(c)); and
- in terms of any proposed rules, the actual or potential effect on the environment of activities including, in particular, any adverse effect.

5.1 Impact of RMA Reform

34. The Planning Act 2026 received royal assent on 30 September 2026, introducing a new planning regime that will eventually replace the Resource Management Act 1991 (RMA). In the meantime, the finalisation of the PDP continues under the RMA.

35. The Planning Act will make amendments to the RMA one month after its royal assent (on 30 October 2026, between publication of this report and commencement of the Stream 4 hearing), with the changes applying for the transitional period. These changes include:

- The addition of section 104(1A) to the RMA, meaning that certain matters must be disregarded in assessing resource consent applications for residential activities;
- The addition of section 76(6) to the RMA, which requires that a rule in a district plan must not require a resource consent for an activity solely because it relates to a matter specified in section 104(1A); and
- The addition of section 76A to the RMA, allowing (but not requiring) territorial authorities to amend a district plan without using the process in Schedule 1 to remove provisions that relate to matters specified in section 104(1A).

36. Section 104(1A) is given below:[8]

After section 104(1), insert:

(1A) When considering the effects of a district land use activity, a consent authority must disregard—

- (a) any of the following where they relate to residential activities (except in relation to the protection of historic heritage):
  - (i) the area of glazing:
  - (ii) the presence or absence of balconies:
  - (iii) the outdoor living space:
  - (iv) the internal layout:
  - (v) the size of a residential unit:
  - (vi) the size of landscaped areas (except in relation to permeability):
- (b) negative effects of development on trade competition, including on competing providers of input goods and services:
- (c) effects on retail distribution:
- (d) in relation to a project,—
  - (i) any lack of demand for the project; or
  - (ii) the fact that the project is not financially viable:
- (e) the type of residents to be housed in a new development:
- (f) views from private property.

(1B) When considering an application for a district land use consent, the consent authority may disregard a national environmental standard, a plan or proposed plan, a national policy statement, or a regional policy statement to the extent that it regulates or purports to regulate a matter described in subsection (1A).

(1C) A person who exercises a power or performs a function under this Act must not, except as provided in Schedule 1 of the Planning Act 2026, consider elements of or instruments made under that Act or the Natural Environment Act 2026 in the determination of a resource consent application or notice of requirement lodged under this Act during the transition period.

(1D) Despite subsection (1C), the consent authority must consider the extent to which its decision on a resource consent application is consistent with—

- (a) any relevant decided regional spatial plan; or
- (b) any relevant future development strategy published before the notification of that plan.

37. There are provisions in the PDP for residential activities that manage matters listed in s104(1A). These include the following provisions in the residential zones:

- Designing for safe streets standards (GRZ-S7 and MRZ-S7) which manage the area of glazing and internal layout of buildings in relation to the street;
- Outdoor living space standards (GRZ-S9 and MRZ-S9) which require minimum outdoor living space for residential units;
- Outdoor storage screening (GRZ-S10 and MRZ-S10) for the parts of these standards that manage views from private property;
- Policies and rules that set up and apply the above methods; and
- Policy RESZ-P7(2) on universal design, which relates to the internal layout of residential buildings, but is currently not implemented by any Plan rules or standards.

38. The out-of-scope matters may also appear in matters of discretion for assessing some resource consent applications for residential development, and in some other associated provisions. However, a complete analysis of the extent of affected provisions has not yet been carried out.

[8] Available at the time of writing in Part 2 of Schedule 12 to the Planning Act 2026: Planning Act 2026 | New Zealand Legislation

39. Most of the provisions that can no longer be implemented are not subject to submissions seeking deletion from the Plan. However, where there are such submissions, I have considered the impact of the RMA reform and have recommended deleting those provisions (or the relevant parts of those provisions) where there is scope to do so through this process.

40. I acknowledge that the current planning environment presents uncertainties regarding the potential for further changes to legislative direction if there is a change of Government. My recommendations are made based on the law as it will stand at the date of the hearing for this report. Should any further changes to the law occur prior to the Panel issuing its decision, those recommendations may need to be revisited.

41. Remaining provisions that cannot be implemented will be identified for consents planners outside of the PDP process. Council may also consider removing the remaining out-of-scope provisions outside of the PDP process, although it is not obligated to do so under s76A.

6 Statutory Instruments

42. The s32 report for Residential Zones set out the statutory requirements and relevant planning context for this topic in more detail.[9] The sections below summarise the most relevant provisions from the most relevant planning instruments and highlight any pertinent changes to national direction that have occurred since the PDP was notified.

6.1 National Policy Statement on Urban Development 2020 (NPS-UD)

43. No changes have been made to the NPS-UD since notification of the PDP. Therefore, the summary of relevant provisions within the Residential Zones s32 report remains current.

44. As only limited changes have been sought to the specific objectives and policies of the residential provisions, I have not reassessed those provisions against the direction in the NPS-UD and rely on the assessment already undertaken in the s32 report.

6.2 National Policy Statement on Highly Productive Land 2022 (NPS-HPL)

45. The NPS-HPL is relevant to a submission from HortNZ [166.58] on policy RESZ-P1, as it relates to the expansion of urban areas onto highly productive land.

46. The NPS-HPL includes a detailed management regime for urban uses of highly productive land that must be given effect to. I have considered this in assessing the submission from HortNZ to ensure that the Plan does not conflict with the direction provided in the NPS-HPL.

[9] Available online: section-32-evaluation-report-residential-zones.pdf

6.3 National Policy Statement on Infrastructure 2025 (NPS-I)

47. The NPS-I came into force on 15 January 2026, after notification of the PDP, and decision-makers must give effect to it on and from that date.

48. Under the NPS-I, infrastructure includes all infrastructure as defined by the RMA and additional infrastructure as defined in the NPS-I, thereby expanding the traditional planning understanding of the term 'infrastructure'.

49. The objective of the NPS-I is to ensure the national, regional and local benefits of infrastructure are provided for, and to enable infrastructure to support a range of outcomes, among other matters. Detailed policies set out how the objective is to be achieved but the NPS-I does not include an implementation section with any additional details.

50. The NPS-I is relevant to the consideration of submissions addressed in this report in relation to schools and fire and emergency services facilities, which fall within the definition of additional infrastructure in the NPS-I, and are thereby covered by its provisions for infrastructure activities.

51. The implications of the NPS-I for responding to submissions are addressed in the relevant sections of this report.

6.4 National Policy Statement on Indigenous Biodiversity 2023 (NPS-IB)

52. The NPS-IB is relevant to a submission from Forest & Bird [253.191] on future urban growth policy FUG-P2. The submission related to considering opportunities to increase indigenous vegetation cover as part of making structure plans for rezoning land within Future Urban Growth Overlays.

53. While most of the PDP provisions that give effect to the NPS-IB have been withdrawn as part of the Plan Stop process, the policy FUG-P2 provides guidance to future rezoning decisions where all relevant national direction must be given effect to. I have considered this in making my recommendation on the submission from Forest & Brid.

6.5 National Planning Standards (NPStds)

54. The NPStds direct standardised plan content that must be used in district plans, including standardised definitions.

55. I have considered this when assessing submissions that relate to PDP definitions that originate from the NPStds, including submissions on policy RESZ-P6 Minor residential units and standard GRZ-S8 Frontage fencing.

6.6 National Environmental Standards for Detached Minor Residential Units 2025 (NES-DMRU)

56. The NES-DMRU came into force on 15 January 2026 after notification of the PDP. It sets out national environmental standards for minor residential units that are completely detached from their principal residential units.

57. The NES-DMRU applies across the country, permitting one DMRU per site in Māori purpose, mixed use, residential, and rural zones, if the DMRU complies with certain standards and rules.

58. The PDP provides for minor residential units generally (i.e. they do not need to be detached from their principal residential units) across several zones, including the GRZ and MRZ addressed in this report. In these zones, one minor residential unit is permitted per site subject to conditions, and other rules and standards also apply.

59. Regulation 9 of the NES-DMRU allows for district plan rules and standards that are more lenient than regulations 5(1) or 6. However, it does not provide for district plan rules or standards to be more stringent than the NES. A comparison of the relevant NES regulations and PDP rules and standards covered by this report is given in **Table 4** below. This shows that the PDP is more stringent than some aspects of the NES-DMRU. However, the PDP aspects that are more stringent (standards for building coverage and minimum setback from road boundaries) apply to building activity generally, not just to MRUs.

Table 4: Interaction between NES-DRMU regulations and equivalent PDP GRZ & MRZ rules

NES-DMRU regulation	Equivalent PDP rules	PDP more lenient, stringent, or the same
5(1): one DMRU per site is a permitted activity within a residential zone	GRZ-R5 & MRZ-R5 both permit one MRU per site. GRZ-S1 & MRZ-S1 both exclude MRUs from the calculation of residential site density.	The same
6(a): Floor area equal to or less than 70m^2	GRZ-R5 & MRZ-R5 both permit MRUs that do not exceed a gross floor area of 80m^2. Note that the NES uses the term 'floor area' (relating to internal dimensions) which has a different definition to 'gross floor area' in the PDP (relating to external dimensions).	More lenient
6(b): Building coverage for the site must be no more than 50% in a residential zone	GRZ-S4 permits building coverage of 40% MRZ-S4 permits building coverage not exceeding 50%.	GRZ: More stringent MRZ: The same
6(c): Setback from principal residential unit no less than 2m	No rules (managed by the Building Act 2004).	More lenient
6(d): Setback from boundary no less than 2m from front, side, and rear boundaries in a residential zone	GRZ-S6 requires a minimum 4.5m setback from a road boundary and 1.6m from an internal boundary. MRZ-S6 requires a minimum 2m setback from a road boundary and 1m from an internal boundary.	GRZ: More stringent for road boundaries, more lenient for internal boundaries. MRZ: The same for road boundaries, more lenient for internal boundaries.

NES-DMRU regulation	Equivalent PDP rules	PDP more lenient, stringent, or the same
	For both zones: an exception requires a minimum setback of 1m where adjoining an access. For both zones: a minimum setback of 4m is required from a boundary with various listed zones, and of 4.5m from a state highway or rail corridor boundary.	Both zones: More lenient where adjoins an access. Both zones: A DMRU must comply with standards in a district plan that manage reverse sensitivity (Regulation 7(3)(b)(ii)), which would include increased setbacks from some boundaries.
7(4): has the effect of requiring that various PDP standards that apply to building activity, residential activity, or residential units do not apply to a DMRU permitted by the NES. For example, maximum height, height in relation to boundary and outdoor living space standards do not apply, so there is no need to assess whether they are more stringent than the NES-DMRU.		

60. Section 44A of the RMA sets out how district plan duplication of, or conflict with, an NES is to be managed. In accordance with clause (4) of Section 44A (where Section 43A(5)(c) of the RMA applies) the local authority must amend the proposed plan to remove the duplication or conflict without using the process in Schedule 1 as soon as practicable after the date on which the standard comes into force.

61. A full cross-plan review of the interaction between PDP minor residential unit provisions with the NES-DMRU has not yet been done. Once this is practicable to complete, a report would go to Council for approval to remove the relevant conflict from the PDP without using the Schedule 1 process. However, a Schedule 1 process could also be required to resolve any entanglement issues that arise, given that the PDP provisions apply to MRUs broadly and not just to DMRUs.

62. For the PDP, there are no submissions seeking changes to rules GRZ-R5 or MRZ-R5, which permit minor residential units, and only one submission seeking limited changes to policy RESZ-P6, which sets up the minor residential unit method for the residential zones.

63. For the standards covered by this report that cannot be more stringent than the NES-DMRU:

- There are no submissions seeking changes to the building coverage standards for GRZ or MRZ; and
- There is one submission from KO [168.14] seeking to reduce the minimum road setbacks in GRZ generally from 4.5m to 3m. However, this would still be more stringent than the NES-DMRU. There are no submissions that would have the effect of making the minimum setbacks even more stringent.[10]

64. There are also other PDP provisions where MRUs are directly referenced, that are covered by this s42A report, being:

- RESZ-P7 Sustainable design (with reference to universal design)
- GRZ-O2 Character of the General Residential Zone
- GRZ-S1 Residential site density (excluding MRUs)

[10] Other submissions on setbacks relate to those specific to the rail corridor or state highways. However, these setbacks manage health and safety matters, which is provided for by NES-DMRU regulation 7(3).

- GRZ-S7 Designing for safe streets
- GRZ-S9 Outdoor living space
- MRZ-S1 Residential site density (excluding MRUs)
- MRZ-S7 Designing for safe streets
- MRZ-S9 Outdoor living space

65. According to the NES-DMRU, the above standards do not apply to the DMRUs it permits, unless they are managing certain effects. The above objective and policy are also irrelevant to application of the NES-DMRU. Therefore, there is no need to consider whether these provisions conflict with the NES-DMRU.

66. Overall, it is appropriate that Council address the conflict issues through a separate process than the one the Hearing Panel is currently tasked with. However, it would be helpful to add user notes to the GRZ and MRZ chapters to indicate the potential application of the NES-DMRU as an alteration of minor effect under clause 16(2) of Schedule 1 to the RMA.

67. Further background information on how the NES-DMRU works is provided by the Ministry for the Environment (now MCERT) in a Frequently Asked Questions document.[11]

6.6.1 Recommendations

68. I recommend that the Hearing Panel put the NES-DRMU duplication and conflict issue to one side as part of making their decisions on the GRZ and MRZ provisions, as this is more appropriately addressed by Council through a separate process to comply with RMA Section 44A across the PDP.

6.6.1.1 Clause 16(2) Amendments

69. I also recommend the following alterations of minor effect, which may be made in accordance with clause 16(2) of Schedule 1 to the RMA, as shown below and in **Appendix 1**:

- Amend the user notes in the GRZ and MRZ chapters to highlight to Plan users the interaction between the PDP and NES-DMRU; and
- Amend the abbreviations chapter to add the abbreviation for the NES-DMRU.

Drafting Example

National Environmental Standards:

This Plan includes provisions that apply to minor residential units. These Plan provisions only apply to minor residential units that are not regulated by the Resource Management (National Environmental Standards for Detached Minor Residential Units) Regulations 2025 (NESDMRU), except where the Plan provision contains a rule or standard that:

a. *is more lenient than the equivalent NESDMRU regulations 5(1) or 6, in which case the more lenient Plan provision prevails over the equivalent NESDMRU regulation; or*

b. *deals with the matters addressed in NESDMRU regulation 7(1-3), in which case the Plan provision applies, if relevant, together with the NESDMRU.*[12]

[11] Available online: NES-DMRU-Frequently-Asked-Questions.pdf

[12] Cl.16(2) Alteration of minor effect

Abbreviations	Full terms
…	…
NESCS	Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011
NESDMRU	Resource Management (National Environmental Standards for Detached Minor Residential Units) Regulations 2025[13]
…	…

6.7 Regional Policy Statements

70. Waitaki District is partly within the Canterbury region and Otago region, being subject to two regional policy statements. The Canterbury Regional Policy Statement (CRPS) has not been amended since the PDP was notified. However, the Otago Regional Policy Statement 2021 (ORPS) has been made fully operative, replacing the earlier version.

71. I have considered the relevant CRPS provisions when assessing submissions on provisions where CRC has submitted in relation to giving effect to those provisions.

72. I have also considered the ORPS chapter on Urban Form and Development when considering submissions from CRC that relate generally to giving effect to regional policy statements on urban development.

73. However, I have not done an analysis of how the ORPS provisions relevant to residential provisions generally have changed from the previous version of the ORPS, nor to what extent the residential provisions give effect to the new ORPS. This is because many of the residential provisions are unaffected by submissions, and the changes sought in submissions are mainly targeted to rules and standards, rather than the overall approach set out in objectives and policies.

7 Evaluation of Submissions

7.1 Approach to evaluation

74. This evaluation moves from the evaluation of general and overarching matters (such as general submissions and submissions on residential objectives and policies) through to evaluation of specific rules, standards, and scenarios. In many cases, multiple provisions are evaluated in a single section due to the relatively low numbers of submissions, similarities in issues raised in submissions, and similarities between the rules and standards in the GRZ and MRZ chapters.

75. The assessment of submissions generally follows the following format:

- A brief summary of the relevant submission points.
- An analysis of those submission points, including relevant background information.

[13] Cl.16(2) Alteration of minor effect

- Recommendations, including any amendments to Plan provisions and the related assessment under s32AA.

76. Clause 10(2)(b), Schedule 1 of the RMA provides for consequential changes arising from the submissions to be made where necessary, as well as any other matter relevant to the PDP arising from submissions. Consequential changes recommended under clause 10(2)(b) are footnoted as such.

77. Clause 16(2), Schedule 1 of the RMA allows a local authority to make an amendment to a proposed plan without using a Schedule 1 process, where such an alteration is of minor effect, or may correct any minor errors. Any changes recommended under clause 16(2) are footnoted as such.

78. Further submissions have been considered in the preparation of this report, but in general, they are not specifically mentioned because they are limited to the matters raised in original submissions and therefore the subject matter is canvassed in the analysis of the original submission. Further submissions may however be mentioned where they raise a valid matter not addressed in an original submission. Further submissions are not listed within **Appendix 2**. Instead, recommendations on the primary submissions indicate whether a further submission is accepted or rejected as follows:

    - Where a further submission supports a primary submission and the primary submission is recommended to be accepted, or where a further submission opposes a primary submission and the primary submission is recommended to be rejected, the further submission is recommended to be accepted.
    - Where a further submission supports a primary submission and the primary submission is recommended to be rejected, or where a further submission opposes a primary submission and the primary submission recommended to be accepted, the further submission is recommended to be rejected.
    - Where a further submission supports or opposes a primary submission and the primary submission is recommended to be accepted in part, then the further submission is recommended to be accepted in part.

7.2 Provisions where no change is sought

79. Most provisions in the PDP sections addressed in this report were either not submitted on, or any submissions received sought their retention. As such, they are not assessed further in this report, and I recommend that the provisions (as listed under the Plan section headings below) are retained as notified, unless further changes in response to general submissions are progressed.[14]

80. Some provisions that were not subject to specific submissions seeking changes have been recommended for amendment as consequential changes to matters raised in other

[14] This matter is addressed in **Section 7.3** on general submissions.

submission points, or in response to general submissions. Those provisions are excluded from the list below.[15]

Definitions

- Definition of residential activity

Future Urban Growth

- FUG-O1 Purpose of the Future Urban Growth Overlay
- FUG-O2 Development within the Future Urban Growth Overlay
- FUG-R1 Recreational activity

Residential Zones

- RESZ-O1 Supply of residential land
- RESZ-O2 Scale, form and design of development in Residential Zones
- RESZ-O3 Appropriate activities
- RESZ-P4 Commercial activities in Residential Zones
- RESZ-P5 Non-residential activities
- RESZ-P8 Safety and well-being

General Residential Zone

- GRZ-O1 Purpose of the General Residential Zone
- GRZ-P1 General Residential Zone character and amenity values
- GRZ-R2 Residential activity
- GRZ-R4 Accessory building
- GRZ-R5 Minor residential unit
- GRZ-R6 Boarding house activity
- GRZ-R7 Supported residential care
- GRZ-R8 Home business
- GRZ-R12 Parks furniture
- GRZ-R14 Multi-unit developments
- GRZ-R15 Retirement village
- GRZ-R16 Community facilities
- GRZ-R18 Any other activity not otherwise listed as permitted, restricted discretionary, discretionary or non-complying
- GRZ-R19 Industrial activity
- GRZ-R20 Commercial activity over 75m^2
- GRZ-R21 Primary production
- GRZ-R22 Large format retail activity
- GRZ-S1 Residential site density

[15] They are FUG-P3 which is recommended for deletion in response to a general submission regarding duplication, and GRZ-R1 and GRZ-S4 which are recommended for amendment as a consequence of recommending the deletion of GRZ-S7.

- GRZ-S5 Minimum pervious surfaces area
- GRZ-S9 Outdoor living space

Medium Density Zone

- MRZ-O1 Purpose of the Medium Density Residential Zone
- MRZ-P1 Residential character and amenity values
- MRZ-R1 Building activity
- MRZ-R2 Residential activity
- MRZ-R4 Accessory building
- MRZ-R5 Minor residential unit
- MRZ-R6 Boarding house activity
- MRZ-R7 Supported residential care
- MRZ-R8 Home business
- MRZ-R9 Residential visitor accommodation
- MRZ-R11 Medical and health facility
- MRZ-R12 Parks furniture
- MRZ-R14 Multi-unit development
- MRZ-R15 Retirement village
- MRZ-R16 Community facilities
- MRZ-R18 Any other activity not provided for as a permitted, restricted discretionary, discretionary or non-complying
- MRZ-R19 Industrial activity
- MRZ-R20 Commercial activity using an area over 75m^2
- MRZ-R21 Primary production
- MRZ-R22 Large format retail activity
- MRZ-S4 Building coverage
- MRZ-S5 Minimum pervious surface area
- MRZ-S7 Designing for safe streets
- MRZ-S8 Frontage fencing
- MRZ-S9 Outdoor living space
- MRZ-S10 Outdoor storage screening
- MRZ-S11 Servicing and firefighting water supply and access

7.3 General submissions

81. This section addresses general submissions that were first addressed at Hearing 1 in the General Submissions reporting and that have been reallocated to each subsequent report for consideration in the context of each Plan topic.

82. The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**. Overall, 5 original submission points and no further submission points are addressed here.

Submitter Name	Submission Point Number(s)
Terramark	176.2
FFNZ	246.1, 246.2, 246.3, 246.7

7.3.1 Submissions

83. Submissions from Terramark [176.2] and FFNZ [246.2] sought that there are objectives and policies to support the proposed rules across the district plan, to provide clear direction to consent applicants and decision-makers.

84. FFNZ also sought the following outcomes across the Plan:

- Identify the resource management issues the Plan provisions seek to address [246.1]
- Include non-regulatory methods to implement policies that 'encourage' certain outcomes [246.3]; and
- Reduce the number of provisions by combining those with similar themes, using clear simple language, removing unnecessary duplication and providing clearer and simpler cross-referencing between chapters and provisions [246.7].

7.3.2 Analysis

7.3.2.1 General analysis

85. The submissions in the table above provide general scope to consider the overall relationship between objectives, policies and rules within the residential provisions. They also provide general scope to refine and simplify provisions. However, that sits against the context of many residential provisions not being subject to any specific submissions seeking amendments.

86. From that perspective, I have grappled with how far to take the analysis of the relief sought in the general submissions within the residential provisions. On balance, I have landed on the following approach:

- To consider the general submissions alongside the specific submissions on the provisions where changes are sought, and address any simple matters of clarification and reduction of duplication alongside those;
- To let more complicated matters of duplication (e.g. between strategic directions and residential provisions; between the Residential Zones chapter and the zone chapters; or between the zone chapter objectives and zone chapter policies) remain unaddressed in recognition that this is not essential to rectify for implementation of the Plan and to minimise the amount of change at this stage in the process; but
- To acknowledge that gaps in the relationship between rules and policies could significantly affect the implementation of the Plan and achievement of its objectives via resource consents and can be resolved in reliance on the general submissions, even where there are no submissions seeking changes specifically to the affected provisions.

87. The analysis below provides an overview of my response to the matters raised in the general submissions.

7.3.2.2 Issue statements

88. In my earlier reporting for the General Submissions topic, I did not support the addition of formal issue statements to the Plan. Instead, I preferred the option of ensuring the Plan has a robust and clear objectives and policies framework to support decision making, alongside potential amendments to the introductions to Plan chapters to generally address the issues that each chapter is managing.

89. Overall, I consider that the chapter introductions covered by this report already adequately address the relevant issues that each chapter is managing, albeit that some clarifications to the wording of the Residential Zones introduction are desirable, as addressed in my recommendations below.

7.3.2.3 'Encourage' policies

90. In my earlier reporting regarding 'encourage' policies, I drew the Panel's attention to the draft PDP Writing Style Guide (2024), which does not address the use of such policies within the Plan, and that the guide does not address policy drafting that might lead to the use of non-regulatory methods.

91. The Residential Zones chapter includes two policies that use the word 'encourage'. They are addressed in this report as follows:

- RESZ-P3(6 & 9) Multi-unit development, addressed separately in **Section 7.21** on design guidelines; and
- RESZ-P7 Sustainable design, addressed separately in **Section 7.8**.

92. In both cases, the outcomes that are sought to be encouraged are not entirely supported by obvious Plan methods. The options to respond to this are to either add methods, or to leave the policies without implementation avenues in the Plan. I have favoured the second approach due to:

- the policy wording being clear that it is not responding to an issue considered significant enough to require a regulatory method
- the late stage in the Plan-making process to be adding new methods; and
- the general approach of the Plan to not include non-regulatory methods.

93. I have not identified any submissions seeking full deletion of the 'encourage' clauses as an alternative solution.

7.3.2.4 Simplification and removal of duplication

94. In assessing specific submissions on provisions throughout this report, I have identified some opportunities to simplify provisions and remove duplication to aid Plan interpretation and implementation. These recommendations are set out in the relevant report sections.

95. I have not undertaken a full review of all residential provisions for the purpose of simplification, for the reasons set out in the general analysis above.

7.3.2.5 Objectives and policies to support rules

96. This matter has been the most complex to address out of all the general submissions, largely because of the minimal number of submissions seeking specific changes to the objectives and policies in the residential chapters, and because of the potential significance of an identified lack of policy support for the assessment of discretionary and non-complying activities.

97. Throughout the Residential Zones, GRZ and MRZ chapters, the objectives and policies generally fall into one of four categories:

- Those that read more as strategic direction and have less relevance to Plan implementation at a zone chapter level (e.g. RESZ-O1 Supply of residential land, RESZ-O4 Sustainable residential development, RESZ-P1 Location of residential development);
- Those that do not clearly link to an implementation method (e.g. RESZ-P7 Sustainable design);
- Those that set up standards as a method (e.g. RESZ-O2 Scale, form and design of development in Residential Zones, RESZ-P2 Design of new development, RESZ-P8 Safety and well-being); and
- Those that seek to enable and provide for permitted and restricted discretionary activities (most provisions fall into this category, e.g. RESZ-O3 Appropriate activities, GRZ-O1 & O2, MRZ-O1 & O2, RESZ policies P3 to P6, GRZ-P1 and MRZ-P1).

98. Importantly, there are no policies that clearly guide the assessment of discretionary or non-complying activities. That is, there are no policies that use the following verbs typical for managing these activities, as set out in the draft PDP Writing Style Guide (2024):

- 'Only allow (discretionary activity) where (certain circumstances apply / effects can be adequately managed / key outcomes are achieved)'; or
- 'Avoid (non-complying activity) unless (limited specifically defined circumstances apply)'.

99. This gap is especially significant for the assessment of non-complying activities where the additional gateway test in section 104D of the RMA applies. Effectively, there is limited policy guidance to support declining an application for an activity that is not anticipated in the residential zones, detracting from the ability to effectively achieve the outcomes sought.

100. The following activities are discretionary in the GRZ and MRZ:

- Most permitted activities where scale thresholds or other conditions are not complied with; and
- Any other activity not otherwise listed as permitted, restricted discretionary or non-complying.

101. The following activities are non-complying in the GRZ and MRZ:

- Industrial activity;
- Commercial activity over 75m^2;

- Primary production;
- Large format retail activity; and
- Residential units that do not comply with the density standard.

102. As a minimum, I consider it necessary to add policies to the residential provisions to better guide the assessment of non-complying activities. However, at this stage I have not progressed drafting changes for most scenarios, as I wish to seek guidance from the Panel on the extent of changes they wish to explore.[16]

7.3.3 Recommendations

103. I recommend the following changes to the proposal by accepting in part FFNZ [246.7], as shown below and in **Appendix 1**:

- Amend the Introduction to the Residential Zones chapter to clarify the purpose of the Residential zones.

104. I recommend considering adding policy guidance for the assessment of non-complying activities to the residential provisions to ensure that the outcomes sought can be effectively achieved (by accepting in part Terramark [176.2] and FFNZ [246.2]).

105. I recommend amending various provisions throughout the residential provisions to respond to the above submissions, as detailed in the relevant sections of this report.

106. I recommend rejecting FFNZ [246.1 & 246.3] in relation to the residential provisions.

7.3.3.1 Drafting

Introduction
This chapter contains objectives and policies that apply to both the General Residential Zone and Medium Density Residential Zone. Please also refer to the zone chapters for specific objectives, policies and rules for each zone. ~~The purpose of the Residential zones is to provide zones where residential amenity values and the quality of the built environment reflects the purpose and character intended for the Residential zones.~~ The Residential zones each have an intended purpose and character, as set out in the zone chapters. Overall, a ~~A~~ range of housing types, densities[17] and activities are provided for to meet the diverse needs of the community, with provisions to ensure that the effects of development on adjoining sites are minimised, including visual amenity, privacy and access to daylight and sunlight. Home businesses and other non-residential activities that support the social and economic health and well-being of the community are enabled where the activities minimise adverse effects on residential character and amenity values. Non-residential activities that are incompatible with residential amenity values, or which are more appropriately located in other zones, are discouraged.

7.3.4 Evaluation

107. The recommended drafting change to the introduction of the Residential Zones chapter is minor in nature but will improve interpretation of the Plan. The change will have no effect on the extent to which the residential objectives are achieved.

[16] I have progressed changes in relation to contravention of the residential site density standards in GRZ and MRZ, addressed in **Section 7.13**.
[17] FFNZ [246.7]

7.4 Sustainable residential development (RES-O4)

108. This section addresses submissions on the residential zones objective RESZ-O4 Sustainable residential development.

109. The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**. Overall, 3 original submission points and no further submission points are addressed here.

Submitter Name	Submission Point Number(s)
CRC	271.504 (RESZ-O4)
E Shultz	305.211 (RESZ-O4)
WPG 2	306.211 (RESZ-O4)

7.4.1 Submissions

110. E Schultz [305.211] and WPG 2 [306.211] sought amendments to the wording of RESZ-O4 so that sustainable development is encouraged where appropriate, rather than the more directive wording proposed, as it may limit development options.

111. CRC [271.504] did not seek any changes to RESZ-O4 as notified because it considered that the provisions give effect to CRPS Objective 5.2.1 and Policy 5.3.1.

7.4.2 Analysis

7.4.2.1 Background

112. RESZ-O4 is most relevant to the overall approach the Plan takes to providing for urban development. For example, it would guide the types of residential zones to include in the Plan, the sorts of development enabled in those zones, where to apply those zones, and how the interaction between urban development and climate change is managed across the Plan. It is less relevant to guiding the assessment of resource consent applications for activities that require consent in the residential zones.

113. As such, the objective is more strategic in nature. It is also written more like a policy than an objective, as it uses active phrases.

114. Aspects of RESZ-O4 that are implemented in the residential zone chapters include providing for efficient and sustainable use of land and supporting reductions in greenhouse gas emissions by enabling higher density living in accessible locations via the MRZ and multi-unit development provisions.

7.4.2.2 Amending the active phrases in RESZ-O4

115. Given the background above, I do not support changes to the active phrases used in RESZ-O4 as sought by E Schultz [305.211] and WPG 2 [306.211]. This would make the wording of the objective even more like a policy, and would introduce the term ‘encourage’, which may indicate that non-regulatory methods should be added to the Plan to implement the ‘policy-objective’.

116. There is potential to make other changes to this objective, such as merging it into the strategic directions chapter and wording it as an objective. If the Panel were of a mind to pursue these types of options, this could be done in response to the general submission from FFNZ [246.7] regarding removing duplication from the Plan (see **Section 7.3** above). However, I have not recommended such a change at this stage, as it is not critical for Plan implementation.

7.4.2.3 Recommendations

117. I recommend no changes to the proposal and that the submissions from E Schultz [305.211] and WPG 2 [306.211] are rejected and the submission from CRC [271.504] is accepted.

7.5 Location of residential development (RESZ-P1)

118. This section addresses submissions on policy RESZ-P1 Location of residential development, which applies across the GRZ and MRZ.

119. The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**. Overall, 6 original submission points and 2 further submission points are addressed here.

Submitter Name	Submission Point Number(s)
FENZ 2	163.83
HortNZ	166.58
KiwiRail	233.109
CRC	271.505
E Schultz	305.212 (CRC FS271)
WPG 2	306.212 (CRC FS271)

7.5.1 Submissions

120. E Schultz [305.212] and WPG 2 [306.212] sought various changes to the policy wording to make it less directive and provide additional flexibility where effects can be appropriately managed. CRC [FS271] opposed both points because they consider the notified wording better gives effect to CRPS Policy 5.3.1.

121. CRC [271.505] also supported the policy as notified in their original submission for similar reasons (including regarding giving effect to CRPS Objective 5.2.1 and policies 5.3.1, 5.3.2 and 5.3.5), alongside KiwiRail [233.109], who supported the policy as it seeks to ensure that reverse sensitivity effects on infrastructure are minimised.

122. HortNZ [166.58] sought changes to delete the last part of clause 6 regarding urban expansion onto highly productive land, as they considered the provision needs amending to meet the intent of the NPS-HPL.

123. FENZ 2 [163.83] sought changes to clause 3 regarding sequencing of development with the delivery of infrastructure to include reference to firefighting water because this is distinct from potable water requirements.

7.5.2 Analysis

7.5.2.1 Background

124. Policy RESZ-P1 reads as a strategic policy because it is most relevant to the overall approach the Plan takes to providing for urban development. It would also be relevant to assessing resource consent applications for residential development outside of a residential zone but, given the policy's location within the Residential Zones chapter, that purpose is less clear.

125. As such, this policy is unlikely to be relevant to assessing resource consent applications for residential development within the residential zones, except in relation to reverse sensitivity effects arising from contravention of the minimum setbacks standard for residential buildings in proximity to roads, rail, and industrial zones.[18]

126. RESZ-P1 seeks to implement RESZ-O1 Supply of residential land, and RESZ-O4 Sustainable residential development, with both objectives also being strategic in nature. There are connections and some overlap between these provisions and various strategic objectives, including SD-UFD-O1 Integrated management, SD-UFD-O2 Housing choice and intensification, SD-UFD-O3 Location of activities, SD-UFD-O5 District-wide growth, and SD-UFD-O6 Urban growth.

7.5.2.2 Making RESZ-P1 less directive

127. I agree with CRC [271.505 & FS271] that the notified wording of RESZ-P1 better gives effect to the relevant CRPS objective and policies than the wording proposed by E Schultz [305.212] and WPG 2 [306.212]. I have also considered the ORPS (particularly the UFD chapter) and the relevant UFD strategic objectives in the PDP and have reached the same conclusion.

128. Therefore, I do not support making RESZ-P1 less directive as sought by E Schultz [305.212] and WPG 2 [306.212].

7.5.2.3 Referencing firefighting water (clause 3)

129. I support the submission from FENZ 2 [163.83] to add reference to firefighting water in clause 3. While the inclusive wording of the clause would already provide for delivery of firefighting water as a relevant consideration, I think it is appropriate to explicitly list this to better guide decisions about where to locate residential zones.

7.5.2.4 Highly productive land (clause 6)

130. According to clause 3.5(6) of the NPS-HPL, any land that otherwise would meet the definition of highly productive land ceases to be highly productive land when it is rezoned to a residential zone, from the date that the plan change becomes operative.

[18] Although this is already built into policy RESZ-P2(5), which sets up the minimum setback standards.

131. Therefore, it generally does not make sense to include a policy regarding residential development on highly productive land within a Residential Zones chapter, as such chapters should generally deal with the management of activities on land that is already zoned residential.

132. However, I have not identified any submissions seeking that RESZ-P1 be moved to the strategic directions chapter as an alternative.[19]

133. Therefore, RESZ-P1 would stay within the Residential Zones chapter while performing a more strategic function regarding rezoning decisions and there is a need to consider the submission from HortNZ [166.58] in that light.

134. To support residential rezoning decisions, I consider clause 6 to generally be superfluous, as the NPS-HPL can effectively stand alone as detailed policy guidance to manage highly productive land, and does not require further fleshing out within the PDP. Including additional detail within the PDP on the management of highly productive land risks conflicting with the NPS-HPL requirements, as is evident from the HortNZ submission.

135. However, the submission from HortNZ [166.58] has not sought deletion of clause 6. Therefore, I support making changes to clause 6 to better align it with the NPS-HPL, albeit with different wording than that sought by the submitter.

7.5.3 Recommendations

136. I recommend the following changes to the proposal by accepting the submission from FENZ 2 [163.83] and accepting in part the submission from HortNZ [166.58], as shown below and in **Appendix 1**:

- Amend RESZ-P1 to:
  - Refer to firefighting water in clause 3; and
  - Better give effect to the NPS-HPL in clause 6 regarding expansion of urban areas onto highly productive land.
- Consequential changes to:
  - Add NPSHPL to the Abbreviations chapter.

137. I recommend rejecting the submissions from E Schultz [305.212] and WPG 2 [306.212] and accepting in part the submissions from CRC [271.505] and KiwiRail [233.109].

[19] Although, if the Panel is of a mind to do so, there may be scope in the general submission from FFNZ [246.7] on removing duplication from the plan to consolidate RESZ-P1 with the urban form and development strategic directions.

7.5.3.1 Drafting

RESZ-P1	Location of residential development
Locate residential development to ensure: 1. a clear distinction between urban residential and rural areas; and 2. a compact urban form is maintained and attached to existing towns and settlements; and 3. it occurs in a co-ordinated pattern of development and is sequenced with the delivery of infrastructure, including roading, potable water, firefighting water, [20]and stormwater and wastewater disposal; and 4. reverse sensitivity effects on rural and industrial land uses, and infrastructure, are minimised; and 5. provision is made for residential intensification near the Town Centre Zone and areas with good accessibility to commercial activities and community services; and 6. that the expansion of urban areas onto highly productive land is avoided~~, unless there are no reasonably practicable alternatives.~~ except as provided for in the NPSHPL.[21]	

Abbreviations	Full terms
…	…
NPS	National Policy Statement
NPSHPL	National Policy Statement on Highly Productive Land 2022[22]
…	

7.5.4 Evaluation

138. The recommended changes are relatively minor in scale and significance. The changes will ensure that the NPS-HPL is better given effect to by avoiding policy wording that has a different meaning to the NPS-HPL itself for managing expansion of urban areas onto highly productive land. The wording chosen aligns with that used in the ORPS UFD chapter.

139. The change to reference sequencing of development with the delivery of firefighting water infrastructure is effectively a clarification, as that clause of the policy has inclusive wording regarding the infrastructure to be delivered, and the supply of firefighting water is important to support urban development.

7.6 Design of new development (RESZ-P2)

140. This section addresses submissions on policy RESZ-P2 Design of new development, which applies across the GRZ and MRZ. It does not address the parts of three submissions regarding RESZ-P2(9), which relates to the standards for servicing and firefighting water supply and access (GRZ-S11 and MRZ-S11). This topic is addressed separately in **Section 7.20**.

141. The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation

[20] FENZ [163.83]
[21] HortNZ [166.58]
[22] Consequential change for HortNZ [166.58]

to each point is provided in full in **Appendix 2**. Overall, 7 original submission points and one further submission point are addressed here.

Submitter Name	Submission Point Number(s)
Rabbidge Group	85.3
P Plunket	147.2
FENZ 2	163.84 - part
KiwiRail	233.110
CRC	271.506
E Schultz	305.213 – part
WPG 2	306.213 – part (KO FS168)

7.6.1 Submissions

142. P Plunket [147.2], FENZ 2 [163.84], KiwiRail [233.110] and CRC [271.506] supported the policy as notified, as it seeks to manage the effects of building bulk and location, ensure new development is well-designed, and gives effect to CRPS Objective 5.2.1 and policies 5.3.1, 5.3.2 and 5.3.5.

143. Rabbidge Group [85.3] sought that a commencement date be added for the policy, being the date the Plan becomes operative, because the policy is ambiguous in this regard.

144. E Schultz [305.213] and WPG 2 [306.213] sought various changes to the policy to provide greater flexibility. The changes sought included:

- Amending clause 1 that sets up the residential design guidelines method, to limit this to where appropriate for the residential area
- Deleting clause 4.b that sets up the frontage fencing standards; and
- Amending clause 6 that sets up the outdoor living space standards to delete the last part regarding when reductions in outdoor living space will be considered.

145. A further submission from KO [FS168] opposed the submission from WPG 2 [306.213] because it supports the notified policy and supports the consideration of reductions in outdoor living space where alternative arrangements for open space are available.

7.6.2 Analysis

7.6.2.1 Background

146. Policy RESZ-P2 is the key policy in the Residential Zones chapter that sets up the methods and standards used in the GRZ and MRZ to achieve objective RESZ-O2 Scale, form and design of development in Residential Zones. Each clause of the policy links to a method or standard in the GRZ and MRZ.

7.6.2.2 Adding commencement date

147. Regarding the submission from Rabbidge Group [85.3], I do not support referring to the date from which the policy commences.

148. This is because the timeframes for when provisions in a district plan have legal effect, are deemed operative, or become fully operative, are dealt with separately within the RMA. It is inappropriate to duplicate those provisions within the Plan.

7.6.2.3 Residential design guidelines (clause 1)

149. Background on the two sets of residential design guidelines that have been developed to support the Plan is given in **Section 7.21** as part of the assessment of submissions on those guidelines. This sets out that there are both voluntary residential design guidelines that sit outside the Plan and the Medium Density Residential Design Guidelines (MDRDGs) that are provided in Appendix 11 to the Plan.

150. Both sets of design guidelines are targeted to specific spatial areas, or specific types of development, and do not apply broadly across all residential areas.

151. The opening verb for RESZ-P1 of "Ensure..." indicates that the methods it lists are intended to be enforceable to achieve the policy's stated outcomes, rather than optional. Therefore, I consider that clause 1 should not relate to voluntary design guidelines that sit outside the Plan but should only set up the method within the Plan, being the MDRDGs that apply to medium density residential development in both the GRZ and MRZ.

152. Therefore, I am somewhat supportive of the submissions from E Schultz [305.213] and WPG 2 [306.213] to refer to the guidelines being introduced where appropriate to the residential area, but I consider that more targeted wording that applies the clause to the MDRDGs is clearer and more certain.

7.6.2.4 Frontage fencing standards (clause 4.b)

153. Background on the frontage fencing standards is given in **Section 7.18** as part of the assessment of submissions on those standards. I do not support submissions seeking deletion of the GRZ frontage fencing standard (including submissions from E Schultz and WPG 2) for the reasons outlined in that report section.

154. As deletion of clause 4.b of RESZ-P2 would necessitate the deletion of the associated frontage fencing standards, I do not support the submissions from E Schultz [305.213] and WPG 2 [306.213], for the same reasons outlined in **Section 7.18**.

7.6.2.5 Outdoor living space standards (clause 6)

155. There were no submissions on the outdoor living space standards that clause 6 of RESZ-P2 sets up.

156. However, I note that outdoor living space standards can no longer be considered when assessing the effects of a land use consent for a residential activity due to the impending addition of s104(1A) to the RMA (see **Section 5.1** for further details). Therefore, deletion of clause 6 entirely, and the associated outdoor living space standards, may be undertaken in future (subject to Council approval) as part of a possible plan change to remove parts of the PDP that can no longer be given effect to.

157. In the meantime, I do not support the submissions from E Schultz [305.213] and WPG 2 [306.213] that seek deletion of the last part of RESZ-P2 clause 6, as I consider removal of

all relevant parts of the outdoor living space requirements in one future stage to be a more efficient process.

7.6.3 Recommendations

158. I recommend the following changes to the proposal by accepting in part the submissions from E Schultz [305.213] and WPG 2 [306.213], as shown below and in **Appendix 1**:

- Amend RESZ-P2 to:
    - Limit clause 1 to the introduction of the Medium Density Residential Design Guidelines for medium density development as that is the only residential design guide that can ensure well designed development because it is included in the Plan.

159. I recommend rejecting Rabbidge Group [85.3] and accepting in part P Plunket [147.2], FENZ 2 [163.84], KiwiRail [233.110] and CRC [271.506].

7.6.3.1 Drafting

RESZ-P2	Design of new development
Ensure that new development in residential areas is well designed and laid out, including by: 1. introducing Medium Density Residential Design Guidelines to guide medium density development in residential areas; and[23] 2. ...	

7.6.4 Evaluation

160. The recommended changes are relatively minor in scale and significance and are intended to achieve consistency between the policy wording and the approach to the residential design guidelines. This will provide clarity for Plan users but will not affect the degree to which these provisions achieve the relevant objectives.

7.7 Minor residential units (RESZ-P6)

161. This section addresses submissions on policy RESZ-P6 Minor residential units, which applies across both GRZ and MRZ. No submissions sought changes to the rules for minor residential units, being GRZ-R5 and MRZ-R5.[24]

162. Background on the impact of the NES-DMRU is provided in **Section 6.6** above.

163. The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**. Overall, 2 original submission points and no further submission points are addressed here.

[23] E Schultz [305.213] and WPG [306.213]

[24] I note that a submission from M McKenzie [149.9] supported GRZ-R5 and sought to allow this in any residential type zones or uses. I have taken this to mean that he supports GRZ-R5 and MRZ-R5. It would also mean he supports the equivalent rules for RLZ and SETZ, which are not addressed in this report.

Submitter Name	Submission Point Number(s)
CRC	271.510
D & K Ellis	272.119

7.7.1 Submissions

164. D & K Ellis [272.119] sought inclusion of a new policy clause to include caravans and other relocatable accommodation as a form of minor residential unit. They sought this because temporary accommodation can be used as permanent accommodation, resulting in multiple families living on one residential site, and they considered that the current provision is unclear on whether this is managed.

165. CRC [271.510] did not seek changes to the policy as notified.

7.7.2 Analysis

166. Minor residential units are defined in the PDP according to the NPStds definition, as follows:

means a self-contained residential unit that is ancillary to the principal residential unit and is held in common ownership with the principal residential unit on the same site.

167. Residential unit is defined in the PDP according to the NPStds definition, as follows:

means a building(s) or part of a building that is used for a residential activity exclusively by one household, and must include sleeping, cooking, bathing and toilet facilities.

168. Building is defined in the PDP according to the NPStds definition, as follows:

means a temporary or permanent movable or immovable physical construction that is:

a. partially or fully roofed; and
b. fixed or located on or in land;
c. but excludes any motorised vehicle or other mode of transport that could be moved under its own power.

169. I am uncertain as to whether a caravan or other relocatable accommodation would ever be considered as being held in common ownership with a principal residential unit on the same site. Interpretation of this aspect of the definition of minor residential unit may require legal advice.

170. However, the rest of the definitions that relate to the definition of minor residential unit do appear to provide for caravans and other relocatable accommodation, unless it is a motorised vehicle or able to move under its own power (e.g. it could include a caravan or tiny home intended to be towed).

171. The above definitions cannot be amended as Council is required to use them by the NPStds. I also consider it inappropriate to amend RESZ-P6 as a means to amend what a minor residential unit is, as this would result in a provision that is inconsistent with the applicable definitions. Therefore, I do not support making the changes requested by D & K Ellis [272.119].

172. If their submission arises because of concerns about over-dense land use in residential zones, this is already managed by the rules that apply to residential units generally (GRZ-R3 and MRZ-R3) which permit residential units where the density standard is complied with (GRZ-S1 and MRZ-S1). Contravention of the density standard requires resource consent as a non-complying activity.

173. I note that this approach does not capture motorised vehicles used as residential units due to the definition of building. However, it is unclear whether there is an existing significant issue with the use of motorised vehicles as permanent accommodation, or whether this is an issue that should be managed by the district plan.

174. I note that provisions for visitor accommodation may be relevant in some circumstances.

7.7.3 Recommendations

175. I recommend no changes to the proposal and that the submission from D & K Ellis [272.119] is rejected and the submission from CRC [271.510] is accepted.

7.8 Sustainable design (RESZ-P7)

176. This section addresses submissions on the residential zones policy RESZ-P7 Sustainable design. However, it does not address the submission from J Laurie [76.1], as this relates more to managing the design and character of development in Lake Ōhau Village, which is dealt with separately in **Section 7.22**.

177. The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**. Overall, 4 original submission points and no further submission points are addressed here.

Submitter Name	Submission Point Number(s)
CRC	271.511
E Shultz	305.214
WPG 2	306.214
NPHS	164.37

7.8.1 Submissions

178. NPHS [164.37] sought amendments to RESZ-P7 so that universal design standards are considered for all development. They noted that one in six people in Aotearoa New Zealand have a disability that would be better managed if they lived in a home designed to universal design standards, and that the prevalence of disability increases with age which is relevant to Waitaki's ageing population.

179. E Schultz [305.214] and WPG 2 [306.214] sought deletion of the universal design standards clause from RESZ-P7, along with changes to the chapeau to qualify the application of the policy to 'where appropriate' to enable flexibility.

180. CRC [271.511] did not seek any changes to RESZ-P7 as notified because it considered that the provision gives effect to CRPS Objective 5.2.1 and Policy 5.3.1.

7.8.2 Analysis

7.8.2.1 Background

181. Policy RESZ-P7 appears to be intended to achieve in part RESZ-O4 Sustainable residential development by encouraging and advocating for the minimisation of energy and water use. The policy also encourages and advocates for universal design to provide for all stages of life and abilities, which is more relevant to achieving RESZ-O2 regarding new development that supports community health, safety and well-being.

182. However, the policy is largely unimplemented by the residential provisions, other than indirectly through the bulk and location standards managing shading effects as part of amenity considerations.

7.8.2.2 Universal design in RESZ-P7(2)

183. In relation to the design of buildings, which is the subject of RESZ-P7, universal design would primarily relate to the design of the interior spaces of buildings. As the internal layout of buildings is no longer within the scope of effects that can be considered in assessing resource consents due to the upcoming addition of s104(1A) to the RMA, it may no longer be desirable to include the universal design clause within RESZ-P7.

184. Furthermore, as outlined above, there are currently no methods within the PDP that implement this clause.

185. Overall, rather than add methods to the zone chapters to implement RESZ-P7(2), I consider it appropriate to delete this clause as sought by E Schultz [305.214] and WPG 2 [306.214].

7.8.2.3 'Encouraging and advocating' for outcomes in RESZ-P7

186. E Schultz [305.214] and WPG 2 [306.214] also sought changes to the other parts of RESZ-P7 to delete the words 'advocate for' from the chapeau, and generally make the policy apply only 'where appropriate'.

187. I support the deletion of the words 'advocate for' as I am unsure how a district plan would implement that directive within its methods. I do not support applying the policy only 'where appropriate' as this makes policy wording more uncertain without further elaboration and I am mindful that the aspects of the policy that relate to the minimisation of energy use and use of passive solar design are partly implemented, if indirectly, by the bulk and location standards.

188. The use of the word 'encourage' is problematic in that it would appear to set up a non-regulatory method that currently does not exist in the Plan. However, there is no scope to amend this word, or to delete the parts of the policy that are unimplemented. If the Panel is of a mind to, there would be scope to add a non-regulatory method to implement the remaining policy in response to the general submission from FFNZ [246.3] regarding 'encourage' policies, traversed at the General Submissions hearing (see **Section 7.3**).

However, this is not something I have put my mind to at this stage as the PDP has tended to stay away from including non-regulatory methods.

7.8.3 Recommendations

189. I recommend the following changes to the proposal by accepting in part the submissions from E Schultz [305.214] and WPG 2 [306.214], as shown below and in **Appendix 1**:

- Amend RESZ-P7 to:
  - Delete the words "and advocate for" from the chapeau because the intent for implementation is unclear; and
  - Delete clause 2 regarding universal design as the policy is not implemented in the residential zone provisions, and the internal layout of buildings will soon no longer be able to be considered in assessing resource consent applications.

190. I recommend rejecting the submission from NPHS [164.37] and accepting in part CRC [271.511].

7.8.3.1 Drafting

RESZ-P7	Sustainable design
In relation to design of buildings in Residential zones, encourage ~~and advocate for~~: 1. minimisation of energy and water use and the use of low impact design such as optimal site layout, passive solar design, solar power and water heating, and, where appropriate, greywater recycling~~; and~~ 2. ~~universal design which provides for all stages of life development, size, and abilities, in particular in relation to retirement village living and minor residential units~~.[25]	

7.8.4 Evaluation

191. The recommended changes clarify the aspects of RESZ-P7 that are within the scope of submissions to amend.

192. While deleting clause 2 on universal design detracts from effectively achieving objective RESZ-O2, the scale and nature of the change is relatively minor when considered alongside the direction that will soon sit outside the PDP in s104(1A) of the RMA, and the fact that this clause is currently not implemented by any rules, standards or non-regulatory methods in the PDP.

7.9 Character of the General Residential Zone (GRZ-O2)

193. This section addresses submissions on objective GRZ-O2 Character of the General Residential Zone.

194. The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**. Overall, 7 original submission points and no further submission points are addressed here.

[25] E Schultz [305.214] and WPG [306.214]

Submitter Name	Submission Point Number(s)
FENZ 2	163.88
KO	168.10
MOED	242.43
CRC	271.514
E Shultz	305.216
WPG 2	306.216
F Heffernan	314.1

7.9.1 Submissions

195. All submitters listed in the table above supported GRZ-O2 and sought its retention as notified, except for F Heffernan [314.1].

196. F Heffernan [314.1] referred to GRZ-O2 when seeking that the Plan allows for innovative access options for GRZ land such as provision for two-way mirrors or barrier arms at the entry to an accessway used by multiple parties.

7.9.2 Analysis

197. The relief sought by F Heffernan [314.1] appears to relate to the submitter's experience at their own property at 77 Awamoa Road, where they considered that a previous consent granted for a hairdressing salon on neighbouring land at 79 Awamoa Road caused issues for the submitter's property access in some way.

198. I have reviewed the consent information for the hairdressing salon and can confirm that this was granted consent as a discretionary home occupation activity under consent 201.2013.304 on 7 February 2013. The development of the buildings themselves did not require resource consent, as no infringements of boundary setbacks, access or other standards are addressed in the consent decision.

199. **Figure 5** below shows the access to 77 Awamoa Road in relation to the hairdressing salon at 79 Awamoa Road.

200. Council's Development Engineer, Rodger McGaw, is unaware of any issues being raised regarding property access at this location.

201. Overall, it is unclear to me why innovative access solutions are required for this specific site. I also consider that objective GRZ-O2 would not be the appropriate place to provide for such solutions generally, as these relate more to matters addressed in the Transport chapter of the Plan regarding vehicle crossings and site access. It is possible that innovative access solutions can already be used as mitigation measures where Transport access standards are contravened.



Figure 5: Image showing access to 77 Awamoa Road in relation to a lawfully established hairdressing salon

7.9.3 Recommendations

202. I recommend no changes to the proposal and that the submission from F Heffernan [314.1] be rejected and the other submissions listed in the table above be accepted.

7.10 Residential visitor accommodation (GRZ-R9)

203. This section addresses submissions on the rule for permitted residential visitor accommodation in the GRZ, being GRZ-R9. There were no submissions on the equivalent standard for the MRZ.

204. The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**. Overall, 5 original submission points and no further submission points are addressed here.

Submitter Name	Submission Point Number(s)
H Osborne	26.3
M Carena	73.6 - part
CRC	271.524
E Schultz	305.218
WPG 2	306.218

7.10.1 Submissions

205. H Osborne [26.3], E Schultz [305.218] and WPG 2 [306.218] all sought an increase in the permitted maximum occupancy of guests from five per night. H Osborne [26.3] sought an increase to ten guests per night, while E Schultz [305.218] and WPG 2 [306.218] sought an increase to eight guests per night. The changes were generally sought to better reflect dwelling sizes (e.g. dwellings of 3 - 5 bedrooms) while protecting amenity.

206. H Osborne [26.3] also set out an alternative option of not limiting the number of guests per night and instead requiring that the activity be contained within an existing residential unit.

207. H Osborne [26.3] noted that Christchurch City enables up to 10 guests, which provides greater flexibility to accommodate two families travelling together. WPG 2 [306.218] noted that it is unclear why the maximum occupancy is limited to five guests when supported residential care and boarding houses provide for nine people and could have similar traffic and amenity effects.

208. M Carena [73.6 - part] sought a maximum of 3 – 4 guests per night for a 200m^2 unit, with specific reference to Lake Ōhau Village, because some small properties offer accommodation to around 10 guests per night, which does not minimise adverse effects on residential character and amenity, water use, and other effects.

209. CRC [271.524] did not seek any changes to the rule as notified.

7.10.2 Analysis

7.10.2.1 Background

210. Residential visitor accommodation (RVA) is defined in the PDP, as follows (***emphasis added***):

    means the use of an ***occupied residential unit*** *for temporary accommodation advertised for a tariff to paying guests that is* ***secondary and incidental to the use of the house for a residential activity***.

211. RVA is a type of visitor accommodation and is within the commercial activities category in the PDP (refer to the nesting tables).

212. The more general activity of visitor accommodation is defined in the PDP as follows:

    means land and/or buildings used for accommodating visitors, subject to a tariff being paid, and includes any ancillary activities.

213. Therefore, the key difference between RVA and visitor accommodation generally is that RVA is secondary to the use of a building for residential activity exclusively by one household, for which it must be occupied. This would mean that some typical 'Air BnB-type' use of houses would fall under the general definition of visitor accommodation because they are not an occupied residential unit where the accommodation use is secondary or incidental.

214. Objective RESZ-O3 seeks that residential zones accommodate non-residential activities where these support the function of local communities and minimise adverse effects on residential amenity values and coherence.

215. Policy RESZ-P4 seeks to achieve this by providing for commercial activities where these are of a scale that is ancillary to residential use, or where they maintain residential amenity values through residential scale and design, and where they do not diminish the role of established Commercial zones as the primary location for commercial activity (among other criteria).

216. This approach is reflected in GRZ-O2, which seeks to provide for small scale commercial activities that service the local community, and home businesses, at a scale consistent with surrounding residential character and amenity values. [26]

217. Residential visitor accommodation is permitted in the GRZ subject to a limit of five guests per night and a limit of no more than 20 vehicle movements per 24-hour period combined with the residential unit, including no more than two heavy vehicle movements a day. Where those limits are not complied with, a resource consent is required as a discretionary activity.

218. Other types of visitor accommodation (including homestay, which has a very similar definition to RVA) are managed in the GRZ by general rules for commercial activity. [27] Commercial activity under 75m^2 is a discretionary activity (GRZ-R18) and commercial activity over 75m^2 is a non-complying activity (GRZ-R20).

7.10.2.2 Guest limit per night

219. The guest limit per night is an additional way the PDP manages the scale and nature of RVA activities and effects, over and above the key limitations in the definition of RVA itself.

220. Given that a building must be occupied as a residential unit to qualify as RVA, and the accommodation use must be secondary and incidental to that use, I consider that a guest limit of five guests per night is appropriate. Should the RVA activity occur for a substantial part of a year, the household would effectively be required to occupy the residential unit at the same time as guests, which would stretch the capacity of many dwellings, and may have limited uptake due to the overall level of disruption to households.

221. Regarding the comments from WPG 2 [306.218] on supported residential care permitting nine residents and boarding houses permitting six residents, I do not consider those activities to be directly comparable to RVA. That is, supported residential care and

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[26] Home business has a similar definition to RVA: "*means a commercial activity that is: a. undertaken or operated by at least one resident of the site; and b. incidental to the use of the site for a residential activity.*"

[27] "*Homestay means the use of an occupied residential unit for visitor accommodation by paying guests. This includes bed and breakfasts, farm stays and the use of a minor unit by paying guests where the principal unit is occupied by residents and visa versa.*" Provisions specifically for homestays only appear in the Rural Lifestyle Zone, Settlement Zone and Special Purpose Macraes Mining Zone.

boarding houses are residential activities where residents live in place, rather than multiple visitors coming and going in relatively short spaces of time.

222. RVA can have quite different effects than residential activity, including from guests arriving late at night and making noise due to being unfamiliar with their surroundings, or from guests hosting parties or undertaking other disruptive activities when they are on holiday. These effects can be managed to an extent by permitting RVA for occupied residential units where the activity is secondary and incidental, and by retaining a relatively low guest limit per night.

223. Where higher numbers of guests per night are sought, the appropriate avenue, based on the outcomes sought in the relevant objectives above, is for either:

    a. The activity to require consent as a discretionary activity under GRZ-R9 (where it still truly meets the definition of RVA); or

    b. The activity to require consent as a discretionary or non-complying activity under GRZ-R18 or GRZ-R20 (where the activity is visitor accommodation because it does not meet the restrictions in the RVA definition).

224. Therefore, I do not support the relief sought in the submissions from H Osborne [26.3], E Schultz [305.218] and WPG 2 [306.218].

225. Regarding the submission from M Carena [73.6 - part] to reduce the number of guests permitted per night, I would be interested to know whether the examples the submitter is referring to would meet the definition of RVA, or whether they would be considered visitor accommodation generally and would require consent.

7.10.3 Recommendations

226. I recommend no changes to the proposal and that the submissions from H Osborne [26.3], E Schultz [305.218], WPG 2 [306.218] and M Carena [73.6 - part] are rejected, and the submission from CRC [271.524] is accepted.

7.11 Educational facilities (GRZ-R10, MRZ-R10 & MRZ-O2)

227. This section addresses submissions on the rules for permitted educational facilities, being GRZ-R10 and MRZ-R10, along with submissions on objective MRZ-O2 (where the only changes sought relate to educational facilities).

228. The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**. Overall, 8 original submission points and no further submission points are addressed here.

Submitter Name	Submission Point Number(s)
MOED	242.44 (GRZ-R10), 242.48 (MRZ-R10), 242.47 (MRZ-O2)
CRC	271.525 (GRZ-R10)
E Schultz	305.219 (GRZ-R10)

Submitter Name	Submission Point Number(s)
WPG 2	306.219 (GRZ-R10)
FENZ 2	163.91 (MRZ-O2)
KO	168.16 (MRZ-O2)

7.11.1 Submissions

229. MOED [242.44 & 242.48] sought amendments to both GRZ-R10 and MRZ-R10 to provide some flexibility to the hours of operation for educational facilities, to accommodate special activities such as school balls or the use of sports fields, and to change the activity status of contraventions from discretionary to restricted discretionary, with matters of discretion to ensure that the consideration of effects is appropriately limited to matters of relevance.

230. For GRZ-R10, E Schultz [305.219] and WPG 2 [306.219] sought inclusion of a limit of no more than ten students on site at any one time, with contravention being a discretionary activity. This change was sought to manage amenity effects.

231. CRC [271.525] did not seek changes to the GRZ-R10 as notified.

232. For MRZ-O2, MOED [242.47] sought inclusion of a reference to providing for educational facilities in the MRZ, as they play an important role in servicing the surrounding community.[28]

233. FENZ 2 [163.91] and KO [168.16] supported MRZ-O2 as notified, because it provides for emergency service facilities and multi-unit development.

7.11.2 Analysis

7.11.2.1 Background

234. Objective RESZ-O3 seeks that residential zones accommodate non-residential activities where these support the function of local communities and minimise adverse effects on residential amenity values and coherence.

235. Policy RESZ-P5 seeks to achieve this by providing for certain non-residential activities where a local need is demonstrated, or the predominant use of the site remains residential, or where such activities can generally be expected to be found there and the activity is compatible in terms of effects on surrounding activities, and the impact of adverse effects is minimised, particularly in relation to hours of operation.

236. This approach is then reflected in objectives GRZ-O1 and MRZ-O1, and with educational facilities being permitted by rules GRZ-R10 and MRZ-R10 subject to limits on floor area and hours of operation. Where those limits are not complied with, a resource consent is required as a discretionary activity.

[28] Note that MOED [242.43] also submitted on GRZ-O2 but supported the wording as notified. Submissions on GRZ-O2 are addressed in **Section 7.9.**

237. Many schools operated by the Ministry of Education are in the GRZ or MRZ and operate under designations for education purposes.[29] As such, the GRZ and MRZ rules for educational facilities do not apply to these schools and would be more relevant to the establishment of new schools or expansion of existing schools that do not operate under a designation (e.g. St Kevin's College).

7.11.2.2 Activity status

238. MOED [242.44 & 242.48] sought to change the activity status of contraventions from discretionary to restricted discretionary.

239. Given that any exceedance of the scale thresholds in GRZ-R10 or MRZ-R10 could vary considerably and have the potential to result in a wide range of effects, I consider it desirable to retain discretionary activity status for contraventions.

240. This approach aligns with that taken for other permitted non-residential activities that are subject to scale thresholds and limits on hours of operation. It also aligns with the approach in the NPS-I where infrastructure, including additional infrastructure such as schools, should be compatible with other activities as far as practicable, and should manage adverse effects.[30]

241. The Minister of Education retains status as a requiring authority, so the designation pathway remains an option for MOED to enable larger educational facilities in residential zones.

7.11.2.3 Hours of operation

242. MOED [242.44 & 242.48] sought that the permitted activity condition PER-2 on hours of operation be amended to refer to the 'general' hours of operation, to provide flexibility.

243. I do not support this approach for a permitted activity condition, as it introduces uncertainty as to when an activity complies (or not) and could frustrate Plan implementation.

244. Adding the word 'general' may also not encompass the uses mentioned in the submission of school balls (which typically run much later than 7:00pm and can be on weekends), or the use of school fields (which is often on weekends).

245. I consider that the proposed hours of operation of between 7:00am to 7:00pm, Monday to Friday, are appropriate given the residential zone context and the objectives and policies outlined in the background above. Policy RESZ-P5 emphasises the need to minimise adverse effects in relation to hours of operation.

246. Should activities be proposed outside of those hours, it may be possible that the activity is enabled under the Temporary Activities chapter of the Plan. Otherwise, it is appropriate that a consent be required to ensure that adverse effects are appropriately addressed.

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[29] Refer to the Designations chapter of the PDP, which includes ten schools that are zoned GRZ or MRZ.
[30] See Objective 2.1(1)(d-e) npsi-2025

7.11.2.4 Limits on student numbers

247. For GRZ-R10, E Schultz [305.219] and WPG 2 [306.219] sought inclusion of an additional scale threshold of no more than ten students on site at any one time.

248. I consider such a scale threshold to be unnecessary in addition to the gross floor area threshold, which acts as a proxy for occupancy to ensure that amenity and other effects are appropriately constrained.

249. I note that the activity is also subject to rules in the Transport chapter for vehicle trip generating activities (TRAN-R4). This includes limits on student numbers for three different types of educational facilities, with the limits depending on the road classification near the site. The student limit ranges between 10 children[31] and 250 FTE students[32], depending on the scenario. Where those thresholds are infringed, the activity would require consent as a restricted discretionary activity under TRAN-R4, which would require lodgement of an integrated transport assessment.

7.11.2.5 Objective MRZ-O2

250. For MRZ-O2, MOED [242.47] sought inclusion of a reference to providing for educational facilities in the MRZ. However, I note that they have not sought the same change for the equivalent GRZ-O2.

251. I have also identified a degree of overlap between the provisions that provide for non-residential activities in the RESZ chapter (i.e. RESZ-O3 and RESZ-P5) and the zone-specific provisions on the purpose and character of the GRZ and MRZ, which also address non-residential activities (i.e. GRZ-O1, GRZ-O2, GRZ-P1 (indirectly); and MRZ-O1, MRZ-O2, and MRZ-P1 (indirectly)).

252. This duplication could be resolved in response to the general submission from FFNZ [246.7] seeking simplification of Plan provisions and removal of duplication (see **Section 7.3**). However, at this stage I have not recommended making such changes as this would require considerable reworking of the affected provisions and is not critical to implementation of the Plan.

253. Overall, I am generally supportive of the relief sought by MOED [242.47] as educational facilities are already provided for in the MRZ.

7.11.3 Recommendations

254. I recommend the following changes to the proposal by accepting MOED [242.47], as shown below and in **Appendix 1**:

- Amend MRZ-O2 so that it recognises that educational facilities are provided for in the MRZ.

[31] For childcare services on an access road (including access low volume).
[32] For tertiary education services on a national (SH1), arterial, primary collector, and secondary collector road.

255. I recommend that the other submissions listed in the table above are rejected, except that CRC [271.525] should be accepted and FENZ 2 [163.91] and KO [168.16] should be accepted in part.

7.11.3.1 Drafting

MRZ-O2	Character of the Medium Density Residential Zone
The Medium Density Residential Zone: 1. provides for a range of higher density living opportunities in areas with better access for walking, cycling and other active transport to local services and facilities, parks, the Town Centre Zone and local commercial centres; and 2. provides for multi-unit redevelopment opportunities through flexible development controls and encouragement for multi-site redevelopment; and 3. ensures high quality building and landscape design for multi-unit development with appropriate streetscape landscaping and positive contribution to streetscape character; and 4. provides for small-scale commercial activities, ~~or~~ community-based activities, and educational facilities, that[33] service the local community, and home occupations; and 5. provides for emergency service facilities where the activity has an operational need or functional need to locate in the zone and is of a scale and design consistent with the surrounding residential character and amenity values.	

7.12 Medical and health facilities (GRZ-R11)

256. This section addresses submissions on the rule for permitted medical and health facilities in the GRZ, being GRZ-R11. There were no submissions on the equivalent standard for the MRZ.

257. The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**. Overall, 3 original submission points and no further submission points are addressed here.

Submitter Name	Submission Point Number(s)
CRC	271.526
E Shultz	305.220
WPG 2	306.220

7.12.1 Submissions

258. E Schultz [305.220] and WPG 2 [306.220] supported the rule in part but sought application of an additional scale threshold of a maximum of five registered medical or health practitioners operating from the activity per day to manage amenity and traffic effects.

259. CRC [271.526] did not seek any changes to the rule as notified.

[33] MOED [242.7]

7.12.2 Analysis

7.12.2.1 Background

260. Medical and health facilities are classified as a type of community facility in the PDP, as set out in the nesting tables.

261. Objective RESZ-O3 seeks that residential zones accommodate non-residential activities where these support the function of local communities and minimise adverse effects on residential amenity values and coherence.

262. Policy RESZ-P5 seeks to achieve this by providing for certain non-residential activities where a local need is demonstrated, or the predominant use of the site remains residential, or where such activities can generally be expected to be found there and the activity is compatible in terms of effects on surrounding activities, and the impact of adverse effects is minimised, particularly in relation to hours of operation.

263. This approach is then reflected in objective GRZ-O1, and with medical and health facilities being permitted by GRZ-R11, subject to limits on floor area and hours of operation. Where those limits are not complied with, a resource consent is required as a discretionary activity.

7.12.2.2 Limits on medical or health practitioner numbers

264. Regarding the application of an additional scale threshold for the number of practitioners on site requested by E Schultz [305.220] and WPG 2 [306.220], I consider such a scale threshold to be unnecessary. This is because the scale of the activity is already managed by the gross floor area threshold of 300m^2, which acts as a proxy for occupancy to ensure that amenity effects are appropriately constrained in the GRZ environment.

265. I note that the activity is also subject to rules in the Transport chapter for vehicle trip generating activities (TRAN-R4). This includes two gross floor area limits for hospital and healthcare activity of 500m^2 (where on a national (SH1), arterial, primary collector, and secondary collector road); and of 150m^2 (where on an access road, including access low volume). Therefore, where the more restrictive limit of 150m^2 gross floor area applies, the activity would require consent as a restricted discretionary activity under TRAN-R4, which would require lodgement of an integrated transport assessment.

7.12.3 Recommendations

266. I recommend no changes to the proposal and that the submissions of E Schultz [305.220] and WPG 2 [306.220] are rejected and that the submission from CRC [271.526] is accepted.

7.13 Residential site density (GRZ-R3, MRZ-R3 & MRZ-S1)

267. This section addresses submissions on the rules and standards for density, being GRZ-R3, MRZ-R3 and MRZ-S1. There were no submissions seeking changes to GRZ-S1, although this provision is related to GRZ-R3, which does have submissions.

268. The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**. Overall, 5 original submission points and 1 further submission point are addressed here.

Submitter Name	Submission Point Number(s)
M Carena	73.6 - part
KO	168.11 (GRZ-R3; WPG FS306), 168.18 (MRZ-R3) & 168.19 (MRZ-S1)
CRC	271.518 (GRZ-R3)

7.13.1 Submissions

269. For GRZ-R3, KO [168.11] sought that the activity status for when GRZ-S1 Residential site density is contravened should be restricted discretionary rather than non-complying, although suggestions for matters of discretion were not made. They considered the non-complying status to be too onerous, especially considering the objectives and policies for the GRZ, which promote 'higher density' development and 'multi-unit development'. This submission was supported by WPG [FS306].

270. M Carena [73.6 – part] sought that the Plan does not allow more than one residential unit per section, as part of a broader submission regarding Lake Ōhau Village, which is zoned GRZ.

271. CRC [271.518] did not seek changes to the GRZ provisions as notified.

272. For MRZ-R3, KO [168.18] also sought the same change in activity status as for GRZ-S3, for similar reasons. KO [168.19] also sought amendments to MRZ-S1 Residential site density so that there is no minimum site density for multi-unit development with a site size of 2,000m^2 or more. They considered that the standards and MRZ-R14 are sufficient to ensure quality development outcomes.

7.13.2 Analysis

7.13.2.1 Background

273. Residential site density standards are critical to managing the level of development in each residential zone. Managing the level of development is important to achieving the character and amenity anticipated in each zone (in conjunction with the bulk and location standards), and to help manage effects on infrastructure services such as 3 waters and the transport network.

274. The relevant objectives to managing density in the GRZ and MRZ are as follows:

- Strategic directions regarding integration of urban form with infrastructure (SD-UFD-O1 & UFD-O2), and provision for a variety of housing, including higher density housing in accessible locations (SD-UFD-O2)
- Infrastructure objective INF-O1(4) regarding integration of development with infrastructure, and INF-O4 on the protection of regionally significant infrastructure

- For both residential zones, RESZ-O1 Supply of residential land seeks well-functioning urban residential environments that enable the residential needs of populations to be met while recognising constraints imposed by the natural and physical environment
- For both residential zones, RESZ-O2 Scale, form and design of development seeks that new development is of a form, scale and design that provides for the changing character of higher density living environments, and allows for a range of densities, housing typologies and living environments
- For the GRZ, GRZ-O2 Character of the GRZ seeks to provide for suburban character on larger sites, primarily with detached residential units, along with opportunities for multi-unit development on larger sites, and, through careful design, higher density living choices such as minor residential units and retirement villages
- For the MRZ, MRZ-O2 Character of the MRZ seeks to provide for a range of higher density living opportunities in accessible locations and multi-unit development, including multi-site redevelopment; and
- Objectives in both residential zones seek activities that are compatible with the character and amenity values of the zones (GRZ-O1 and MRZ-O1).

275. The above objectives are achieved by a range of methods, including by permitting a relatively dense level of development and minor residential units in both GRZ and MRZ, and by providing for multi-unit development and retirement villages as restricted discretionary activities.

7.13.2.2 Number of units per site

276. GRZ-S1 Residential site density applies in the GRZ, which includes Lake Ōhau Village as referenced in the submission from M Carena [73.6 – part]. This standard allows one residential unit per 300m^2 of net site area, and where a site is less than 300m^2, one residential unit is allowed. One minor residential unit is also permitted per site (irrespective of site size) in accordance with GRZ-R5.[34]

277. Therefore, it is possible to have more than one residential unit per site in the GRZ, depending on the size of the site. In Lake Ōhau Village, typical site sizes range from approximately 600 – 800m^2, with some larger sites at the south of the village adjacent to reserve land.

278. Theoretically, a 600m^2 site could have two residential units, plus one minor residential unit, being a total of three. However, this could be difficult to achieve within the bulk and location standards that apply in the GRZ unless the units are small and attached. Development to this density is not something that typically occurs in the GRZ due to the size of residential units that developers and landowners build.

279. Development that will result in three or more residential units on a site is also subject to the rules for multi-unit development, which requires consent as a restricted discretionary activity.

280. Given that GRZ-S1 applies across all GRZ areas (not just Lake Ōhau Village), and that it provides for a shift towards providing a range of housing choices including smaller

[34] The NES-DMRU also permits one detached minor residential unit per site in residential zones.

residential units (which supports achievement of objectives RESZ-O2, GRZ-O1 and GRZ-O2, which seek to provide for a range of housing typologies), I do not support changes to the standard as inferred in the submission from M Carena [73.6 – part].

7.13.2.3 Activity status of density contravention

281. Contravention of the residential site density standard results in the need for residential units to obtain consent as a non-complying activity under GRZ-R3 or MRZ-R3. Typically, such an approach would be supported by a policy that is drafted to "avoid (residential activity that contravenes the residential site density standard) unless (certain specific circumstances apply)."[35]

282. However, I have not identified any policies within the RESZ, GRZ, or MRZ chapters that are clearly intended to guide the assessment of density contraventions. This links to overall issues I have identified of a lack of policy support for the assessment of discretionary and non-complying activities within these chapters (see **Section 7.3**).

283. Without such a policy, there is a lack of direction to guide an assessment of an application through the gateway test in s104D of the RMA.

284. There are three possible responses to this issue, in the context of the submissions from KO [168.11 & 168.18] seeking a change in activity status to restricted discretionary, and the general submissions from Terramark [176.2] and FFNZ [246.2] seeking objectives and policies to support the rules across the Plan and the assessment of resource consent applications. The three possible responses are:

- Change the activity status to match the existing policy approach; or
- Add or amend the policy approach to match the existing activity status; or
- A combination of both above approaches.

285. I do not prefer the first response alone, as no policy currently exists directly regarding density requirements in the residential zones. The policies[36] instead focus on providing for use and development that supports and maintains the character and amenity values anticipated in the zones.

286. Regarding the second possible response, I have looked to other zones with density standards such as the Rural Lifestyle Zone and Settlement Zone, and these also apply non-complying activity status for contraventions. However, they have some policy support for the assessment of these resource consent applications by containing the following policies, although they do not specifically mention density (***emphasis added***):

RLZ-P1 Maintenance of clear urban, rural lifestyle and rural areas

Maintain a clear distinction between urban, rural lifestyle and rural areas through the use of clear zones ***and avoidance of ad-hoc subdivision where growth to settlements or rural lifestyle areas has not been planned for***.[37]

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[35] In line with typical district plan drafting protocols, including the draft Waitaki Proposed District Plan Writing Style Guide (2024).
[36] For example, GRZ-P1 and MRZ-P1.
[37] Policy SETZ-P10 has almost exactly the same wording.

287. These policies are more targeted at managing urban expansion, which is not a relevant issue within areas already zoned residential.[38] Therefore, I do not propose to replicate those policies within the residential provisions.

288. Looking to the minimum site size standards in the Subdivision chapter, contravention of the standards requires consent as a discretionary activity under SUB-R4. The policies in that chapter are also quite focused on the subdivision that will be enabled, rather than how subdivision that does not comply with the standards is to be treated.

289. The relevant objectives to density controls are outlined in the background above. Overall, these promote the integration of urban development with infrastructure provision and providing for housing choice while maintaining the character and amenity values of the different zones.

290. Having considered the available options, I prefer retaining the non-complying activity status to achieve the relevant objectives of the Plan while adding new policy direction to support the assessment of resource consent applications in response to general submissions.

7.13.2.4 Density standard for multi-unit development in MRZ

291. KO [168.19] sought amendments to MRZ-S1 Residential site density so that there is no minimum site density for multi-unit development with a site size of 2,000m^2 or more. They considered that the standards and MRZ-R14 are sufficient to ensure quality development outcomes.

292. As noted above, density standards are important to managing effects arising from the built form of development, and the intensity of land use in relation to effects on infrastructure such as three waters networks. However, MRZ-R14 for multi-unit developments does not reserve discretion to consider effects on infrastructure servicing.

293. While there are standards that address some three waters matters, these relate predominantly to stormwater effects (MRZ-S4 Building coverage and MRZ-S5 Minimum pervious surface area) and requiring connections to the reticulated services where these are available (MRZ-S11). These standards do not manage whether the three waters networks have capacity to service development to a higher density than anticipated in the zone.

294. I have not sought expert comment regarding the potential infrastructure effects of having unrestricted density for multi-unit development at this stage.

295. Overall, I do not support removing application of the density standard to multi-unit development in the MRZ.

7.13.3 Recommendations

296. I recommend the following changes to the proposal by accepting in part the general submissions from Terramark [176.2] and FFNZ [246.2], as shown below and in **Appendix 1**:

[38] Which does make SETZ-P10 slightly odd, in that it applies within the Settlement Zone.

- Add a new policy to the Residential Zones chapter to guide the assessment of contraventions of the residential site density standard as a non-complying activity.

297. I also recommend accepting the submission from CRC [271.518] and rejecting the other submissions listed in the table above.

7.13.3.1 Drafting

RESZ-P9	Inappropriate activities and development
Avoid residential units that exceed the permitted residential site density unless any new development is consistent with the character and amenity values anticipated in the zone.[39]	

7.13.4 Evaluation

298. The recommended changes will ensure that the non-complying activity status for density contraventions in the GRZ and MRZ is better supported by policy guidance for the assessment of consent applications. The policy approach reflects the relevant objectives of the Plan outlined in the background above, reinforcing that each zone has an intended character and amenity that is to be achieved.

299. The recommended new policy does not address three waters and other infrastructure effects that are relevant to assessing density contraventions, because this is addressed by objectives and policies in the Infrastructure and Transport chapters of the Plan.

300. While objectives of the PDP also seek to provide for the changing character of higher density living environments and allow for a range of densities, housing typologies and living environments, I consider that this is already achieved by the generous permitted residential site density for the GRZ, application of the MRZ across areas of Ōamaru, and provision of a higher density allowance for multi-unit development in the MRZ.

7.14 Maximum height (GRZ-S2 & MRZ-S2)

301. This section addresses submissions on the standards for maximum height, being GRZ-S2 and MRZ-S2.

302. The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**. Overall, 7 original submission points and 1 further submission point are addressed here.

Submitter Name	Submission Point Number(s)
FENZ 2	163.90 (GRZ), 163.93 (MRZ)
KO	168.12 (GRZ; WPG FS306), 168.20 (MRZ)
CRC	271.539 (GRZ)
D Rush	132.1 (MRZ)
P Plunket	147.3 (MRZ)

[39] Terramark [176.2] and FFNZ [246.2]

7.14.1 Submissions

303. For GRZ-S2, KO [168.12] sought an increase in the maximum height from 8m to 9m, or alternative relief of an exception where a roof of a certain design may exceed the maximum height by 1m to account for roof design variation and topography (similar to cl.11, Schedule 3A RMA on Medium Density Residential Standards). This submission was supported by WPG [FS306].

304. CRC [271.539] did not seek changes to GRZ-S2 as notified.

305. For both the GRZ and MRZ standards, FENZ 2 [163.90 & 163.93] sought addition of an exemption for emergency service towers and communication poles, as FENZ requires the ability to construct and operate emergency service facilities in locations which will enable reasonable response times to fire and other emergencies, irrespective of Plan zone. Some fire stations may include towers or poles between 12m and 15m in height to support a siren, aerials, hose drying and/or firefighter training.

306. For MRZ-S2, D Rush [132.1] and P Plunket [147.3] sought a reduction in the maximum height from 10m to 8m to better provide for sunlight access on adjacent sites and because the two-storey restriction can be achieved with an 8m limit. However, KO [168.20] sought an increase in the maximum height to 11m and provision for three storeys, along with deletion of clause 2 which sets an 8m maximum height for flat and mono-pitch roofs. They consider that a maximum height of 10m and 2 storeys is not conducive to true medium density development and does not provide for design variation and differing housing typologies like terraced houses or smaller apartments.

7.14.2 Analysis

7.14.2.1 GRZ Maximum Height

307. The maximum height for GRZ-S2 of 8m has been rolled over from the ODP, although exemptions have been added for antennas, aerials, satellite dishes less than 1m diameter; and lightning rods, chimneys and flues provided these do not exceed the limit by more than 3m. Consideration of providing for increased development heights was primarily progressed through application of the new MRZ to areas previously zoned the equivalent of GRZ.

308. Objective GRZ-O1 sets the purpose of the GRZ, which includes a mix of housing types that are compatible with the character and amenity values of the zone. Policy GRZ-P1 seeks to provide for development that supports or maintains the character and amenity values anticipated in the zone. Overall, the guiding PDP provisions for GRZ bulk and location are focussed on ensuring minimal adverse effects on existing and future residents, whereas changing character and amenity are more provided for in the MRZ.

309. Regarding the KO (168.12] submission to increase the GRZ maximum height to 9m or add flexibility to the rule for differing roof designs, I have considered the modelling prepared by Barker and Associates (see **Appendix 5**). His modelled example shows that two-storey dwellings with typical roof pitches can be developed within the proposed 8m height limit (see **Figure 6** below).

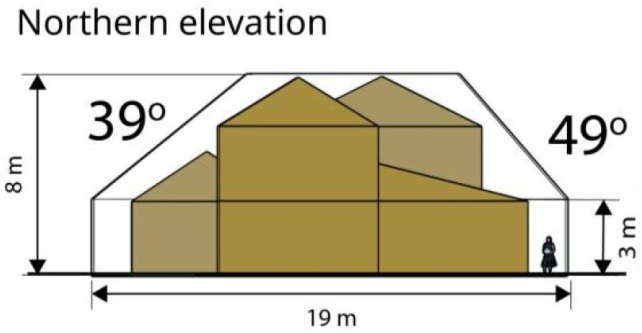


Figure 6: GRZ bulk and location standard testing – notified example, showing that 2-storey development is possible within the 8m height limit

310. The alternative relief put forward by KO [168.12] of an exemption for steeper roofs that may exceed the maximum height by 1m also has complicated drafting and uncertain meaning that could make it difficult to implement.

311. Overall, the KO [168.12] request has the potential to detract from the character and amenity values anticipated for the GRZ and, in turn, whether GRZ-O1 and GRZ-P1 will be effectively and efficiently achieved. I consider it more appropriate that contraventions of GRZ-S2 be dealt with through a resource consent process where character and amenity effects can be considered on a case-by-case basis, and that the MRZ is where greater development flexibility is provided for.

312. Therefore, I do not support increasing the GRZ maximum height or adding flexibility for taller roofs.

7.14.2.2 MRZ Maximum Height

313. As outlined in the s32 report for the Residential Zones, a maximum height of 12m was considered for the MRZ in the Draft District Plan (DDP).[40] However, public feedback raised concerns over this option and, consequently, the maximum height was reduced to 10m and two storeys in the PDP.

314. KO [168.20] now seeks to increase the maximum height to 11m and three storeys. Modelling has been prepared by Barker and Associates to support the assessment of this submission (see **Appendix 5**). **Figure 7** below shows the modelled example of the MRZ provisions as notified alongside the modelled example for the provisions KO is seeking. It demonstrates a substantial difference in potential building bulk between the two provision sets.

[40] Available online: section-32-evaluation-report-residential-zones.pdf

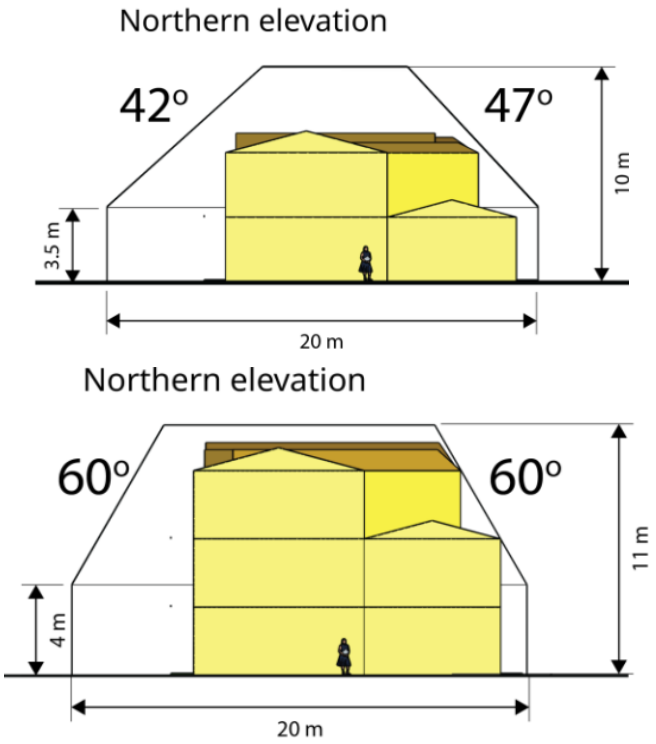


Figure 7: MRZ bulk and location standard testing – notified example (top) and KO example (bottom), showing a substantial difference in building bulk between the two

315. There is also a substantial difference between the shading effects that could arise from each provision set. **Figure 8** below shows the difference in shading effects from the modelled examples shown in **Figure 7** above at 12pm on the winter solstice in Ōamaru.

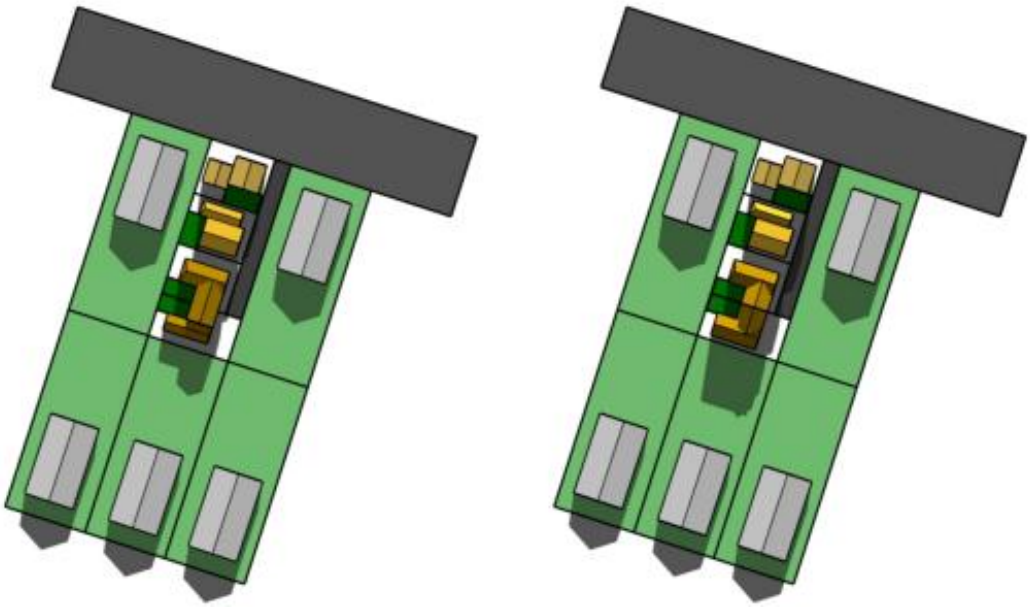


Figure 8: MRZ bulk and location standard testing, winter shading – notified example (top) and KO example (bottom), showing a substantial difference in shading effects between the two

316. The modelled examples shown above would also result in potential for significantly more gross floor area to be developed on the same sized site (57% more in this example). However, this additional floor area is unnecessary to achieve the maximum permitted

density in the MRZ with the unit sizes that are likely to be sought by the market (i.e. smaller units).

317. The focus in improving housing choice in the MRZ for Ōamaru is on providing for smaller, attached units to support the projected increase in demand for these typologies.[41]

318. While I do understand the view of KO [168.20] that the maximum height provided for in the MRZ may be different to what is expected of a medium density zone generally (especially in larger or faster-growing urban centres where the Medium Density Residential Standards in Schedule 3A RMA apply), it has been developed for the Ōamaru context.[42] I consider that it provides for heights that are commensurate with the relative demand for housing in this location, and the level of active transport accessibility, in line with NPS-UD Policy 5.

319. I am also mindful of the heritage and character assessments that were undertaken for South Hill and North Ōamaru during the development of the Plan (see **Section 3.2.1** and **Appendix 4**). These assessments identified areas of special character within the MRZ (and parts within the GRZ) that were considered by experts to be suitable for some form of protection from inappropriate development in the district plan. However, the recommended character areas were not progressed due to decisions of Council.

320. Therefore, providing for three storey buildings in these locations would particularly detract from achieving strategic directions SD-CHI-O1 and SD-CHI-O2, which seek to recognise and protect Waitaki's character, historic and cultural heritage, and identity. While the Medium Density Residential Design Guidelines (MDRDGs) are to be considered in the assessment of applications for multi-unit development, these do not explicitly address these special character areas, which are instead addressed in voluntary design guidelines that sit outside the Plan. The MDRDGs also do not act as rules in the same way that a maximum height standard does.

321. Overall, I do not support increasing the MRZ maximum height to 11m and three storeys, as sought by KO [168.20]. I also do not support the request to delete the part of the standard that requires a maximum height of 8m for flat and mono pitch roofs, as these roof types can be particularly incongruous with the existing character of streetscapes, as identified in the earlier character assessments, which would be exacerbated by permitting them at taller heights.

322. Further reducing the MRZ maximum height to 8m (as sought by D Rush [132.1] and P Plunket [147.3]) may also not be desirable in light of the earlier character assessments, which advised that height limits greater than 8m may be appropriate to allow for steeper roofs similar to the older buildings in South Hill.

323. While a reduction of maximum height to 8m could still provide for two-storey buildings, it would limit the flexibility for different building and roof designs in the wider MRZ. This

[41] Based on data such as from consultation for the Waitaki Housing Strategy 2022, as summarised in the Residential Zones s32 report (p.16): section-32-evaluation-report-residential-zones.pdf
[42] Ōamaru being a Tier 3 urban environment under the NPS-UD.

would detract from achieving objective RESZ-O2, which provides for the changing character of higher density living environments such as the MRZ.

324. The shading effects of the taller heights permitted in the MRZ are mitigated substantially by the two-storey limit, which also indirectly discourages steeper roof types which might normally be used to accommodate attic-type third floors. This is demonstrated in **Figure 9** below, which shows a two-storey modelled example that comes nowhere near the 10m height limit.

325. It is also demonstrated by the shading diagrams in **Figure 10** below, which compare the shading effects from the modelled example shown in **Figure 9** with the notified GRZ modelled example at 12pm on the winter solstice in Ōamaru.

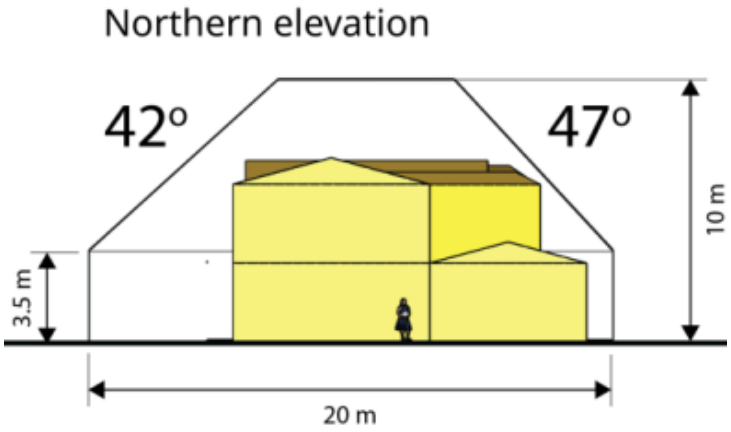


Figure 9: MRZ bulk and location standard testing – notified example, showing how the full 10m height limit may not be fully utilised due to the 2-storey limit in MRZ

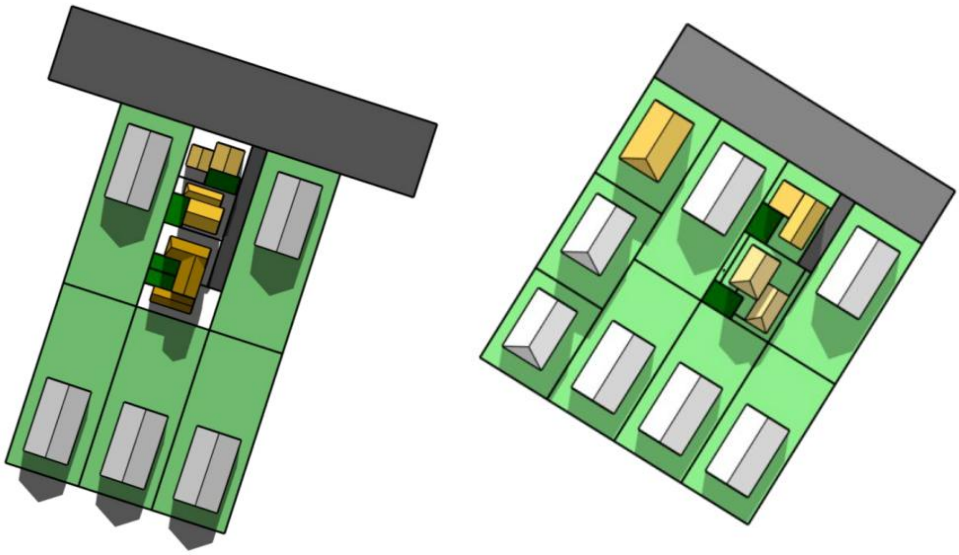


Figure 10: Bulk and location standard testing, winter shading – MRZ notified modelled example (left) and GRZ notified modelled example (right), showing similarity in shading effects due to the 2-storey limit in MRZ

326. Overall, I do not support decreasing the MRZ maximum height to 8m and consider that it can be retained at 10m to provide additional design flexibility over the provisions for the GRZ, while noting that the full 10m allowance may rarely be used due to the two-storey limit.

7.14.2.3 Exception from GRZ & MRZ Maximum Height for FENZ towers and poles

327. In the PDP, fire stations fall within the definition of emergency service facility, which is a type of community facility.[43] In both the GRZ and MRZ, community facilities are a restricted discretionary activity.[44]

328. Building activity, which includes the erection of structures such as towers and poles, is a permitted activity[45] subject to the standard for maximum height, which is 8m in GRZ-S2 and 10m in MRZ-S2. Both standards include exceptions for antenna, aerials, satellite dishes less than 1m diameter; and lightning rods, chimneys and flues that do not exceed the height limit by more than 3m. These exceptions would not apply to emergency service towers or communication poles.

329. Contravention of GRZ-S2 or MRZ-S2 is a restricted discretionary activity, with discretion restricted to matters relating to character and amenity effects and any mitigating factors. There is no discretion reserved to consider other effects, such as those related to providing for the functioning of an emergency service facility.

330. It is possible that emergency service communication poles (but not emergency service towers) are managed by the NES-TF. At this stage I have not made a detailed analysis of whether this is the case, and guidance from FENZ on this matter in planning evidence would be helpful.

331. Alternatively, it is also possible that emergency service communication poles (but not emergency service towers) are managed by the Infrastructure chapter of the Plan via rule INF-R13 which applies to telecommunication poles and antenna attached to poles (not regulated by the NESTF). The terms 'telecommunication' and 'pole' are defined in the PDP and can include lattice towers that are able to be used to support antenna. However, in the residential zones, INF-R13 requires that these poles and antenna obtain consent as a discretionary activity.[46]

332. The new National Policy Statement for Infrastructure 2025 (NPS-I) is relevant in considering the FENZ submissions, as it applies to fire and emergency services facilities. Background on the NPS-I is provided in **Section 6.3** above.

333. Overall, the NPS-I indicates that emergency service facilities and associated development should be recognised for their regional and local benefits, including supporting the health and safety of people and communities, and should be enabled where compatible with other activities (as far as practicable), and delivered in a timely and efficient manner while managing adverse effects from or on them.

334. The PDP provisions give effect to this direction by providing for emergency service facilities as a restricted discretionary activity in the residential zones. Development associated with emergency service facilities is subject to the bulk and location standards

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[43] Refer to the PDP Definition Nesting Tables.
[44] GRZ-R16 and MRZ-R16.
[45] GRZ-R1 and MRZ-R1.
[46] At the time of writing, no changes to this approach have been recommended by the reporting officer for the Infrastructure chapter.

for the residential zones to manage adverse effects on character and amenity, where contraventions are also assessed as restricted discretionary activities.

335. In this context, and against the more stringent management of telecommunication poles and antenna in the Infrastructure chapter, it is difficult to justify making exceptions to the maximum height standards as requested by FENZ 2 [163.90 & 163.93].

336. However, I do consider it appropriate to amend the matters of discretion that apply to contraventions of the maximum height and height in relation to boundary standards in both zones, to enable consideration of the effects on the provision of such infrastructure. I consider that this can be done to provide partial relief for FENZ 2 [163.90 & 163.93].

7.14.3 Recommendations

337. I recommend the following changes to the proposal by accepting in part FENZ 2 [163.90 & 163.93], as shown below and in **Appendix 1**:

- Amend GRZ-S2 and MRZ-S2 Maximum height:
  - add a matter of discretion for consideration of the effects on the provision of emergency service facilities.
- Consequential changes to:
  - Amend GRZ-S3 and MRZ-S3 Height in relation to boundary to add a matter of discretion for consideration of the effects on the provision of emergency service facilities.

338. I also recommend accepting in part CRC [271.539] and rejecting the other submissions listed in the table above.

339. I refer readers to the changes recommended to GRZ-S2 Maximum height also made in response to submissions on the frontage fencing standard in **Section 7.18**.

7.14.3.1 Example drafting

MRZ-S2	**Maximum height**
1. All buildings and structures must not exceed two storeys and a maximum height of 10m as measured from ground level; and 2. Flat and mono-pitch roofs must not exceed a maximum height of 8m at the highest point as measured from ground level. 3. Clause 1 does not apply to: a. antennas, aerials, satellite dishes (less than 1m in diameter), or b. lightning rods, chimneys and flues, provided these do not exceed the height limit by more than 3m, measured vertically.	**Matters of discretion are restricted to:** 1. the extent to which the building design, siting and external appearance is consistent with the APP11 - Medium Density Residential Design Guidelines; and 2. the effect on established streetscape character and visual amenity values of the area; and 3. the effect on amenity values of adjoining residential properties, including outlook, privacy, dominance, shading and sense of enclosure; and 4. the effect of increased height in terms of the outlook from surrounding sites, roads and public open space in the surrounding area; and 5. the extent to which topography, site orientation, separation distances and planting can mitigate the effects of the additional height of the building or structure~~.~~; and 6. effects on the provision of emergency service facilities, including whether there is an operational need or functional need for the location or design of a building or structure for that activity.[47]

[47] FENZ [163.93]

7.14.4 Evaluation

340. The recommended changes build on the existing approach to managing emergency service facilities in the residential zones, to better give effect to associated Plan objectives. Those objectives include:

- RESZ-O2 seeking development that is of a form, scale and design that achieves high standards of amenity and supports community health, safety and well-being;
- RESZ-O3 seeking accommodation of non-residential activities where these support the function of local communities and minimise adverse effects on residential amenity values and coherence;
- GRZ-O1 and MRZ-O1 seeking accommodation of non-residential activities in the residential zones where these support the local community and are compatible with the character and amenity values of the zone; and
- GRZ-O2 and MRZ-O2 seeking to provide for emergency service facilities where the activity has an operational need or functional need to locate in the residential zones and is of a scale and design consistent with the surrounding residential character and amenity values.

341. I consider that this overall approach gives effect to the NPS-I in relation to additional infrastructure as it strikes a balance between enabling and recognising the importance of emergency service facilities and associated development, while managing the adverse effects on the character and amenity values of the residential zones to the extent practicable.

7.15 Height in relation to boundary (GRZ-S3 & MRZ-S3)

342. This section addresses submissions on the standards for height in relation to boundary, being GRZ-S3 and MRZ-S3.

343. The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**. Overall, 6 original submission points and 1 further submission point are addressed here.

Submitter Name	Submission Point Number(s)
KO	168.13 (GRZ) 168.21 (MRZ)
H Barrell	77.2 (GRZ; WPG FS306)
CRC	271.540 (GRZ)
D Rush	132.2 (MRZ)
P Plunket	147.4 (MRZ)

7.15.1 Submissions

344. For both GRZ-S3 and MRZ-S3, KO [168.13 & 168.21] sought to simplify the standard by applying a single recession angle, rather than an angle that varies from 30 to 55 degrees depending on the orientation of the boundary relative to true north. For GRZ they sought a

recession angle of 45 degrees, and for MRZ an angle of 60 degrees. This is because KO considers that the proposed standards are overly complicated to use.

345. KO [168.21] also sought that the datum for the MRZ standard be increased from 3.5m to 4m. This is because KO considers that the MRZ standard is not conducive to true medium density development or differing housing typologies.

346. D Rush [132.2] and P Plunket [147.4] sought reduction in the MRZ recession plane datum from 3.5m to 3m because the proposed datum would result in the blocking of sun to other properties and increases in the likelihood of tension across neighbourhoods; and is contradictory to RESZ-P2(2).

347. H Barrell [77.2] sought reduction in the GRZ recession plane datum from 3m to 2.5m because the standard is crucial for maintaining residential amenity, and this is the datum typically used in other plans, such as the Auckland Unitary Plan. WPG [FS306] opposed this submission, considering that the varied angle approach is sufficient to manage shading and amenity effects.

348. CRC [271.540] did not seek changes to GRZ-S3 as notified.

7.15.2 Analysis

7.15.2.1 Background

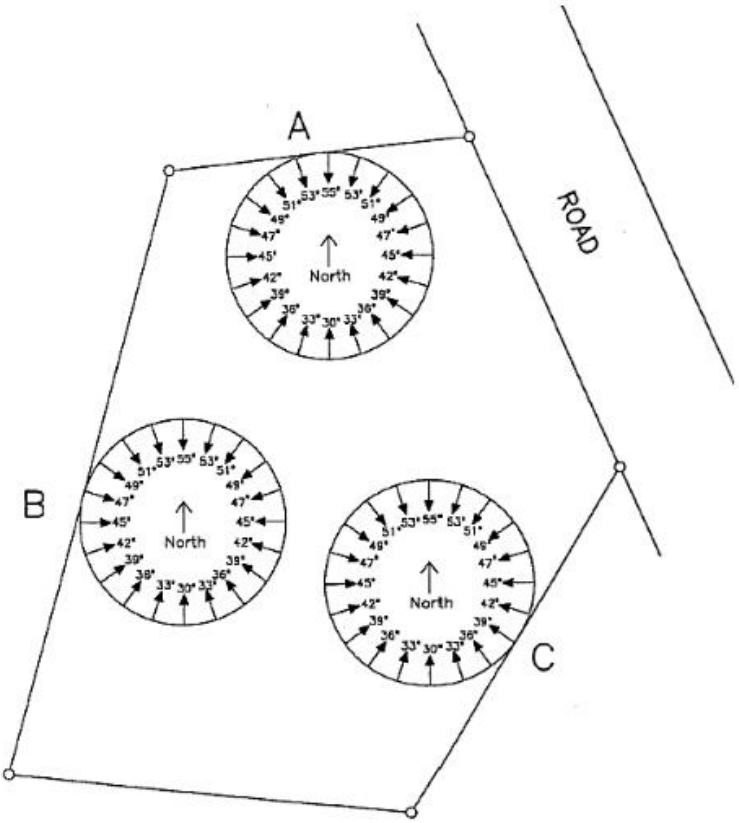
349. The height in relation to boundary standard for the GRZ has been rolled over from the ODP, although further exceptions have been added for a range of utilities and architectural details such as gable ends, dormers, or roofs where the exceedance is no greater than 1.5m^2 in area and 1m in height.

350. The MRZ standard uses the same approach as the GRZ standard but starts from a datum at 3.5m above ground level at the boundary, rather than 3m.

351. In both zones, the approach means that the recession angle varies depending on the orientation of the boundary in plan-view relative to north. If a boundary line runs perpendicular to due south, the recession angle is 30 degrees. If a boundary line runs perpendicular to due north, the recession angle is 55 degrees.

352. This approach reflects that shading effects on neighbours are greatest where taller development is placed close to a southern property boundary versus a northern property boundary.

353. **Figure 11** below is an excerpt from Appendix H of the ODP and shows how the recession angle is to be calculated.



Example	Recession Plane Angle
A	54° 30'
B	46° 30'
C	39° 30'

Figure 11: Worked example of how recession angles are calculated for the height in relation to boundary standards

354. Christchurch[48] and Timaru's[49] district plans are examples of other plans that use an orientation-based approach to determining recession angles. Many other district plans use a fixed recession angle. For example, the Auckland Unitary Plan Single House Zone uses a fixed 45-degree recession plane measured from a datum 2.5m above ground level at the boundary.[50] The fixed recession angle approach is also used in the Medium Density Residential Standards in Schedule 3A to the RMA.

355. Some district plans using fixed recession plane angles have a complicated range of exceptions to provide more flexibility (e.g. Dunedin's district plan).[51]

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[48] See Appendix 14.16.2 of the Christchurch District Plan: Christchurch District Plan. This is measured from 2.3m above ground level at the boundary with recession angles ranging from 26 to 55 degrees for the Residential Suburban Zone, from 30 to 55 degrees in the Residential Suburban Density Transition Zone, and from 35 to 55 degrees in the Residential Medium Density Zone.

[49] See Appendix 8 of the Timaru Proposed District Plan: APP8_Decision.pdf. This is measured from 2.5m above ground level at the boundary in GRZ and 3.5m in MRZ, with recession angles ranging from 35 to 55 degrees in both zones.

[50] See Rule H3.6.7 of the Auckland Unitary Plan: H3 Residential - Single House Zone.pdf

[51] See Rule 15.6.6.1 of the Dunedin Second Generation District Plan: DCC 2GP

7.15.2.2 Orientation-based angle versus a single recession angle

356. KO [168.13 & 168.21] sought to simplify the standard by applying a single recession angle rather than the proposed orientation-based approach.

357. The orientation-based approach versus a single recession angle approach can be more responsive to actual solar effects on neighbours. It also provides more flexibility for taller development towards a site's northern boundary (i.e. 55 degrees recession angle versus the 45 degrees sought by KO [168.13] in the GRZ).

358. However, modelling by Barker and Associates (see **Appendix 5** and **Figure 12** below) does not show a substantial difference in the shading effects between the notified GRZ provisions and the fixed angle approach (accounting for this modelling also including an additional 1m of height). The results for the MRZ shading modelling are more dramatic because the recession angle sought by KO [168.20] in that case is much steeper than the proposed range, and changes to other standards are also sought.

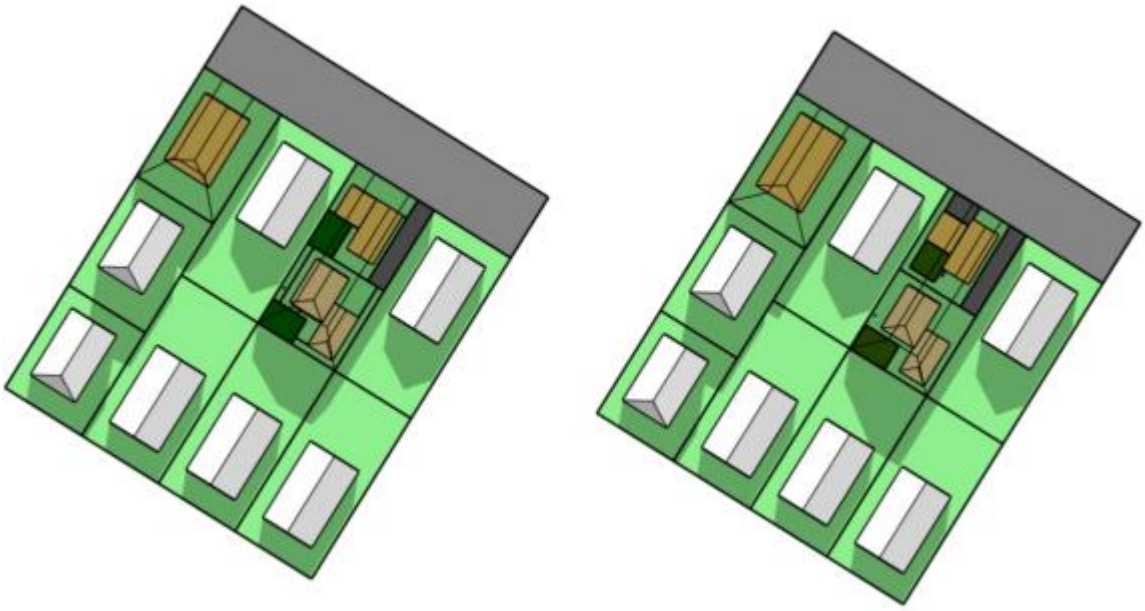


Figure 12: GRZ bulk and location standard testing, theoretical shading at 12pm winter solstice in Ōamaru – notified example (left) and KO example (right). Note that the KO example includes 1m additional overall height.

359. Costs of the orientation-based approach include that it is more restrictive of taller development towards a site's southern boundary (i.e. 30 degrees recession angle versus 45 degrees sought by KO [168.13] in the GRZ) and is more complex to apply than a fixed recession angle (although that can be mitigated by using design software).

360. I sought feedback from Council's consent planners on whether the orientation-based approach to recession angles causes any implementation issues. Resource Management Planner, Charlotte Hunt, noted that while there can be debate between architects and Council planners regarding how the standard applies, this is usually resolved prior to consent being sought. Overall, she did not see a need to change the approach.

361. For the MRZ, I am not supportive of the requested recession angle of 60 degrees (KO [168.21]) for similar reasons as for their requested increase in MRZ maximum height discussed in the previous section of this report. That is, because the proposed standard is appropriate to the Ōamaru context, still provides for greater flexibility than in the GRZ, but minimises the risk of adverse effects on the special character areas identified within the MRZ that are not currently protected from inappropriate development.

362. Overall, I consider that the proposed orientation-based approach is appropriate and will ensure that Objective RESZ-O2 is effectively achieved by balancing high standards of amenity with providing for a range of housing typologies.

363. However, I consider that the above objective could be more efficiently achieved by including an example calculation diagram in the GRZ and MRZ standards to aid interpretation, as is currently included in the ODP.

7.15.2.3 Increase or reduction in datum height

364. KO [168.21] also sought an increase in the datum height for the MRZ standard from 3.5m to 4m, whereas D Rush [132.2] and P Plunket [147.4] sought reduction to 3m.

365. Overall, the modelling in the report from Barker and Associates indicates that the proposed datum of 3.5m adequately provides for two-storey development in the MRZ. As I do not support providing for three-storey development in the MRZ, an increase to a 4m datum is not required.

366. Regarding the submissions to decrease the datum, I consider that this would detract from achieving additional development flexibility in the MRZ over the GRZ.

367. Regarding the GRZ standard, H Barrell [77.2] sought to reduce the datum from 3m to 2.5m. I note that Auckland Unitary Plan rule referred to in his submission uses this datum in conjunction with a fixed 45-degree recession angle, rather than the orientation-based approach. The fixed-angle approach provides greater flexibility to locate development closer to southern boundaries, so a lower datum of 2.5m is warranted to mitigate the additional shading effects that come from that approach. It does not necessarily mean that a 2.5m datum should be used in the PDP.

368. Overall, I consider that the datum height of 3m should be retained for the GRZ standard, to ensure that objective RESZ-O2 is effectively achieved by balancing high standards of amenity with providing for a range of housing typologies.

7.15.3 Recommendations

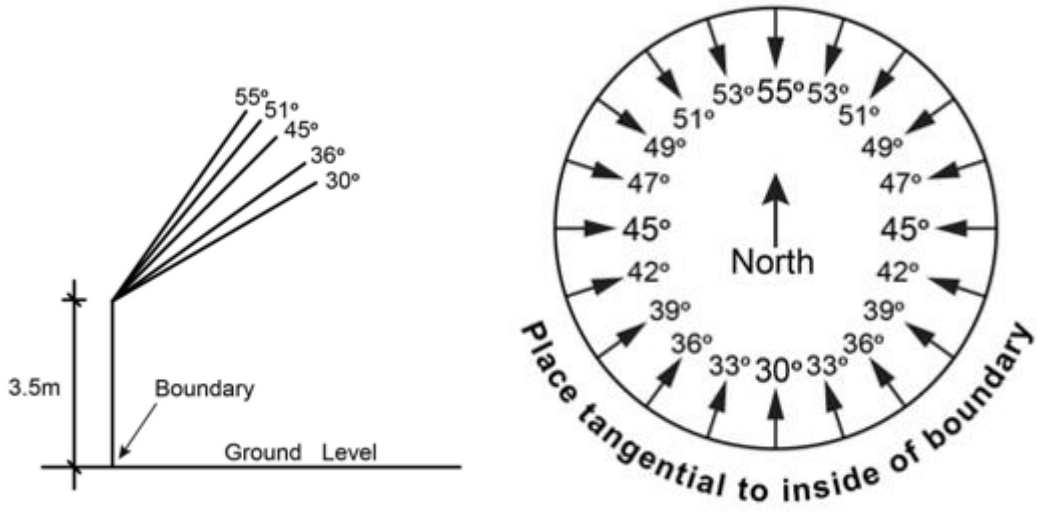
369. I recommend the following changes to the proposal by accepting in part KO [168.13 & 168.21], as shown below and in **Appendix 1**:

- Amend GRZ-S3 and MRZ-S3 to:
    - Add example calculation diagrams to show how to use the recession angle indicator circle, as shown in the ODP; and
    - Replace the wheel diagram in MRZ-S3 so that includes the instruction to “Place tangential to inside of boundary”, as per the diagram in GRZ-S3.

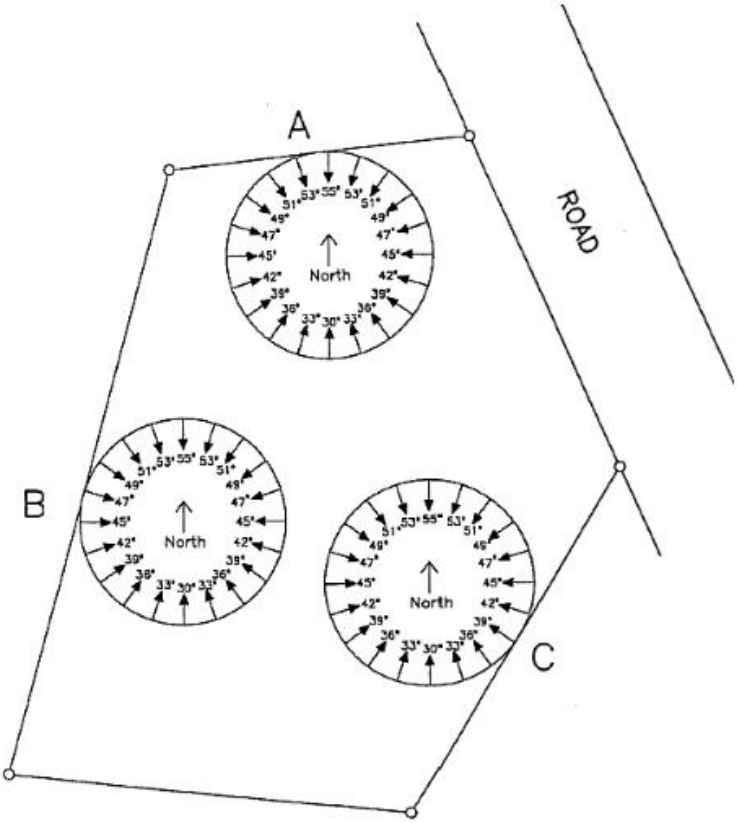
370. I recommend accepting in part CRC [271.540] and rejecting the other submissions listed in the table above.

7.15.3.1 Example drafting for MRZ

[Insert replacement wheel diagram below that includes "Place tangential to inside of boundary"]



[Insert diagram below]



Example	Recession Plane Angle
A	54° 30'
B	46° 30'
C	39° 30'

Diagram 6a - Height in Relation to Boundary Recession Lines and Worked Example[52]

[52] KO [168.21]

7.15.4 Evaluation

371. The recommended changes are minor in scale and effect but will aid efficient implementation of the proposed provisions by assisting Plan interpretation.

7.16 Minimum setbacks (GRZ-S6 & MRZ-S6)

372. This section addresses submissions on the standards for minimum setbacks, being GRZ-S6 and MRZ-S6.

373. The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**. Overall, 5 original submission points and 6 further submission points are addressed here.

Submitter Name	Submission Point Number(s)
KO	168.14 (GRZ; KiwiRail FS233, WPG FS306), 168.22 (MRZ; KiwiRail FS233, WPG FS306)
KiwiRail	233.111 (GRZ; WPG FS306), 233.112 (MRZ; WPG FS306)
CRC	271.543 (GRZ)

7.16.1 Submissions

374. For GRZ, KO [168.14] sought a reduction in the minimum setback from a road boundary from 4.5m to 3m because it considered the notified minimum setback to be too onerous. A further submission from WPG [FS306] supported the requested reduction to enable flexibility in design options on smaller sites, considering that 3m still retains sufficient amenity and neighbourhood character values.

375. CRC [271.543] did not seek changes to GRZ-S6 as notified.

376. For both GRZ and MRZ, KO [168.14 & 168.22] sought deletion of the specific minimum setback from a rail corridor boundary of 4.5m, and from a road boundary onto a state highway of 4.5m. KO considered these additional requirements to be too onerous and that the standard boundary setback requirements for road and internal boundaries should apply.

377. However, KiwiRail [233.111 & 233.112] supported the proposed 4.5m setback from a rail corridor boundary to ensure the provision of a safe and efficient rail network. They noted that the maintenance of buildings can require scaffolding or cherry picker cranes, which may infringe on the rail corridor where the building setback is insufficient. KiwiRail [FS233] also made further submissions in opposition to those from KO [168.14 & 168.22].

378. Further submissions from WPG [FS306] on KO [168.14 & 168.22] and KiwiRail [233.111 & 233.112] considered that, rather than deleting the minimum setback from a rail corridor boundary, it should be retained to manage reverse sensitivity effects from habitable rooms. Therefore, WPG supported removing the additional setback requirement for buildings or structures that do not contain habitable rooms, where reverse sensitivity is not of concern (i.e., for garden sheds, garages, and carports).

7.16.2 Analysis

7.16.2.1 Background

379. The minimum setback for GRZ has generally been rolled over from the ODP, except it has some additional requirements and exceptions. A similar approach has been taken for the minimum setback in the new MRZ, albeit that the minimum setbacks from road and internal boundaries are smaller than for GRZ.

380. PDP objective RESZ-O2 sets the outcomes sought for the scale, form and design of development in residential zones. This includes that new development achieves high standards of amenity, supports community health, safety and well-being, provides for the changing character of higher density living environments, and allows for a range of densities, housing typologies and living environments.

7.16.2.2 Road boundary setback in GRZ

381. The minimum setback from a road boundary in the GRZ of 4.5m helps to maintain the anticipated character and amenity of this zone, while also managing effects on pedestrian, cyclist and vehicle safety arising from garage locations. This is the same minimum setback from a road boundary that applied in the ODP.

382. The character of the GRZ is intended to be generally dominated by landscaped areas with open spacious streetscapes, in accordance with objective GRZ-O2. Policy GRZ-P1 also seeks to provide for use and development that supports and maintains the character and amenity values anticipated in the zone.

383. In terms of providing flexibility for development, I note that development of rear sites accessed by private accessways is not impacted by the minimum road boundary setbacks. This provides for more flexible development outcomes both at greenfield and infill developments.

384. In terms of effects on pedestrian, cyclist and vehicle safety, I note that the same 4.5m setback from roads is required in the MRZ in cases where any garage or carport with a vehicle door or opening is facing the road.

385. I have sought comments from Council's Development Engineer, Rodger McGaw, who noted that 4.5m may be an insufficient setback from a road boundary. This is because people may park a vehicle in front of a garage or carport, but that vehicle would overhang the road boundary and footpath. Mr McGaw preferred a setback of 5.5m to provide a standard dimension carpark fully on site. However, there is no scope to make this change in response to submissions. I note that on-site vehicle parking is also subject to the Transport chapter standard TRAN-S10, which sets design requirements for on-site parking.

386. Furthermore, NZTA Road Traffic Standards 06 Guidelines for Visibility at Driveways[53] includes a figure showing the visibility splay considered acceptable at a vehicle crossing to ensure a clear line of sight between pedestrians on the footpath and vehicles using the driveway. This is given in **Figure 13** below, showing that a 5m setback would be required

[53] NZTA (1993): Road traffic standards 06 guidelines for visibility at driveways

to achieve the visibility splay (where the side walls of a garage or adjacent building would not impede visibility when exiting a garage or carport onto a footpath or road in a vehicle.

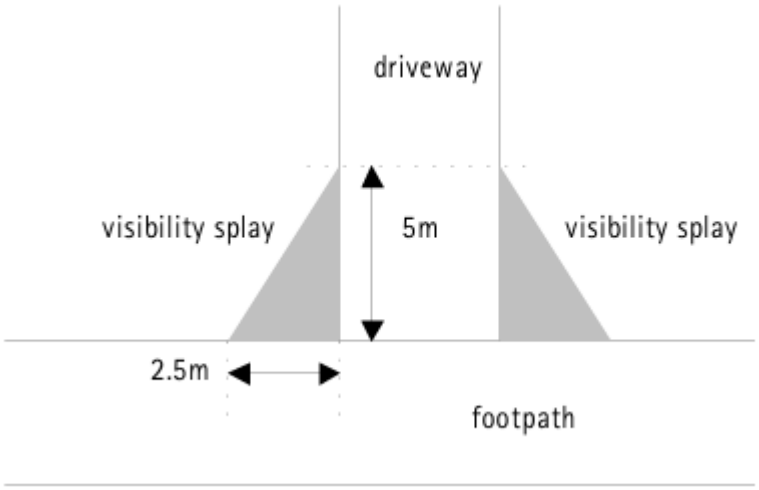


Figure 13: Visibility splay for driveways given at page 18 of NZTA RTA 06 Guidelines for Visibility at Driveways (1993)

387. Overall, I consider it appropriate to retain the minimum road boundary setback as notified for the GRZ.

7.16.2.3 Specific setbacks from rail corridor boundaries

388. One of the additional requirements in the PDP minimum setback standard over the ODP is a 4.5m minimum setback from a rail corridor boundary (where otherwise a minimum setback of 1.6m from an internal boundary would apply).

389. The PDP Residential Section 32 report does not include a specific assessment of this requirement. However, the submission from KiwiRail [233.111 & 233.112] includes Attachment B, which provides a generic Section 32 assessment of rail safety setbacks (Eclipse Group Limited, July 2024; 'the KiwiRail report').

390. The KiwiRail report promotes setbacks for buildings and structures on sites adjoining the rail corridor to:

- manage health and safety effects on communities from the potential conflict between the rail corridor and people; and
- minimise rail operation and efficiency being compromised due to disruption resulting from unplanned incursions into the rail corridor.

391. The KiwiRail report highlights that the rail corridor is a hazardous environment with a very different risk profile compared to other sites or land uses, warranting specific additional setback restrictions. It identifies risks of rail corridor encroachment from building construction, maintenance, and falling objects. The report does not promote setbacks to manage reverse sensitivity effects, which are typically managed by other Plan provisions such as those requiring acoustic insulation.

392. Based on the KiwiRail report, I support retention of the additional setback requirements in relation to a rail corridor boundary. However, I note that contravention of the minimum setback standards currently does not reserve discretion to consider effects on the safe

operation of the rail network and I consider that this can be resolved as a relevant matter arising from submissions.

393. Submissions on provisions specifically managing reverse sensitivity effects on the rail network will be dealt with in other report topics.

7.16.2.4 Specific setbacks from state highway boundaries

394. A specific setback from a road boundary onto a state highway of 4.5m did not apply to residential zones in the ODP because all road boundary setbacks were required to be 4.5m. While it appears at first glance that the road boundary setback for other roads is 2m, later on in the standard there is an exception requiring a 4.5m setback from any road boundary where any garage or carport with a vehicle door or opening is facing the road.

395. Where the MRZ setback standard is contravened, one of the matters of discretion is the effect on pedestrian, cyclist and vehicle safety. The matters of discretion do not address reverse sensitivity effects in relation to state highways, which are managed by standards in the Noise chapter for acoustic insulation.

396. Therefore, I do not consider it necessary to have a separate road boundary setback from a state highway that applies generally, alongside an exception that requires the same minimum setback where a garage or carport faces the road.

397. I have sought advice from Council's Development Engineer, Rodger McGaw, regarding whether he considers this approach acceptable from a road safety management perspective. He did not see a need to apply a different standard in relation to State Highways if the purpose of the standard does not include managing reverse sensitivity.

398. I note that NZTA is not a submitter on the setback standards, and I have not sought their comments at this stage.

7.16.3 Recommendations

399. I recommend the following changes to the proposal by accepting in part KiwiRail [233.111 & 233.112] and KO [168.22], as shown below and in **Appendix 1**:

- Amend GRZ-S6 and MRZ-S6 to:
    - Provide a matter of discretion to consider effects on the operation of the rail network where the minimum setback requirement is contravened under clause (as a relevant matter arising from the above KiwiRail submissions under 10(2)(b)(ii) Schedule 1 RMA.
- Amend MRZ-S6 to:
    - Delete the requirement for a 4.5m minimum setback from a state highway and instead rely on the exception in clause 2(a) regarding setbacks from road boundaries in relation to garages and carports.

400. I recommend rejecting KO [168.14] and accepting in part CRC [271.543].

401. I also refer readers to the changes proposed to GRZ-S6 made in response to submissions on the frontage fencing standard in **Section 7.18**.

7.16.3.1 Example drafting for MRZ

MRZ-S6	Minimum setbacks
1. The minimum setback of any part of a building or structure shall be: a. from a road boundary other than a road boundary onto a state highway: 2m; b. ~~from a road boundary onto a state highway: 4.5m;~~[54] c. from a rail corridor boundary: 4.5m d. from internal boundaries: 1m; e. corner sites (with two or more road boundaries — excluding a road boundary onto a state highway): one setback of 2m along a road boundary and setbacks of 1m on all other boundaries. 2. Except that: a. any garage and/or car port with a vehicle door or vehicle opening facing the road must be located a minimum of 4.5m from all road boundaries; b. where a boundary immediately adjoins an access or part of an access, which is owned or partly owned with that site, or has a registered right of way over it in favour of that site, the minimum setback shall be 1m; c. where an internal boundary adjoins a Commercial, Industrial, or Sport and Active Recreation Zone boundary, all buildings with habitable rooms shall be setback from that boundary by a minimum of 4m. 3. Internal boundary requirements in Clause 1(d) above do not apply to: a. accessory buildings where these are not used for human habitation, and the building does not exceed 10m in length and does not contain any windows or doors along the boundary elevation. b. buildings that share a common wall along the boundary for the length of that common wall; c. rainwater tanks less than 5,000 litres in capacity.	**Matters of discretion are restricted to:** 1. the extent to which the building design, siting and external appearance is consistent with the APP11 - Medium Density Residential Design Guidelines; and 2. the effect on established streetscape character and visual amenity values of the area; and 3. the extent to which topography, site orientation, separation distances and planting can mitigate the effects of the building or structure; and 4. the effect on amenity values of adjoining residential properties, including outlook, privacy, dominance, shading, sense of enclosure, noise, odour, dust, glare or vibration; and 5. the effect on pedestrian, cyclist and vehicle safety; and 6. the effects of non-residential buildings in terms of noise, odour, dust, glare or vibration on adjoining sites; and 7. the extent to which the effects of permitted non-residential activities, within an adjoining zone boundary, have on the amenity values of the building or structure; and 8. the extent to which the reduction in the setback is necessary due to the shape or natural and physical features of the site; and 9. whether adequate mitigation of adverse effects can be achieved through screening, planting and/or alternative design; and 10. whether a reduced setback enables on-site parking spaces to be provided~~.~~<u>; and</u> 11. <u>the effect on the safe operation of the rail network.</u>[55]

7.16.3.2 Clause 16(2) Amendments

402. I also recommend the following alterations of minor effect and correction of minor errors, which may be made in accordance with clause 16(2) of Schedule 1 to the RMA:

- Correct the cross-reference in GRZ-S6 clause 3 regarding internal boundary requirements to refer to Clause 1(c), rather than Clause 1(d) regarding corner sites.

7.16.4 Evaluation

403. The recommended changes remove duplication from the rule regarding the setback of buildings from a state highway, while better targeting the rule to managing effects on pedestrian, cyclist and vehicle safety. This is because the key safety risks arise from buildings such as garages and carports where vehicles will be moving between the building and the road corridor, and not from other types of buildings.

404. The standard is not intended to manage reverse sensitivity effects on state highways, which are managed by acoustic insulation requirements in the Noise chapter.

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[54] KO [168.22]

[55] Cl.10(2)(b)(ii) matter arising from KiwiRail [233.112]

405. The change to add a matter of discretion to consider effects on the safe operation of the rail network will ensure that the rule can effectively manage these effects where a resource consent is required, rather than only through the minimum setback from a rail corridor boundary of 4.5m.

406. Overall, the recommended changes to GRZ-S6 and MRZ-S6 will ensure that objective RESZ-O2 is more efficiently and effectively achieved than for the notified versions.

7.17 Designing for safe streets (GRZ-S7)

407. This section addresses submissions on GRZ-S7 Designing for safe streets. There were no submissions on the equivalent standard for the MRZ.

408. The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**. Overall, 2 original submission points and 2 further submission points are addressed here.

Submitter Name	Submission Point Number(s)
H Osborne	26.2 (KO FS168, WPG FS306)
CRC	271.544

7.17.1 Submissions

409. H Osborne [26.2] sought deletion of the standard to provide greater design flexibility particularly in places like Lake Ōhau Village. Mr Osborne considered the standard risks creating higher building costs and poorer housing outcomes with no guaranteed safety improvements, and that the standard is unnecessary, inflexible and is not supported by any analysis for designing safe streets.

410. H Osborne [26.2] was supported by further submissions from KO [FS168] (who sought to expand the scope of the submission to also withdraw the equivalent standard from the MRZ) and WPG [FS306] (who noted that the standard contradicts draft planning bill legislation to remove controls related to indoor room design and layout).

411. CRC [271.544] did not seek any changes to the standard as notified.

7.17.2 Analysis

412. GRZ-S7 manages the area of glazing and the internal layout of residential units and minor residential units. In accordance with new s104(1A) RMA, to be added by the Planning Act 2026, when considering the effects of a district land use activity, a consent authority must disregard these matters where they relate to residential activities.

413. Therefore, I consider that the standard can no longer be implemented by Council and that the standard must be removed to comply with new s76(6) RMA.

7.17.3 Recommendations

414. I recommend the following changes to the proposal by accepting H Osborne [26.2], as shown below and in **Appendix 1**:

- Delete GRZ-S7
- Consequential changes to:[56]
    - Delete references to GRZ-S7 from the following rule and standard:
        - GRZ-R1
        - GRZ-S4

415. I recommend rejecting the submission from CRC [271.544].

7.17.3.1 Drafting

~~GRZ-S7~~	~~Designing for safe streets~~
~~1. Where a site has direct road frontage, any residential unit or minor residential unit facing the road shall:~~ ~~a. have at least one habitable room or kitchen located facing the street at ground level; and~~ ~~b. include at least 20% of the front façade in glazing (window or door panels); and~~ ~~c. have a door that is directly visible and accessible from the street.~~	~~**Matters of discretion are restricted to:**~~ ~~1. building design, siting and external appearance; and~~ ~~2. the effect on established streetscape character and visual amenity values of the area; and~~ ~~3. the extent to which topography, site orientation, separation distances and planting can mitigate the effects of the building or structure; and~~ ~~4. the effect on amenity values of adjoining residential properties, including outlook, privacy, dominance, shading, sense of enclosure, noise, odour, dust, glare or vibration; and~~ ~~5. the effect on pedestrian, cyclist and vehicle safety.~~[57]

GRZ-R1	**Building activity**	
General Residential Zone	**Activity status: Permitted** **Where:** PER-1 All of the following standards are complied with where relevant: 1. GRZ-S2 Maximum height; 2. GRZ-S3 Height in relation to boundary; 3. GRZ-S4 Building coverage; 4. GRZ-S5 Minimum pervious surface; 5. GRZ-S6 Minimum setbacks; 6. ~~GRZ-S7 Designing for safe streets;~~[58] 7. GRZ-S8 Frontage fencing; 8. GRZ-S11 Servicing and firefighting water supply and access.	**Activity status when compliance is not achieved: Restricted Discretionary** **Where:** RDIS-1 Compliance is not achieved with PER-1 **Matters of discretion are restricted to:** 1. the matters of discretion listed in any of the standards GRZ-S2, GRZ-S3, GRZ-S4, GRZS5, GRZ-S6, ~~GRZ-S7,~~ GRZ-S8 and/or GRZS11.[59] ***Notification:*** *An application made under RDIS-1 for non-compliance with GRZ-S3, GRZ-S4, GRZ-S6, ~~GRZ-S7,~~ GRZ-S8 or GRZ-S11 is precluded from being publicly notified.*[60]

[56] I have not recommended consequential changes to delete the relevant policy in RESZ-P2(7) because this also sets up the equivalent MRZ standard, for which deletion is not sought by submitters (except via an extended further submission from KO [FS168], which is out of scope).
[57] H Osborne [26.2]
[58] H Osborne [26.2]
[59] H Osborne [26.2]
[60] H Osborne [26.2]

GRZ-S4	Building coverage	
1. The combined total building coverage for the total site area shall be 40%, except that for papakāika on land held under Te Ture Whenua Māori Act 1993 or within a Native Reserve, the maximum building coverage for any site shall be 45%. 2. Rainwater tanks less than 5,000 litres are exempt from any building coverage calculation in Clause 1 above. Note: Rainwater tanks larger than 5,000 litres are permitted provided compliance is achieved with relevant standards such as GRZ-S4~~,~~ and GRZ-S6 ~~and GRZ-S7~~.[61]	**Matters of discretion are restricted to:** 1. Building design, siting and external appearance; and 2. the effect on the established streetscape character and visual amenity values of the area; and 3. the effect on amenity values of adjoining residential properties, including privacy, outlook, shading and sense of enclosure; and 4. the ability to provide adequate outdoor living space on the site in terms of dimension, access and orientation; and 5. the ability to avoid, remedy or mitigate stormwater effects.	

7.17.4 Evaluation

416. The recommended change responds to legislation that requires the matters addressed in the standard to be disregarded when considering the effects of a district land use activity that relates to residential activities. As the standard only applies to residential units and minor residential units, there are no circumstances where the standard needs to remain in relation to non-residential activities.

417. I note that section 76(6) of the RMA, to be added via the Planning Act 2026 one month after royal assent on 30 October, requires that a rule in a district plan must not require a resource consent for an activity solely because it relates to a matter specified in section 104(1A).

7.18 Frontage fencing (GRZ-S8)

418. This section addresses submissions on GRZ-S8 Frontage fencing. There were no submissions on the equivalent standard for the MRZ.

419. The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**. Overall, 5 original submission points and 1 further submission point are addressed here.

Submitter Name	Submission Point Number(s)
Rabbidge Group	85.2 (KO FS168)
M McKenzie	149.8
CRC	271.545
E Schultz	305.221
WPG 2	306.221

[61] H Osborne [26.2]

7.18.1 Submissions

420. Rabbidge Group [85.2] sought amendments to the standard so that it does not apply in relation to boundaries with public walkways or cycleways, and to increase the maximum fence height from 1.2m to 1.8m, and the height over which fencing must be partly visually permeable from 0.9m to 1.5m. They considered that fencing in relation to public walkways or cycleways should be excluded due to potential effects on outdoor living areas and the enjoyment of private property. This submission was supported by KO [FS168], who considered there should be a balance between maintaining privacy for residents and addressing the public realm.

421. M McKenzie [149.8] sought that all fences can be 2m, except along a driveway or vehicle crossing where the fence height should be no more than 1m and set back 3m. The changes were sought for privacy.

422. E Schultz [305.221] and WPG 2 [306.221] sought deletion of the standard and associated references. As alternative relief, they sought changes to increase the maximum fence height from 1.2m to 1.8m, and the height over which fencing must be partly visually permeable from 0.9m to 1.2m. The submitters noted that the proposed maximum heights may impact the ability of owners to secure pets and animals within a property.

423. CRC [271.545] did not seek any changes to the standard as notified.

7.18.2 Analysis

7.18.2.1 Background

424. GRZ-S8 Frontage fencing is a new standard added to the PDP, rather than having rolled over from the ODP. The standard seeks to achieve objective RESZ-O2 Scale, form and design of development in Residential Zones, which seeks development that achieves high standards of amenity and supports community health, safety and well-being (among other outcomes).

425. Policy RESZ-P2 sets out how the PDP will achieve RESZ-O2, including by limiting the height and permeability of fences to maintain or enhance streetscapes, unless the fencing is required for acoustic insulation. I note that this policy does not include the management of transport safety effects as a purpose for the standard, although effects on pedestrian, cyclist and vehicle safety is a matter of discretion for the standard.

426. For GRZ, the standard also helps to achieve objective GRZ-O2 Character of the GRZ, which seeks sites generally dominated by landscaped areas, with open spacious streetscapes (among other outcomes).

427. While fencing standards in other district plans also play a role in supporting passive surveillance for public safety outcomes,[62] this appears not to be the case for GRZ-S8, as discretion is not reserved to consider effects on public safety, except in relation to

[62] For example, Dunedin's Second Generation District Plan, see Rule 15.10.4.4: DCC 2GP

pedestrian, cyclist and vehicle safety.[63] Policy RES-P2(4)(b) that sets up the standard also does not reference public safety outcomes.

428. It is noted that fences generally (which fall within the definition of structure as an "other facility, made by people and which is fixed to land") would need to comply with the following standards, which do not include exceptions for fences:[64]

- GRZ-S2 Maximum height, which applies a maximum height of 8m to structures; and
- GRZ-S6 Minimum setbacks, which applies various setback from boundary requirements to structures.

429. GRZ-S3 Height in relation to boundary only applies to buildings, not structures.

7.18.2.2 Deleting the standard

430. Regarding the submissions from E Schultz [305.221] and WPG 2 [306.221], I consider it inappropriate to delete the standard as a means of achieving flexibility for property owners, or to ensure that pets and animals can be safely contained.

431. Deleting the standard would detract from effectively achieving the relevant PDP objectives outlined above, as it could result in tall, visually impermeable fences along road frontages, limiting achievement of open spacious streetscapes. While imposing a fencing standard can limit the use of private property, I consider that this cost can be mitigated by other changes to the standard, as outlined in the recommendations section below.

7.18.2.3 Increasing the maximum fence heights

432. Changes to the maximum fence heights sought in submissions are summarised in the table below.

Rule clause	Proposed height	Requested heights
a. Maximum fence height	1.2m	1.8m [85.2] [305.221] [306.221] 2.0m [149.8]
b. Height over which fence must be at least 45% visually permeable	0.9m	1.2m [305.221] [306.221] 1.5m [85.2]

433. I agree with E Schultz [305.221] and WPG 2 [306.221], based on anecdotal evidence, that some pets such as large or agile dogs may not be able to be adequately contained by a 1.2m tall fence. However, I also note that this maximum fence height does not apply to all property fencing, leaving the possibility of installing taller fencing at the rear of a property to contain such pets. This may not be practical where properties have small rear yards, or on corner sections which have two (or sometimes three[65]) frontages.

434. Regarding privacy effects raised by various submitters, I consider there is potential for impingement on privacy from applying this rule, especially for:

[63] I note the same applies for GRZ-S7 Designing for safe streets, and this appears to be an omission.
[64] This is likely unintentional.
[65] E.g. 23 Conway Street, Ōamaru.

- corner sections, where the standard applies to a greater proportion of a site because there are multiple frontages; and
- where buildings are located further from a road boundary than permitted by the setback standards, as this impacts the area of the property where the standard applies and affects side boundary fences with neighbours to varying degrees.

435. I note that privacy is relevant to considering whether high standards of amenity are achieved in relation to objective RESZ-O2.

436. An example of the extent of fencing that would be managed by the proposed standard is provided in **Figure 14** below, where the red lines indicate the frontage fences, as determined by the front façades of buildings (indicated by yellow lines). Note how the rule affects fences between neighbours, but that it can be difficult to determine to what extent because the front façades of the buildings on each site may be at different distances from the road. Furthermore, for a vacant site, the standard would apply to all fencing on that site.



Figure 14: Fences managed by GRZ-S8 Frontage fencing (red) as proposed. Note the differences in distances between the road and front façades of buildings (yellow) which make application of the standard variable by site.

437. Privacy effects from the proposed rule could be mitigated by strategic positioning of the visually impermeable part of a fence. However, at a maximum height of 1.2m, the average

person walking or driving past the site would be able to see over the fence, depending on topography and other factors.

438. Hedges or other planting could also be used in addition to a fence for privacy. This would be more likely to be achievable in a road boundary setback, where buildings and structures must be set back from the boundary by 4.5m, providing more space for plants to grow. Effective planted screening may be harder to achieve at internal boundaries with public reserves, walkways or cycleways, where the minimum boundary setback is 1.6m.[66]

439. Overall, I consider that the standard should be amended to achieve a better balance between managing privacy effects and effects on the streetscape. My recommendations for this are outlined in the recommendations section below.

7.18.2.4 Fences in relation to vehicle crossings

440. As part of seeking a maximum fence height of 2m, M McKenzie [149.8] sought an exception along a driveway or vehicle crossing where the fence height should be no more than 1m and set back 3m. Presumably, this request has been made to preserve visibility for drivers exiting driveways. This consideration is relevant to the standard, which reserves discretion to consider effects on pedestrian, cyclist and vehicle safety.

441. I consider that the standard does not currently manage potential transport safety effects as effectively as it could. Council's Development Engineer, Rodger McGaw, has confirmed that the accepted driver eye height is 1.15m.[67] Therefore, a visually impermeable fence of 1.2m tall adjacent to a vehicle crossing could obscure driver sight distances when entering the road corridor. While the rule requires a fence of this height to be 45% visually permeable, it does not require the impermeable part to be adjacent to any vehicle access.

442. For guidance on which parts of frontage fencing should be visually permeable to manage road safety effects, Mr McGaw has referred me to NZTA Road Traffic Standards 06 Guidelines for Visibility at Driveways. A figure from those standards is given in **Figure 15** below, showing the visibility splay considered acceptable at a vehicle crossing to ensure a clear line of sight between pedestrians on the footpath and vehicles using the driveway.

[66] Note that where the site adjoins a Sport and Active Recreation Zone, the minimum setback for buildings with habitable rooms is 4m.
[67] NZTA (1993): Road traffic standards 06 guidelines for visibility at driveways

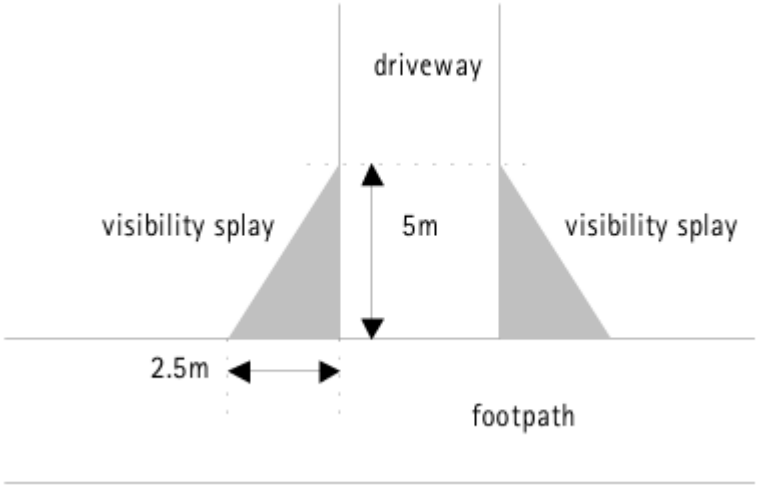


Figure 15: Visibility splay for driveways given at page 18 of NZTA RTA 06 Guidelines for Visibility at Driveways (1993)

443. Although sight distances are managed in the Transport chapter of the Plan[68], these only relate to the establishment of new or amended vehicle crossings onto roads and do not apply to fences that might be added after a vehicle crossing is established.

444. Therefore, I support changes to the standard to better manage transport safety effects at vehicle crossings, as outlined in the recommendations section below.

7.18.2.5 Fences in relation to public reserves, walkways or cycleways

445. Rabbidge Group [85.2] sought that GRZ-S8 not apply in relation to boundaries with public walkways or cycleways.

446. Public walkways or cycleways that are not in the road reserve are less likely to be part of a streetscape, where managing streetscape amenity effects becomes relevant. Furthermore, it is unlikely that vehicle crossings will interact with public walkways or cycleways that are not in the road reserve, where managing transport safety effects becomes relevant.

447. Therefore, I support not applying the rule in relation to boundaries with public walkways or cycleways, as outlined in the recommendations section below. I also support not applying the rule in relation to boundaries with public reserves for similar reasons.

7.18.2.6 Fences generally

448. A relevant matter arising from submissions on GRZ-S8 is that fences generally (including frontage fences) are captured by the GRZ maximum height and minimum setbacks standards, without appropriate exceptions.

449. I note that the ODP effectively exempts fences from these standards via its definition of building, which excludes fences or walls of 2m in height or less above ground level. However, the PDP now uses the required definitions of building and structure from the NPStds, which do not make this exclusion. Application of the maximum height and

[68] TRAN-S16

minimum setback standards to fences is likely an unintended consequence of this change.

450. I have recommended that GRZ-S8 no longer apply to fencing in relation to a boundary with a public reserve, walkway or cycleway. As a result, the height and setback of these fences would be managed only by the other standards in the GRZ chapter, effectively allowing fences up to 8m tall, but also requiring them to be set back from boundaries.

451. Therefore, as a consequential change, I consider it necessary to amend both GRZ-S2 and GRZ-S6 to ensure that fences, other than those managed by the frontage fencing rule, be appropriately managed, as outlined below.

7.18.3 Recommendations

452. I recommend the following changes to the proposal by accepting in part all submissions listed in the table above, as shown below and in **Appendix 1**:

- Amend GRZ-S8 Frontage fencing to:
    - Apply it to only one frontage on corner sections, like the minimum setback standard, to provide more flexibility and limit potential effects on privacy and on-site amenity for these sites;
    - Specify the extent to which side boundary fences are affected, rather than relying on the position of the front façade of a building, which varies and could frustrate implementation of the rule between neighbours;
    - No longer apply the rule to boundaries in relation to public reserves, walkways or cycleways (except that these will still be captured where within a road reserve), as these features are less likely to form part of the streetscape and less likely to intersect with vehicle crossings, which are the matters the rule is managing;
    - Increase the maximum fence height from 1.2m to 1.5m to provide more flexibility to achieve visually impermeable screening in targeted locations along a boundary, in combination with visually permeable portions of screening in other locations;
    - Add visual permeability requirements specifically in relation to vehicle crossings to better manage road safety effects; and
    - Clarify the meaning of Clause 1(b) regarding the visual permeability requirement so that it aligns with the outcome shown in Diagram 8, to aid Plan implementation (under Cl.10(2)(b)(ii) Schedule 1 as a matter arising from submissions).
- Amend policy RESZ-P2 to ensure that it addresses the road safety aspects of the standard (under Cl.10(2)(b)(i) Schedule 1 as a consequential change); and
- Amend GRZ-S2 Maximum height and GRZ-S6 Minimum setbacks to:
    - Exempt fences up to 2m in height above ground level, except where GRZ-S8 applies (under Cl.10(2)(b)(i) Schedule 1 as a consequential change).

7.18.3.1 Drafting

GRZ-S8	Frontage fencing
1. All fencing structures located ~~between a road and the front façade of a building~~ within 4.5m of a road boundary that is not with a state highway~~, or within 2m of a boundary with a public reserve, walkway or cycleway~~ shall:[69] a. be no higher than ~~1.2m~~1.5m; and[70] b. for fencing over 0.9m in height, ~~shall~~ be at least 45% visually permeable overall;[71] and ~~except:~~ c. ~~on any state highway, a solid fence can be constructed to a maximum height of 2m.~~ d. for fencing within 2.5m of any vehicle crossing, be visually permeable for the portion of the fence over 0.9m in height above ground level.[72] 2. Except that on corner sites (with two or more road boundaries), the standard applies in relation to only one road boundary.[73]	**Matters of discretion are restricted to:** 1. building design, siting and external appearance; and 2. the effect on established streetscape character and visual amenity values of the area; and 3. the extent to which topography, site orientation, separation distances and planting can mitigate the effects of the building or structure; and 4. the effect on amenity values of adjoining residential properties, including outlook, privacy, dominance, shading, sense of enclosure, noise, odour, dust, glare or vibration; and 5. the effect on pedestrian, cyclist and vehicle safety.

RESZ-P2	Design of new development
Ensure that new development in residential areas is well designed and laid out, including by: … 4. maintaining or enhancing streetscapes and the safety of pedestrians, cyclists and vehicles through:[74] a. the setback of garaging and buildings, and where these setbacks are reduced, that sufficient space is still available for vehicle manoeuvring, and impacts of dominance on the streetscape are minimised; and b. limiting the height and permeability of fences, unless the fencing is required for acoustic insulation; and …	

GRZ-S2	Maximum height
1. All buildings and structures must not exceed a maximum height of 8m as measured from ground level. 2. Except that: a. no building for an activity shall exceed the maximum height determined by the Ōmārama Airfield Height Controls (for the side surfaces gradient and/or Take Off/Approach Surface gradient), as shown on the Planning Maps~~.~~; and b. no fence shall exceed a height of 2m as measured from ground level unless GRZ-S8 applies.[75] 3. Clause 1 does not apply to: a. antennas, aerials, satellite dishes (less than 1m in diameter); b. Lightning rods, chimneys and flues, provided these do not exceed the height limit by more than 3m, measured vertically.	**Matters of discretion are restricted to:** …

[69] Rabbidge Group [85.2], E Schultz [305.221] & WPG [306.221]
[70] Rabbidge Group [85.2], M McKenzie [149.8], E Schultz [305.221] & WPG [306.221]
[71] Cl.10(2)(b)(ii) matter arising from Rabbidge Group [85.2], M McKenzie [149.8], E Schultz [305.221] & WPG [306.221] – align wording with outcome shown in Diagram 8 to aid interpretation of the standard
[72] M McKenzie [149.8]
[73] E Schultz [305.221] & WPG [306.221]
[74] Consequential change from M McKenzie [149.8]
[75] Consequential change from Rabbidge Group [85.2], E Schultz [305.221] & WPG [306.221]

GRZ-S6	Minimum setbacks
1. The minimum setback of any part of a building or structure for an activity shall be: a. from a road boundary: 4.5m; and b. from a rail corridor boundary: 4.5m; and c. from internal boundaries: 1.6m; and d. corner sites (with two or more road boundaries): one setback of 4.5m along a road boundary and setbacks of 1.6m on all other boundaries; 2. Except that: a. where a boundary immediately adjoins an access or part of an access which is owned or partly owned with that site, or has a registered right of way over it in favour of that site, the minimum setback shall be 1m; or b. where an internal boundary adjoins a Commercial, Industrial, Sport and Active Recreation or Rural Lifestyle Zone boundary, all buildings with habitable rooms shall be setback from that boundary by a minimum of 4m. 3. Internal boundary requirements in Clause 1(~~d~~c)[76] above do not apply to: a. accessory buildings where these are not used for human habitation, and the building does not exceed 10m in length and does not contain any windows or doors along the boundary elevation; b. buildings that share a common wall along the boundary for the length of that common wall; c. rainwater tanks less than 5,000 litres in capacity. 4. Clause 1 does not apply to fences that do not exceed a height of 2m as measured from ground level.[77]	**Matters of discretion are restricted to:** …

7.18.4 Evaluation

453. To provide for greater on-site amenity and privacy, the changes limit the circumstances where the standard applies including for corner sections with multiple frontages, in relation to boundaries other than road boundaries, and to ensure that the extent of fencing managed by the standard is more consistent (i.e. based on the minimum setback required from road boundaries, rather than the position of the front façade of any building on site).

454. The recommended increase in maximum fence height also provides for better management of on-site amenity and privacy, as a fence height of 1.5m is more likely to effectively screen views into property from passing vehicle traffic, as the accepted vehicle eye-height is 1.15m. A fence height of 1.5m is also more likely to be effective in screening views into properties from passing pedestrians, although this may not be the case for taller pedestrians, or depending on ground contours.

455. While views would still be possible into property, people are generally passing through the streetscape environment, rather than lingering for extended periods (such as in public reserves where outdoor recreation may occur). I do not support increasing the maximum fence height of frontage fencing to 1.8m or 2m because of the potential impacts on streetscape openness.

[76] Cl.16(2) Alteration of minor effect – correct referencing error.
[77] Consequential change from Rabbidge Group [85.2], E Schultz [305.221] & WPG [306.221]

456. For all fences subject to the rule, I consider it appropriate to retain the visual permeability requirements to mitigate the effects on streetscape amenity and openness of allowing taller fences. The allowance of 55% visual impermeability still provides for strategic placement of solid fencing for privacy and security in targeted locations.

457. However, the change to require visual permeability of fences in relation to vehicle accesses is necessary to ensure that the standard is effectively ensuring that effects on pedestrian, cyclist and vehicle safety are managed. The dimensions selected for these changes are based on those given in the NZTA Road Traffic Standards 06 Guidelines for Visibility at Driveways (1993).[78]

458. The changes also clarify the interpretation of some clauses and address unintended omissions from the GRZ standards regarding the management of fences generally, which will aid Plan implementation. Allowing fences generally to be up to a height of 2m above ground level is considered appropriate, as this is a typical expectation in a residential environment and provides for the use of standard fence panels and palings of 1.8m tall, with some allowance for variation in topography.

459. I have considered whether the policy aspect related to managing effects on pedestrian, cyclist and vehicle safety is better placed in the Transport chapter or residential provisions. I have preferred to keep it within the residential provisions for ease of reference, because this approach has been taken for other standards that manage multiple effects, and because there is a relevant residential objective RESZ-O2 regarding development supporting community health, safety and well-being.

460. If the Panel are of a mind that GRZ-S8 should be managing passive surveillance from private property, I note that this relates to "views from private property". These views must be disregarded when considering the effects of a district land use activity from 30 October 2026 because of the addition of s104(1A) to the RMA.

461. Overall, the recommended changes seek a better balance between achieving on-site amenity and privacy outcomes versus streetscape spaciousness and road safety outcomes, responding to the matters raised in submissions. This approach is consistent with the outcomes sought in objectives RESZ-O2 and GRZ-O2 and will ensure that they are more effectively and efficiently achieved compared to the proposed standard.

7.19 Outdoor storage screening (GRZ-S10)

462. This section addresses submissions on GRZ-S10 Outdoor storage screening. There were no submissions on the equivalent standard for the MRZ.

463. The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**. Overall, 2 original submission points and no further submission points are addressed here.

[78] NZTA (1993) Road traffic standards 06 guidelines for visibility at driveways

Submitter Name	Submission Point Number(s)
M McKenzie	149.7
CRC	271.547

7.19.1 Submissions

464. M McKenzie [149.7] opposed GRZ-S10 and his submission referred to the storage of firewood. As it was somewhat unclear from the submission exactly what issues Mr McKenzie had with the standard, or the relief he sought, I contacted him for clarification. Overall, I took it that Mr McKenzie supported that the standard provided for the storage of firewood. However, he was concerned at the wording of the requirement for outdoor storage to not "be visible from an adjoining property or road", as it is not clear where visibility should be measured from. For example, whether it could be from a second-storey window of a neighbouring property, or from someone standing on an elevated platform.

465. CRC [271.547] did not seek any changes to the standard as notified.

7.19.2 Analysis

466. Outdoor storage is a land use activity defined in the Plan as follows:

> *means the use of land for the purpose of storing vehicles (that are not registered), equipment, machinery, natural and processed products and wastes outside of a fully enclosed building on a permanent basis or for periods in excess of 4 weeks in any one year.*

467. GRZ-S10 requires outdoor storage to either be limited in area and duration or be screened so that it is not visible from an adjoining property or road. The storage of firewood for use by the residential dwelling(s) on site is exempt.

468. This approach is intended to achieve objective RESZ-O2 which seeks development that achieves high standards of amenity. Policy RESZ-P2(8) sets out how this will be achieved for outdoor storage.[79]

469. I agree with M McKenzie [149.7] that the requirement for outdoor storage to not be visible from an adjoining property or road is not specific enough to support efficient and effective implementation of the standard.

470. I also note that section 104(1A) of the RMA, as about to be added by the Planning Act 2026, requires that views from private property must be disregarded by a consent authority when considering the effects of a land use activity. This is relevant to the parts of the standard that manage views from adjoining private property, but not for public property (including a road).

471. I also consider that the provision contains duplication and is unclearly set out.

[79] I note that both RESZ-O2 and RESZ-P2(8) apply to development, not land use, which is not ideal from a policy alignment perspective, but no specific changes are sought to address this.

472. Overall, I support changes to further specify the visibility aspect of the standard as sought by M McKenzie [149.7] (including limiting it to visibility from public property), and to remove duplication and simplify the drafting to make the standard easier to implement in response to the general submission from FFNZ [246.7] (see **Section 7.3**).

7.19.3 Recommendations

473. I recommend the following changes to the proposal by accepting in part M McKenzie [149.7] and FFNZ [246.7], as shown below and in **Appendix 1**:

- Amend GRZ-S10 to:
  - clarify that visibility is when viewed from an eye level of 1.7m above ground level;
  - limit the visibility requirements to apply from public property only;
  - amend the matters of discretion to not include effects on views from private property; and
  - simplify and remove duplication.

474. I also recommend accepting in part the submission from CRC [271.547].

7.19.3.1 Drafting

GRZ-S10	Outdoor storage screening
1. ~~No outdoor storage shall:~~ a. ~~exceed 14m^2 in area on any one site; and~~ b. ~~be stored for eight, or more, consecutive weeks in any 12-month period; or~~ c. ~~be visible from an adjoining property or a road.~~ 2. ~~Clause 1 does not apply where all of the outdoor storage:~~ a. ~~cannot be seen from a public place and adjoining properties; and/or~~ b. ~~is screened by a continuous wall, fence or landscaping or a combination of all three, so that the outdoor storage is not visible from a public place and surrounding properties.~~ c. ~~is firewood for use by the residential dwelling(s) on the site.~~ 1. Outdoor storage must either: a. be: i. 14m^2 or less in area on any one site; and ii. stored for less than eight consecutive weeks in any 12-month period; or b. not be visible from public property when viewed from an eye level of 1.7m above ground level. 2. Clause 1 does not apply to the outdoor storage of firewood for use by the residential activity on the site.[80]	**Matters of discretion are restricted to:** 1. Any adverse visual effects resulting from reduced, alternative or no screening of the outdoor storage area on the outlook and amenity values of ~~adjoining residential sites~~ public property and/or streetscape character. 2. The distance of the outdoor storage area from the relevant boundary. 3. The time period, type and volume of goods for which the outdoor storage area will be used. 4. The ability of the topography or existing vegetation within the locality to mitigate any adverse visual effects~~, resulting from reduced or no screening on adjoining residential sites~~. 5. The ability to mitigate any adverse visual effects resulting from reduced or no screening of the outdoor storage area through alternative means.[81]

7.19.4 Evaluation

475. The recommended changes will ensure that the standard is much easier to interpret and apply by reducing duplication and simplifying the drafting. The specification of an eye

[80] M McKenzie [149.7] and FFNZ [246.7]
[81] M McKenzie [149.7]

level above ground level for establishing visibility will provide greater certainty to Plan users and will help minimise disputes about whether the rule is contravened or not.

476. An eye level of 1.7m above ground level has been chosen because this approximates the eye level of a 90-percentile adult male in New Zealand, according to data from the NZ Health Survey 2024 by the Ministry of Health.[82] This height was selected to ensure that the rule manages views as seen by most people, with male height ranges being taller than those for females.

477. Application of the visibility aspect of the standard to only from public property, aligns the standard with the limits on consideration of effects that will now apply to consent authorities.

478. While the changes overall will reduce the extent of amenity effects that are managed, which detracts from effectively achieving objective RESZ-O2, this is outweighed by the benefits of achieving greater certainty for Plan users, and the legislative requirements now imposed on Council.

7.20 Servicing and firefighting (GRZ-S11, MRZ-S11 & others)

479. This section addresses submissions that are:

- on the standards for servicing and firefighting water supply and access, being GRZ-S11 and MRZ-S11;
- specifically relevant to RESZ-P2(9), which is the policy that sets up the method of requiring servicing and access in the above standards; and
- on RESZ-P3 Multi-unit development, as the only submission seeking changes to that policy relates to provision of firefighting access, and there were no submissions seeking changes to the associated rules in GRZ-R14 and MRZ-R14.

480. Submissions on other parts of RESZ-P2 are addressed separately in **Section 7.6**.

481. The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**. Overall, 9 original submission points and one further submission point are addressed here.

Submitter Name	Submission Point Number(s)
FENZ 2	163.57 (GRZ-S11), 163.58 (MRZ-S11), 163.84 – part (RESZ-P2), 163.85 (RESZ-P3)
CRC	271.548 (GRZ-S11), 271.507 (RESZ-P3)
KO	168.9 (RESZ-P3)
E Schultz	305.213 – part (RESZ-P2(9))
WPG 2	306.213 – part (RESZ-P2(9); FS168)

[82] As interpreted by the authors of the MoneyHub website: Average Height NZ - Male & Female - MoneyHub NZ

482. Note that other submissions from FENZ 2 [163] are addressed in other sections of this report.

7.20.1 Submissions

7.20.1.1 General 3 waters servicing

483. CRC [271.548] sought changes to GRZ-S11 for inclusion of a requirement where reticulated services are unavailable so that buildings must be provided with stormwater and wastewater systems, and potable water that meets regional council requirements, to align with CRPS Policy 5.3.5. That policy seeks that development is appropriately and efficiently served for the collection, treatment, disposal or re-use of sewage and stormwater, and the provision of potable water. CRC emphasised a need to consider what happens when reticulated servicing is unavailable.

484. The wording sought by CRC [271.548] is as follows:

> *All new buildings must be connected to reticulated services where these are available. Where reticulated services are unavailable, buildings must be provided with stormwater and wastewater systems, and potable water that meets regional council requirements; and...*

7.20.1.2 Firefighting servicing and access

485. FENZ 2 [163.57 & 163.58] supported the standards GRZ-S11 and MRZ-S11 but sought correction of a typographical error in the reference to the Firefighting Code of Practice in the standard for both zones.

486. FENZ 2 [163.84] supported RESZ-P2 Design of new development, which sets up the method of requiring servicing and access in the above standards, because it ensures new development is serviced for firefighting water supply.

487. E Schultz [305.213] and WPG 2 [306.213] sought various changes to RESZ-P2 to provide greater flexibility, including that clause 9 on servicing and firefighting water supply and access be amended so that development 'has the ability to be' appropriately serviced, rather than 'is' appropriately serviced.

488. FENZ 2 [163.85] sought reference to providing for firefighting access within clause 7 of RESZ-P3, which sets up the rules for restricted discretionary multi-unit development.[83]

489. KO [168.9] and CRC [271.507] supported RESZ-P3 Multi-unit development as notified, particularly as it recognises and promotes multi-unit development, and gives effect to CRPS Objective 5.2.1 and policies 5.3.1, 5.3.2 and 5.3.5.

[83] FENZ [163.143] also sought similar changes to the Medium Density Residential Design Guidelines in Appendix 11 of the plan, which is dealt with in **Section 7.21**.

7.20.2 Analysis

7.20.2.1 Unreticulated 3 waters servicing

490. CRC [271.548] has identified that the GRZ chapter does not include any requirements regarding servicing when reticulated 3 waters services are unavailable. The reasons for this are that:

- The urban areas where GRZ applies[84] are serviced with reticulated wastewater and water supply; and
- Unreticulated stormwater is managed separately through the Stormwater chapter, which includes provisions that apply to development in the GRZ.[85]

491. The Stormwater chapter requirements ensure that for development to be permitted:

- any stormwater disposal to ground is not on a part of the site identified on the Planning Maps as being subject to the Moeraki Land Instability Overlay or inundation, or be used for the disposal of wastewater (STORM-S1); and
- new development must achieve hydraulic neutrality for the critical duration, using an accepted solution given in Appendix 1 to the PDP and meeting requirements specified in the standard (STORM-S3).

492. I also note that the Subdivision chapter includes provisions that address where connections to reticulated wastewater and water supply are unavailable.[86] These provisions apply to subdivision in any zone.

493. Overall, I consider that this approach gives effect to Policy 5.3.5 of the CRPS.

494. Therefore, I do not support the addition of rules to the GRZ chapter to manage unreticulated stormwater, wastewater and water supply, including the reference to regional council requirements as requested by CRC [271.548].[87]

7.20.2.2 Background on firefighting provisions addressed here

495. Clause 9 of policy RESZ-P2 Design of new development sets up the method of requiring servicing and firefighting water supply and access in standards GRZ-S11 and MRZ-S11. These standards require that all new buildings must be connected to reticulated services where these are available and must comply with the Firefighting Water Supplies Code of Practice, which covers both firefighting water supply and access.

496. All building activity in the GRZ and MRZ must comply with GRZ-S11 or MRZ-S11 respectively, in accordance with GRZ-R1 and MRZ-R1. This includes the building of multi-unit development.

497. Multi-unit development is also subject to separate rules to manage urban design outcomes as a restricted discretionary activity (GRZ-R14 and MRZ-R14). These rules link

[84] Ōamaru, Weston, Kakanui, Palmerston, Lake Ōhau Village, Ōmārama, Otematata and Kurow.
[85] STORM-R1, STORM-S1 & STORM-S3.
[86] SUB-O3, SUB-P3(5), SUB-S6, SUB-S7 & SUB-S8.
[87] CRC has made similar submissions in relation to RLZ, LCZ and MUZ.

back to policy RESZ-P3 Multi-unit development, which sets up this method and is separate to managing firefighting-related matters.

7.20.2.3 Firefighting code referencing error

498. I support correcting the reference to the Firefighting Code of Practice in GRZ-S11 and MRZ-S11 in response to FENZ 2 [163.57 & 163.58].

7.20.2.4 Policy setting up servicing standards (RESZ-P2(9))

499. I do not support the submissions from E Schultz [305.213] and WPG 2 [306.213] seeking that development 'has the ability to be' appropriately serviced. Buildings should be serviced at the time they are erected to ensure health, safety and well-being is supported in line with objective RESZ-O2, amongst other relevant matters. However, I consider that the policy wording could be targeted to new buildings, rather than all development generally, as new buildings are what the standards apply to.

500. While FENZ 2 [163.84] supported RESZ-P2 as notified, I recommend changes to RESZ-P2(9) in response to their separate point on RESZ-P3 Multi unit development, as outlined below.

7.20.2.5 Emergency service access to multi-unit developments

501. As outlined in the background above, the multi-unit development provisions of RESZ-P3 and rules GRZ-R14 and MRZ-R14 are intended to manage urban design outcomes, not firefighting-related matters. Those matters are dealt with separately via GRZ-S11, MRZ-S11 and RESZ-P2(9), which apply to the building of multi-unit developments.

502. However, I note that policy RESZ-P2(9) does not encompass the firefighting access component addressed in GRZ-S11 and MRZ-S11.

503. Therefore, I support the submission from FENZ 2 [163.85] regarding including a reference to firefighting access requirements in policy, but I consider that this is better located in RESZ-P2(9), rather than in RESZ-P3.

7.20.3 Recommendations

504. I recommend the following changes to the proposal by accepting FENZ 2 [163.57 & 163.58] and accepting in part E Schultz [305.213], WPG 2 [306.213] and FENZ 2 [163.85] as shown below and in **Appendix 1**:

- Amend GRZ-S11 and MRZ-S11 to:
    - Correct the reference to the Firefighting Code of Practice to include the 'S' in 'PAS'.
- Amend RESZ-P2(9) to:
    - Apply to all new buildings, rather than all development, in alignment with the associated standards in GRZ and MRZ;
    - Encompass the firefighting access aspect of standards GRZ-S11 and MRZ-S11 that it sets up.

505. I recommend rejecting the submission from CRC [271.548], accepting in part FENZ 2 [163.84], and accepting KO [168.9] and CRC [271.507].

7.20.3.1 Example drafting for GRZ

GRZ-S11	Servicing and firefighting water supply and access
1. All new buildings must be connected to reticulated services where these are available; and 2. All new buildings must comply with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008.[88]	**Matters of discretion are restricted to:** 1. The extent to which the site is appropriately serviced including wastewater, stormwater, and water supply, including a firefighting water supply and access to that supply in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008.

RESZ-P2	Design of new development
Ensure that new development in residential areas is well designed and laid out, including by: … 9. ensuring all ~~development is~~ new buildings are [89]appropriately serviced, including wastewater, stormwater and water supply with sufficient capacity for firefighting purposes and firefighting access.[90]	

7.20.4 Evaluation

506. The recommended changes are relatively minor in scale and significance and are intended to achieve consistency between the policy wording in RESZ-P2(9) and the approach in the associated standards at GRZ-S11 and MRZ-S11. This will provide clarity for Plan users but will not greatly affect the degree to which these provisions achieve the relevant objectives.

7.21 Design guidelines for GRZ & MRZ (inc. Appendix 11)

507. This section addresses submissions on voluntary design guidelines that sit outside the PDP for Ōamaru North and South Hill (Ōamaru), and on the Medium Density Residential Design Guidelines given in Appendix 11 of the PDP.

508. The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**. Overall, 4 original submission points and no further submission points are addressed here.

Submitter Name	Submission Point Number(s)
KO	168.3 (Voluntary), 168.2 (APP11)
FENZ 2	163.143 (APP11)
NPHS	164.46 (APP11)

[88] FENZ [163.57]
[89] E Schultz [305.213] and WPG [306.213]
[90] FENZ [163.85]

7.21.1 Submissions

509. KO [168.3] supported the design guidelines for Ōamaru North and South Hill remaining voluntary.

510. KO [168.2] sought that the design guidelines in Appendix 11 be removed from the Plan and that instead provision is made for design outcomes within the MRZ chapter objectives, policies and assessment criteria. Their reasons included that the inclusion of the design guidelines within the Plan could unnecessarily require additional resource consents for non-compliance with guidelines that are typically viewed as 'methods' of achieving outcomes.

511. FENZ 2 [163.143] sought amendments to the design guidelines in Appendix 11 to reflect the submitter's relief sought in relation to their firefighting operational requirements. They noted that factors that influence emergency access should be considered including site layout, street interface, form and massing, access and landscaping.

512. NPHS [164.46] supported the design guidelines in Appendix 11 as notified.

7.21.2 Analysis

7.21.2.1 Background

513. Two sets of design guidelines relating to residential zones were developed as part of the PDP project.

514. The first set is voluntary to comply with and relates to development in Ōamaru North[91] and South Hill (Ōamaru).[92] These areas are mostly zoned MRZ but include some areas of GRZ, and a small area of Mixed Use Zone in Ōamaru North. These guidelines were not incorporated into the PDP because of a Council decision not to protect these areas as having special character values (see **Section 3.2.1**).

515. The second set is the Medium Density Residential Design Guidelines (MDRDGs) given in Appendix 11 to the PDP. The MDRDGs are specifically referenced in the following PDP provisions:

- SUB-P13 Subdivision in the Residential Zones
- GRZ-R14 Multi-unit development (restricted discretionary activity – s88 information requirement and matter of discretion)
- MRZ-R14 Multi-unit development (restricted discretionary activity – s88 information requirement and matter of discretion)
- MRZ-R15 Retirement village (restricted discretionary activity – matter of discretion)
- MRZ-S2 Maximum height (matter of discretion for contravention of the standard)
- MRZ-S4 Building coverage (matter of discretion for contravention of the standard)
- MRZ-S7 Designing for safe streets (matter of discretion for contravention of the standard); and
- MRZ-S8 Frontage fencing (matter of discretion for contravention of the standard).

[91] Available online: ōamaru-north-voluntary-design-guidelines.pdf
[92] Available online: south-hill-ōamaru-voluntary-design-guidelines.pdf

516. Overall, the references to MDRDGs relate to activities that already require consent and the guidelines do not act as rules themselves. Where the MDRDGs are referenced in rules, the assessment of a resource consent application will consider the extent to which a proposed development's building design, siting and external appearance is consistent with the MDRDGs.

517. The MDRDGs are intended to help achieve objective RESZ-O2, which seeks new development in residential zones that is of a form, scale and design that achieves high standards of amenity, supports community health, safety and well-being, provides for the changing character of higher density living environments, and allows for a range of densities, housing typologies and living environments.

518. Policy RESZ-P2 seeks to achieve this by introducing residential design guidelines to guide development in residential areas and ensure that new development is well designed and laid out. Policy RESZ-P3 Multi-unit development is also relevant, setting out the general design outcomes sought for this type of medium density development.

519. The specifics of what well-designed medium density development should look like are provided within the design guidelines themselves.

520. I note that restricted discretionary multi-unit development and retirement villages[93] are still subject to the usual standards for building activity, residential activity, and residential units; and for any relevant district-wide matters; which are applied separately by the relevant rules for those activities. This includes the standards for servicing and firefighting water supply and access (see **Section 7.20**).

7.21.2.2 Incorporating Appendix 11 outcomes into the Plan

521. In the context of the background information above, it is unclear to me why KO [168.2] is seeking that the design guidelines in Appendix 11 be removed from the Plan and instead that provision should be made for design outcomes within the MRZ chapter objectives, policies and assessment criteria. I consider that this is effectively what the PDP is already doing, albeit that the relevant objectives and policies are primarily in the overarching RESZ chapter.

522. I also note that the design guidelines in Appendix 11 are not only relevant to development in the MRZ, as they also relevant to multi-unit development and subdivision in the GRZ.

523. Therefore, I do not support changes to the approach in response to this submission.

7.21.2.3 Amending Appendix 11 for firefighting operational requirements

524. Regarding the submission from FENZ 2 [163.143] seeking amendments to the MDRDGs in relation to their operational requirements, I consider that this is unnecessary, given that matters relating to firefighting water supply and access apply in addition to the MDRDGs via the relevant rules and standards in the PDP.

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[93] Retirement villages are a residential activity because they are "for people's living accommodation" and include residential units. However, retirement villages are also listed as a commercial activity in the PDP nested tables, which could cause confusion for Plan implementation.

525. The focus of the MDRDGs is on managing urban design outcomes rather than reflecting every matter that is relevant to the design of a new development. Therefore, I do not support changes to the guidelines in response to this submission.

7.21.2.4 'Encourage' policy RESZ-P3 versus Appendix 11

526. As outlined in the General Submissions section, a general submission from FFNZ [246.3] sought to include non-regulatory methods in the Plan to implement policies that 'encourage' certain outcomes. One such policy is RESZ-P3 Multi-unit development, which has a relationship with the design outcomes addressed in the MDRDGs.

527. The RESZ-P3 references to 'encourage' are in clause 6 and 9, as follows (***emphasis added***):

Provide for multi-unit development in the Medium Density Residential Zone and General Residential Zone, including the use of amalgamated or multi-site redevelopment, while:

...

*6. incorporating open space into the design that **encourages** interaction of people within developments as well as the use of landscaping features to soften built form and provide for external and internal amenity, including **encouraging** the retention of mature trees; and...*

*9. **encouraging** variation in unit sizes within a development to support housing choice.*

528. Aspects of these outcomes are addressed in the matters of discretion for the assessment of applications for restricted discretionary multi-unit developments in the GRZ and MRZ.[94] However, the matters of discretion do not address provision of open space for interaction of people, or variation in unit sizes for housing choice.

529. In addition to those rules, the MDRDGs are intended to encourage certain design outcomes for medium density development.

530. I have reviewed the MDRDGs, and aspects of the above policy outcomes are addressed there, particularly the maintenance of significant vegetation within the site, and landscaping.[95]

531. The aspect regarding open space that encourages interaction of people within developments does not appear to be addressed in the MDRDGs, which instead focuses on providing privacy between dwellings and on provision of communal open space as a possible alternative to smaller private open spaces in some circumstances (rather than encouraging this).[96]

532. The aspect regarding variation in unit sizes is addressed in the context of responding to the form and rhythm of the existing neighbourhood and respecting the existing pattern of development, rather than to support housing choice, which is not an urban design matter.[97]

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[94] GRZ-R14 and MRZ-R14.
[95] Point 5 on page 4, and guidelines on page 9 of the MDRDGs.
[96] Point 9 on page 7 of the MDRDGs.
[97] Points 3 and 7 on page 4 of the MDRDGs.

533. Overall, there are some gaps between the matters encouraged in RESZ-P3 and the methods to achieve those matters in the MDRDGs and rules GRZ-R14 and MRZ-R14.

534. At this stage I have not contemplated changes to address those gaps, for the reasons set out in **Section 7.3.2.3**. However, if the Panel is of a mind to address the gaps, I can reconsider this approach in my reply report.

7.21.3 Recommendations

535. I recommend no changes to the proposal and that the submissions from KO [168.2] and FENZ 2 [163.143] be rejected and the submission from NPHS [164.46] be accepted.

7.22 Residential provisions for Lake Ōhau Village

536. This section addresses submissions that were generally about the residential provisions for Lake Ōhau Village, which is zoned GRZ in the PDP.

537. The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**. Overall, 2 original submission points and no further submission points are addressed here.

Submitter Name	Submission Point Number(s)
M Carena	73.6 - part
J Laurie	76.1 (RESZ-P7)

538. I note that submissions seeking the rezoning of Lake Ōhau Village to an alternate zone, or seeking the introduction of a precinct over the village to manage its special character, will be considered in a future report on residential rezoning ahead of Hearing Stream 5.

7.22.1 Submissions

539. M Carena [73.6] made a submission on matters relevant to the use and development of Lake Ōhau Village. This included requests for the installation of water meters and user charges for water consumption, not allowing the use of drones, not allowing paths on reserves behind houses, and not allowing commercial activities. Many of these requests relate to concerns regarding residential visitor accommodation in Lake Ōhau Village and the impact this has on residents.

540. The parts of M Carena's submission that relate specifically to residential visitor accommodation and density have been addressed elsewhere in this report (see **sections 7.10** and **7.13**, respectively).

541. J Laurie [76.1] sought changes to policy RESZ-P7 Sustainable design to add a third point to 'recognise the unique challenges and existing character of Ohau Alpine Village through design principles'. This relates to another submission point from J Laurie [76.2] regarding the zoning of Lake Ōhau Village and the potential for a new precinct to manage amenity outcomes. However, that submission point is to be addressed in the residential rezoning report ahead of Hearing Stream 5.

7.22.2 Analysis

542. Some of the requests made by M Carena [73.6] relate more to matters that are managed outside of the district plan. This includes matters relating to water meters and user charges for water consumption. Therefore, I do not support managing these matters within the Plan.

543. Regarding the use of drones, I note that a drone falls within the definition of aircraft in the PDP. Therefore, the use of drones is permitted as a temporary activity under rule TEMP-R6, subject to compliance with a range of conditions. Submissions on TEMP-R6 have already been addressed in reporting for Hearing Stream 3, where the rule was recommended for retention with some clarifications. I do not recommend any changes to that rule in response to the submission from M Carena [73.6] but consider it appropriate for the Panel to bear this submission in mind when making decisions on the Temporary Activities chapter.

544. Regarding the use of reserves, I note that Lake Ōhau Village includes McKinnon Reserve (a local purpose reserve at the eastern side of the village) and Lake Ōhau Village Reserve (a recreation reserve that runs through the middle of the village), both of which are owned by Waitaki District Council and are zoned Open Space Zone in the PDP. These reserves are also subject to the Waitaki Reserves Management Plan 2014 (RMP), prepared under the Reserves Act. I note that Lake Ōhau Village Reserve already includes footpaths that run between and behind residential sites.

545. The village is also adjacent to Lake Middleton Reserve to the south, which is managed by the Department of Conservation and is subject to designation MCON-1 for recreation purposes and is not subject to any conditions.

546. Overall, I consider that the management of reserves within the village, including footpaths through them, is more appropriately dealt with through any update to the RMP in future than through changes to the district plan.

547. Regarding commercial activities, these are managed in the Plan. Within the GRZ, which is the zone applied to Lake Ōhau Village in the PDP, only two types of commercial activities are permitted, and both must be associated with residential activity. These activities are home business (GRZ-R8) and residential visitor accommodation (GRZ-R9), both of which are also subject to conditions to manage effects on residential amenity values and coherence (to achieve objective RESZ-O3).

548. I consider this overall approach to managing commercial activities in the GRZ to be appropriate and note that submissions specifically regarding the conditions that apply to residential visitor accommodation are dealt with separately in **Section 7.10** of this report.

549. There were no submissions seeking changes to the management of home businesses in the GRZ.

550. Regarding the submission from J Laurie [76.1], I consider it more appropriate to address his request alongside the submission regarding the zoning of Lake Ōhau Village in Hearing Stream 5 [76.2]. That is because a policy regarding the management of the character and design of Lake Ōhau Village would only be appropriate if an associated method (such as a

character precinct) is added to the Plan to achieve the policy's intent. Therefore, I reserve my recommendation on this submission point.

7.22.3 Recommendations

551. I recommend no changes to the proposal and that the submission from M Carena [73.6] be rejected (but noted in relation to the decision on the management of drones as a temporary activity), and that consideration of the submission from J Laurie [76.1] be deferred until reporting on residential rezoning for Hearing Stream 5.

7.23 Future Urban Growth (FUG-P1 & FUG-P2)

552. This section addresses submissions on policies FUG-P1 Development within the FUG and FUG-P2 Structure plans for land within the FUG. There were no submissions seeking changes to any of the other provisions in the Future Urban Growth chapter.

553. The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**. Overall, 6 original submission points and 4 further submission points are addressed here.

Submitter Name	Submission Point Number(s)
KiwiRail	233.83 (FUG-P1; NZTA FS152, WPG FS306)
HortNZ	166.48 (FUG-P2)
NZ Pork	195.36 (FUG-P2)
Telcos	244.101 (FUG-P2; Nara Developments FS317)
Forest & Bird	253.191 (FUG-P2)
ORC	259.89 (FUG-P2; Nara Developments FS317)

7.23.1 Submissions

554. KiwiRail [233.83] sought changes to FUG-P1 to ensure that subdivision, use and development in the FUG does not compromise the safe and efficient operation of regionally significant infrastructure such as the rail corridor. To achieve this, they sought addition of a new policy clause to "avoid activities that could compromise the safe and efficient function and operation of regionally significant infrastructure" because the FUG overlay is mapped adjacent to designated rail corridor.

555. The submission from KiwiRail [233.83] was supported by NZTA [FS152] because state highways are also regionally significant infrastructure. However, it was opposed by WPG [FS306] as the 'avoid' wording could unnecessarily constrain subdivision or land use activities where effects can be appropriately managed, and they considered it more appropriate to manage regionally infrastructure through the zone provisions.

556. Forest & Bird [253.191] sought changes to FUG-P2 to include access to natural open space (or delivering a well-functioning urban environment), and increasing indigenous

vegetation cover as matters to be addressed in structure plans under the policy. This was sought to give effect to the NPS-UD and NPS-IB.

557. ORC [259.89] sought changes to FUG-P2 so that it also applies to the Old Mill Road FUG overlay area because of the potential effects of future development on Glenn Creek and natural hazard risks associated with stormwater management. ORC otherwise generally supported the policy approach.

558. HortNZ [166.48], NZ Pork [195.36] and the Telcos [244.101] supported FUG-P2 as notified because it directs integration of new development with adjoining rural zones to reduce reverse sensitivity issues and provides for future urban growth to be integrated with infrastructure.

559. Further submissions from Nara Developments [FS317] on the submissions from ORC [259.89] and the Telcos [244.101] supported the aspects of those submissions that supported the FUG overlay method. However, the further submitter sought to expand the scope of those submissions by requesting that where structure planning, infrastructure servicing investigations, and staged development planning are already available or actively being progressed by landowners, that rezoning of Future Urban Growth Overlay land should be enabled through the PDP process.

7.23.2 Analysis

7.23.2.1 Background

560. The Future Urban Growth (FUG) Overlay applies to areas currently zoned Rural Lifestyle Zone and identifies those areas as being suitable for future urban development beyond the lifetime of this district plan (10 years plus). Land within the FUG reflects areas earlier identified for future development within the Spatial Plan for Ōamaru, Weston and Kakanui 2022.

561. The overlay manages activities that could compromise future residential growth in these areas until they are rezoned, to achieve objective FUG-O2 Development within the FUG Overlay and strategic objective SD-UFD-O6 Urban growth. This is achieved through rules in the following parts of the PDP:

- The RLZ chapter, where discretionary and non-complying activities will require consideration of the objectives and policies in the FUG chapter where a site is within the FUG overlay;[98]
- The Subdivision chapter, where subdivision in a FUG overlay is a discretionary activity under SUB-R17 instead of a controlled activity;[99]
- The Energy chapter, where the standard for small scale freestanding wind turbines (ENG-S3) applies the residential zone size restrictions to these turbines when within the FUG overlay; and

[98] Non-complying activities are intensive indoor primary production, intensive outdoor primary production, industrial activity, commercial activity that does not meet the conditions in RLZ-R11, and residential units that do not comply with the RLZ density standard.
[99] Although subdivision in a FUG overlay is not excluded from the controlled activity subdivision rules.

- The FUG chapter itself, where:
    - recreational activity is a restricted discretionary activity in the FUG overlay (instead of permitted in the RLZ generally); and
    - papakāika outside of land held under Te Ture Whenua Māori Act 1993 or within a Native Reserve has an additional matter of discretion in the FUG overlay compared to the same activity in the RLZ generally.[100]

562. The overlay provisions also set out how future development should be managed at two of the three identified FUG overlay areas by requiring structure plans to be prepared by Council prior to rezoning in accordance with policy FUG-P2. This aspect of the FUG method does not link to an objective in the FUG chapter, but links generally to outcomes sought in the strategic directions and residential zones provisions.

7.23.2.2 Managing effects on regionally significant infrastructure

563. The Weston Road FUG overlay includes land that is adjacent to the rail corridor, while the other two FUG overlay areas do not. While none of the FUG overlays are adjacent to a state highway, the scale of development that they provide for could affect the state highway network.

564. While I agree with KiwiRail [233.83] that it is important to manage activities that could adversely impact regionally significant infrastructure, I consider that FUG-P1 is not the right policy in which to do this. This policy is targeted at protecting the future use of land within the FUG overlay from activities that take place there prior to its rezoning. It is not intended to manage effects on the environment from future rezoning and residential development, which is the purpose of the second policy, FUG-P2.

565. FUG-P2 requires structure plans to be prepared for the Awamoa/Beach Road and Weston Road FUG overlay areas (being the two largest FUG overlay areas) prior to their rezoning. This policy includes various matters that must be addressed by the structure plans. While this includes clause 1 on managing potential conflict between existing activities and future activities, this may be interpreted as being within the overlay. Furthermore, clause 2 addresses integration with adjoining rural and RLZ to reduce reverse sensitivity issues but does not address regionally significant infrastructure.

566. Therefore, I support changes to FUG-P2 as alternative relief to that sought for FUG-P1 to address the potential for effects on regionally significant infrastructure in the preparation of structure plans for FUG overlay areas.

7.23.2.3 Natural open space and increasing indigenous vegetation cover

567. For the submission from Forest & Bird [253.191] seeking changes to FUG-P2, I note that the provision and integration of open space networks, parks and esplanade strips is already a matter to be addressed by the required structure plans (clause 10).

568. Regarding a requirement to address increasing indigenous vegetation cover, I have reviewed the NPS-IB in relation to the submission and note that Policy 14 seeks the

[100] Note that submissions on papakāika provisions were dealt with separately in reporting for Hearing Stream 1.

promotion of an increase in indigenous vegetation cover in both urban and non-urban environments. This is further reflected in clause 3.22, which requires local authorities to promote the increase of indigenous vegetation cover in their districts through objectives, policies and methods in their plans.

569. Most provisions that would give effect to the NPS-IB have been withdrawn from the PDP due to the Plan Stop process. However, as FUG-P2 relates to structure planning associated with rezoning decisions which must give effect to all relevant higher order planning documents, I consider it appropriate to provide for consideration of increasing indigenous vegetation cover in this instance.

7.23.2.4 Applying FUG-P2 to Old Mill Road area

570. ORC [259.89] sought that FUG-P2 requiring structure plans also applies to the Old Mill Road area to ensure that stormwater and downstream flooding effects are appropriately managed.

571. However, the management of stormwater from development at the Old Mill Road area would already be managed by provisions in the Stormwater and Subdivision chapters of the Plan, noting that these may also be subject to change prior to any rezoning occurring.

572. The Stormwater chapter includes objectives regarding stormwater quantity neutrality (STORM-O1) and management (STORM-O2) to achieve the outcomes that ORC is concerned about. These link to standards that apply to subdivision and development, including STORM-S3 Hydraulic neutrality which, for subdivisions of up to 10 residential lots, can be achieved by using the accepted solution for single site stormwater tanks, as outlined in Appendix 1 to the Plan. However, for larger subdivisions, this acceptable solution cannot be used, meaning that the subdivision or development becomes a restricted discretionary activity by which a specific engineered design would be considered.[101]

573. Overall, I consider that this approach will ensure that stormwater effects are adequately managed without the Old Mill Road area being added to FUG-P2, while noting that the area is already divided between several landowners, meaning that one stormwater management system for the overall FUG overlay area would be difficult to achieve either way.

7.23.2.5 Further submission from Nara Developments [FS317]

574. The further submissions from Nara Developments [FS317] in relation to the FUG overlay areas read as though they are seeking rezoning of these areas through this PDP process. However, this is not within the scope of the relevant original submissions and is therefore unable to be considered.

575. The rezoning of FUG overlay areas to residential zones through the PDP process can only be considered in response to original submissions that sought this relief. Such submissions will be considered in the future report on residential rezoning ahead of Hearing Stream 5. These submissions relate to parts of the two larger FUG overlay areas.

[101] Refer to the matters of discretion for contravention of STORM-S3.

7.23.2.6 Duplication in policy direction

576. In responding to submissions made specifically on FUG provisions, it has become apparent that there is significant duplication of matters addressed within policies FUG-P1 and FUG-P3. These matters relate to when subdivision, use and development in a FUG overlay is appropriate.

577. I consider it desirable to rectify this issue to simplify Plan navigation and implementation. This can be done in response to the general submission from FFNZ [246.7] traversed at Hearing 1, which sought removal of unnecessary duplication across the Plan.

7.23.3 Recommendations

578. I recommend the following changes to the proposal by accepting the general submission from FFNZ [246.7] and accepting in part KiwiRail [233.83] and Forest & Bird [253.191], as shown below and in **Appendix 1**:

- Amend policy FUG-P1 to:
  - remove duplication relating to how subdivision, use and development within the FUG overlay will be managed.
- Amend policy FUG-P2 to:
  - ensure that effects on regionally significant infrastructure are addressed in structure plans prepared prior to the rezoning of FUG overlay areas; and
  - provide for consideration of opportunities to increase indigenous vegetation cover in structure plans prepared prior to the rezoning of FUG overlay areas.
- Delete policy FUG-P3, as it duplicates matters already addressed in FUG-P1.

579. I recommend accepting in part ORC [259.89], HortNZ [166.48], NZ Pork [195.36] and Telcos [244.101] to the extent that the provisions are unaffected by the recommendations above.

7.23.3.1 Drafting

FUG-P1	Subdivision, use and development within the Future Urban Growth Overlay
~~Enable subdivision, use and development activities within the Future Urban Growth Overlay that are compatible with the role, function and character of the Rural Lifestyle Zone; and~~ ~~1. will not compromise the ability to comprehensively develop and use the overlay area for future urban growth; and~~ ~~2. will be compatible with future urban growth once it occurs; and~~ ~~3. avoid activities that could compromise the ability to develop the area for future urban growth unless;~~ Avoid subdivision, use and development within the Future Urban Growth Overlay unless:[102] a. the activities will not constrain or limit the ability to comprehensively develop the area for urban activities; and b. the activities are compatible with urban activities once that development occurs; or c. the activities are cost effective and practical to remove or relocate in the future.	

[102] FFNZ [246.7]

FUG-P2	Structure plans for land within the Future Urban Growth Overlay
Prior to any rezoning, Waitaki District Council will prepare structure plans for the Awamoa/Beach Road and Weston Road overlay areas that address the following matters: 1. the ability to manage any potential conflict between existing activities and future activities; 2. the integration of new development with adjoining rural and Rural Lifestyle Zone areas to reduce reverse sensitivity issues; X. the ability to manage effects on regionally significant infrastructure;[103] 3. the type, location and density of development on the land to ensure it is suitable for the area; 4. the benefits of urban consolidation/intensification to support a quality compact urban form; 5. the topography and natural and physical characteristics and constraints of the site, including natural hazards; 6. the future servicing needs of the area and the provision of adequate, coordinated and integrated infrastructure to serve those needs, including using water sensitive design to manage stormwater; 7. whether staging is appropriate to ensure development occurs logically; 8. the integration of the area with surrounding areas to ensure connectivity for active transport modes; 9. the provision of transport links (including active transport links) and connected transport networks that allow ease of movement to, from and within the area; 10. the provision and integration of accessible open space networks, parks and esplanade strips; Y. any opportunities to increase indigenous vegetation cover;[104] 11. whether additional community facilities are required to support the needs of the surrounding area; 12. urban design principles to inform building and layout design.	

~~FUG-P3~~	~~Inappropriate subdivision, use and development within the Future Urban Growth Overlay~~
~~Avoid subdivision, use and development that may result in the future development potential of the Future Urban Growth Overlay being compromised.~~ [105]	

7.23.4 Evaluation

580. The recommended changes to remove duplication from the policy direction in FUG-P1 and FUG-P3 will provide greater clarity for the assessment of resource consent applications within a FUG overlay. The amendments keep the relevant overarching policy direction necessary to achieve objective FUG-O2, which focuses on limiting development where it will compromise the ability to develop FUG overlay areas for future urban growth.

581. In removing the duplication, reference to enabling activities that are compatible with the role, function and character of the Rural Lifestyle Zone has been deleted. I consider that this does not detract from the Plan still achieving that outcome, as the provisions of the RLZ continue to apply in addition to the FUG provisions. The RLZ provisions themselves address the role, function and character of the RLZ and the activities that are provided for in that zone generally.

582. The additions to policy FUG-P2 to manage effects on regionally significant infrastructure, and to provide for opportunities to increase indigenous vegetation cover, relate to objectives that sit outside the FUG chapter (which is the case for all matters addressed in FUG-P2).

583. For infrastructure, this relates to strategic direction SS-IEE-O1 on recognising and providing for the benefits of regionally significant infrastructure, and related objective

[103] KiwiRail [233.83]
[104] Forest & Bird [253.191]
[105] FFNZ [246.7]

INF-O4 on the protection of regionally significant infrastructure, including from reverse sensitivity effects.

584. For increasing indigenous vegetation cover, this relates to the objective of the NPS-IB, particularly regarding restoration of indigenous biodiversity to achieve the overall maintenance of indigenous biodiversity across the motu.

8 Conclusion

585. Overall, many of the residential provisions were not subject to submissions seeking changes. For the remaining provisions, submissions were generally focussed on seeking adjustments to better enable activities or better manage the effects from activities. In response, I have recommended several amendments to enable the relevant objectives to be more efficiently and effectively achieved.

586. General submissions also provided broad scope to consider the relationship between objectives, policies and methods, and whether duplication within and between provisions should be remedied.

587. While I identified many opportunities to respond to those general submissions, I have focused on opportunities to clarify provisions that were also subject to specific submissions, and on policy gaps that are more likely to impact how the relevant objectives are achieved through resource consent assessments. In my view, this is a pragmatic approach that reflects the stage that the Plan review is at while addressing the issues that are most important to resolve for Plan implementation in the transition to the new planning system.

588. The new NES-DMRU delivered since the PDP was notified has meant that some aspects of the residential provisions would conflict with those regulations. However, due to a lack of submissions on the minor residential unit provisions, the opportunity did not present itself to address that conflict within the PDP process. This conflict can be addressed through a separate process should it be practicable to do so prior to the transition to the new planning system.

589. Similarly, there are some matters that can no longer be considered in assessing resource consent applications because of planning reform. Those matters have been responded to where possible within the scope of submissions. The remaining matters will be addressed through transitional resource consenting processes, with the possibility of a plan variation to remove the remaining affected provisions without using the Schedule 1 process, although that is not required by legislation.

590. I look forward to reviewing evidence to be provided by submitters on the matters addressed in this report. I am open to reconsidering my recommendations in response to that evidence and any questions raised by the Hearing Panel.