**BEFORE INDEPENDENT HEARING COMMISSIONERS**
**FOR NELSON CITY COUNCIL**

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| **IN THE MATTER** | **of the Resource Management Act 1991 (RMA)** |
| **AND** | |
| **IN THE MATTER** | **of the hearing of submissions and further submissions on Plan Change 29 – Housing and Hazards** |

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# STATEMENT OF EVIDENCE OF BRENDON LIGGETT ON BEHALF OF KĀINGA ORA – HOMES AND COMMUNITIES

**CORPORATE**

**21 AUGUST 2024**

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## 1. EXECUTIVE SUMMARY

1.1 My name is Brendon Scott Liggett, and I am the Manager of Development Planning at Kāinga Ora – Homes and Communities (Kāinga Ora). I am authorised to present this evidence on behalf of Kāinga Ora in support of its primary submission (submitter 933) and further submission (further submitter 56) on Plan Change 29 – Housing and Hazards (**"PC29"**) to the Nelson Resource Management Plan (NRMP).

1.2 The key points addressed in my evidence are:

a) Background to Kāinga Ora;

b) The Kāinga Ora submissions and rationale for these; and

c) Remaining Areas of Interest.

1.3 Kāinga Ora provides general support to the proposed planning regulations notified under PC29, but considers certain aspects including those that now differ from notified provisions constrain the ability to redevelop the public housing portfolio across the city. If the requested relief is adopted, this will not only allow Kāinga Ora to increase and improve its public housing provision as required, but it will also provide for development opportunities and aid in the consenting and delivery of housing, being affordable housing, homes for first-home buyers, and significant market capacity across the city, including a choice of housing typology and size.

## 2. INTRODUCTION

2.1 My full name is Brendon Scott Liggett. I hold the position of Manager of Development Planning within the Urban Planning and Design Group at Kāinga Ora.

2.2 I hold a Bachelor of Planning from the University of Auckland. I have held roles in the planning profession for the past 22 years and have been involved in advising on issues regarding the Resource Management Act 1991 (RMA) and District Plans.

2.3 My experience includes five years in various planning roles within local government. For the past 18 years, I have been employed by Kāinga Ora (including as Housing New Zealand).

2.4 I have been providing development planning expertise within Kāinga Ora (as Housing New Zealand) since 2006. In this role I have provided planning advice, and management of, processes relating to:

i. Assessment and identification of redevelopment land within the Kāinga Ora portfolio;

ii. Strategic land use planning, including an asset management strategy, various investment and land use frameworks, and various structure plan processes of Kāinga Ora;

iii. Regulatory planning processes associated with Kāinga Ora residential development projects;

iv. Engagement with local authorities, local communities and other agencies on matters relating to regulatory policy frameworks associated with residential development; and

v. Input into regulatory planning activities including plan changes and plan review processes throughout the country.

2.5 I am familiar with the Kāinga Ora corporate intent in respect of the provision of housing within Nelson. I am also familiar with the national, regional and district planning documents relevant to PC29.

2.6 I can confirm that I am authorised to give corporate evidence on behalf of Kāinga Ora in respect of PC29.

## 3. BACKGROUND TO KĀINGA ORA

3.1 Kāinga Ora was formed in 2019 as a statutory entity established under the Kāinga Ora – Homes and Communities Act 2019. Under the Crown Entities Act 2004, Kāinga Ora is a crown entity and is required to give effect to Government policy.

### The Kāinga Ora – Homes and Communities Act 2019

3.2 The Kāinga Ora Act[1] sets out the functions of Kāinga Ora in relation to housing and urban development.

3.3 Kāinga Ora is the Government's delivery agency for housing and urban development. Kāinga Ora works across the entire housing spectrum to build complete, diverse communities that enable New Zealanders from all backgrounds to have similar opportunities in life. As a result, Kāinga Ora has two core roles:

(a) Being a world class public housing landlord; and

[1] Section 12, Kāinga Ora Homes and Communities Act 2019

(b) Leading and coordinating urban development projects.

3.4 The statutory objective[2] of Kāinga Ora requires it to contribute to sustainable, inclusive, and thriving communities through the promotion of a high-quality urban form that:

(a) Provide people with good quality, affordable housing choices that meets diverse needs;

(b) Support good access to jobs, amenities and services; and

(c) Otherwise sustain or enhance the overall economic, social, environmental and cultural well-being of current and future generations.

## 4. RATIONALE FOR THE KĀINGA ORA SUBMISSIONS

4.1 The Ministry for Social Development ("**MSD**") has approximately 22,923 applicants[3] (based on household) for the public housing waitlist across Aotearoa, with 303 of this list seeking a home within Nelson.

4.2 Kāinga Ora manages a public housing portfolio of 722 homes in Nelson[4], representing about 2.8% of the total households in Nelson based on 2018 census data.[5] Kāinga Ora is therefore a significant land owner in the city.

4.3 Across the three urban residential zones proposed in PC29 as notified, 456 Kainga Ora assets are affected as follows, noting a number of these land parcels contain more than one home:

i. The notified General Residential Zone ("**GRZ**") contains 143 land parcels;

ii. The notified Medium Density Residential Zone ("**MDRZ**") contains 227 land parcels, and;

iii. The notified High Density Residential Zone ("**HDRZ**") 86 land parcels.

4.4 The Section 42A reports have recommended some changes to notified zoning extents. This affects Kāinga Ora assets as follows:

i. The change from MDRZ to GRZ affects 84 land parcels, and;

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[3] Ministry of Social Development, Housing Register as at June 2024
[4] Key Stats by TLA - Te Tūāpapa Kura Kāinga - Ministry of Housing and Urban Development (hud.govt.nz)
[5] Nelson - Electorate Profile - New Zealand Parliament (www.parliament.nz)

ii. The change from HDRZ to MDRZ or GRZ affects 86 land parcels.

4.5 Kāinga Ora, therefore, has an interest in the provisions of these residential zones and how they enable or constrain the ability to use, maintain, operate and develop the public housing portfolio within Nelson City.

**Existing Nelson Portfolio**

4.6 The average age of dwellings in the Kāinga Ora portfolio in Nelson is approximately 50 years. Many of the older dwellings are becoming inefficient to maintain and require either significant investment or redevelopment. In addition, approximately 75% of the portfolio comprises 2-3 bedroom homes on reasonably large sites averaging 623m$^2$.

**Changing Housing Requirements**

4.7 In recent years, and reflective of similar wider national trends, there has been a marked change in the type of homes that are required by the Kāinga Ora tenant base in Nelson:

a) The demand for single bedroom housing required for single persons, the elderly or disabled has significantly increased. The current unmet demand for this type of housing in Nelson makes up approximately 63% of the Housing Register.

b) The demand for larger homes with four bedrooms, required to house larger families, has also increased although to a lesser extent.

c) As a result, the age and size of existing assets in the portfolio does not match the changing demand for public housing representing an inefficient use of land.

4.8 To respond to the mismatch between demand and available housing stock, Kāinga Ora has had to review its housing portfolio and assess how it can respond to the changes in demand, given the current housing supply is skewed towards 2–3-bedroom houses that do not meet the needs of tenants and/or are uneconomic to maintain.

4.9 Reflective of the change in types and mix of housing required by the public housing waitlist. Kāinga Ora is therefore tasked with the need to renew and reconfigure the existing portfolio to accommodate the changing need.

## 5. THE KĀINGA ORA POSITION FOLLOWING S42A REPORTING

5.1 Kāinga Ora lodged comprehensive submissions across PC29. Kāinga Ora broadly supports the extent to which the Plan Change is more enabling of residential development within the residential and business zones. Kāinga Ora also seeks amendments to flood hazard

mapping and policy, residential provisions particularly height in relation to boundary, yard setbacks and building height, and reverse sensitivity as this relates to residential amenity.

5.2 Having reviewed the respective Section 42A reports, Kāinga Ora largely supports or accepts the majority of the recommendations by the reporting planners.

5.3 Of particular note, Kāinga Ora supports the following recommendations:

i. An amended non-discriminatory definition for residential activity[6];

ii. Changes to policy to support anticipated amenity and planned urban form rather than maintaining existing amenity values[7];

iii. Adoption of the relief sought by NZTA Waka Kotahi to replace the blanket 100m noise setback with an evidence based identification of land exposed to increased levels of land transport noise[8];

iv. Changes to policies and rules to enable residential use at ground floor level in suitable locations within the Inner City zone[9], and;

v. Removal of the requirement to provide a minimum percentage of wheelchair accessible dwellings for developments of 10+ units[10].

5.4 The remaining areas of interest to Kāinga Ora are:

a) Zoning Changes (one isolated reversion to the notified zoning is requested);

b) Mapping of Dynamic Natural Hazards (to provide for a more efficient and effective process of mapping);

c) Mitigation vs Avoidance for Certain Natural Hazards (small policy change sought to provide flexibility in certain scenarios);

d) Heights, Recession Planes and Yards for High Density Development (amendments sought to provide for improved feasibility and deliverability of high density development);

e) Recession Planes in the Medium Density Residential Zone (recommend refining the rule to manage the identified effect), and;

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[6] Section 42A Report (Residential) – Coralie Barker, page 109
[7] Section 42A Report (Residential) – Coralie Barker, pages 29 and 31
[8] Section 42A Report (City Centre, Commercial & Infrastructure) – Mithran Gopinath, para 279
[9] Section 42A Report (City Centre, Commercial & Infrastructure) – Mithran Gopinath, page 51
[10] Section 42A Report (Residential) – Coralie Barker, pages 81-82

f) Inclusion of Reverse Sensitivity as a matter of discretion (change sought to reflect the actual effect being managed).

5.5 Kāinga Ora seeks that the panel consider these limited matters further as discussed in the following sections.

5.6 A summary of the key Kāinga Ora submission points, the position taken in the various s42A reports, and the relief now sought by Kāinga Ora is attached at **Appendix 1**.

## 6. ZONING CHANGES

6.1 The Section 42A reports have recommended changes to notified zoning. This affects a total of 170 Kāinga Ora land parcels as follows:

i. The change from MDRZ to GRZ affects 84 properties, and;

ii. The change from HDRZ to MDRZ or GRZ affects 86 properties.

6.2 Whilst Kāinga Ora would prefer to see the zoning as notified retained to provide for a more enabling planning framework, Kāinga Ora is generally accepting of the recommended changes by the Council as appropriate in the context of Nelson.

6.3 Kāinga Ora requests one isolated retention of notified zoning. This relates to a small area of land between Karaka Street and The Ridgeway in Stoke, which was notified MDRZ and is now proposed as GRZ. This area forms part of an area proposed for comprehensive redevelopment by Kāinga Ora, which has been discussed with council and communicated within the Kāinga Ora submission on the Long-Term Plan 2024-2034[11]. Kāinga Ora requests that this area remains MDRZ to provide for flexibility for this future development, which may result in significant benefits for both future residents and the wider neighbourhood. The area is illustrated at **Appendix 2**.

6.4 Providing for retention of notified zoning in this small part of Stoke as outlined above will materially aid the ability for Kāinga Ora to effectively redevelop and improve the public housing portfolio within this area of Nelson City.

## 7. MAPPING OF DYNAMIC NATURAL HAZARDS

7.1 Kainga Ora has concerns that the Proposed District Plan management of some dynamic natural hazards is not efficient or effective.

[11] Long Term Plan 2024-2034 | Shape Nelson Submitter 944

7.2 The Kainga Ora submission requested that mapping for dynamic hazards, which are modelled, that are also subject to ongoing changes (such as flooding and coastal inundation) should sit outside of the statutory plan layers and in a non-statutory layer held on Councils GIS portal. The approach adopted by Kāinga Ora in its submission is that such hazards can be regularly updated in a timely and efficient manner where new or updated information is available without the requirement to go through Plan Changes to update the planning maps, particularly as science on climate change quickly evolves. This approach ensures that the most up-to-date and accurate information is available to the community, applicants and decision-makers.

7.3 The benefit of these maps sitting outside of the statutory map layers is that changes can occur at the same pace and modelling changes, without the need for a lengthy or costly RMA Schedule 1 process. This will improve the efficiency and effectiveness of the Plan, and improve plan usability for plan users as it can better deal with the dynamic nature of hazards that are subject to constant change.

7.4 As an example, the Auckland Unitary Plan ("AUP") adopts a set of non-statutory flood hazard overlay maps which operate as interactive maps on the Council's 'Geo Maps' website[12]. This is a separate mapping viewer to the statutory District Plan maps. The advantage of this approach is the ability to operate a separate set of interactive maps which are continually subject to improvement and update as new reliable and robust information becomes available.

7.5 The S42A report of Ms Robb and Ms Carter rejects the relief sought by Kāinga Ora for the following key reasons:[13]

i. A Schedule 1 process gives the community the greatest amount of certainty regarding whether they are in or out of the overlay, along with the opportunity through the submission process to indicate whether they agree with the mapping and if it reflects the reality of their site.

ii. A statutory layer is also more likely to be informed by evidence, because of the rigour of the process to place it within a statutory planning document. Statutory maps can be given appropriate statutory weight in decisions-making processes.

7.6 Kāinga Ora does not agree that having maps sitting outside the Plan produces uncertainty for the community. While the suggested approach is different to that of the current method of identifying land potential subject to hazards within district plan maps, a GIS viewer outside

[12] GeoMaps mapping service (aucklandcouncil.govt.nz)
[13] Section 42A Report (Natural Hazards) – Sue Robb and Janice Carter, para 323

the Plan can assist plan users just as readily in determining whether a site may be subject to a particular flooding hazard. Further, as the GIS viewer can be updated as new information becomes available outside of a formal plan change process this information will be a more reliable starting point for further assessments over time, than a spatial overlay mapped within the Plan that is unable to be easily updated.

7.7 Regarding perceived concerns around community involvement and natural justice, Kāinga Ora considers the primary opportunity for community involvement in decisions around hazards is in relation to the drafting of provisions themselves rather than the spatial application/mapping of those provisions. There can still be the opportunity for individual site owners to be able to respond to the Council's information about of their land where this can be appropriately evidenced. Kāinga Ora is of the view that it is important that the provisions identify how hazards risk is to be identified and how these risks are to be effectively managed on individual properties.

7.8 Kāinga Ora acknowledges that that the flood hazard areas have been identified through comprehensive modelling, data collection, and community engagement. Despite this, even modelling based on best information and expertise available at the time can be subject to inaccuracies or errors that either overestimate or underestimate the actual flood hazard risk on a particular site or location. Ground levels are also prone to change, for example through land development site works. Other physical features, such as culverts or other water conveying paths can be inaccurately plotted or upgraded, diminishing the accuracy of the overall hazard identification.

7.9 Even if mapping sits outside the Plan, proposals on land that is subject to these hazards will be considered against Plan rules. Non statutory mapping will provide the basis for the identification of the need for consideration of how natural hazards affect land but will not be the sole consideration at the time of an application for development. The approach suggested by Kāinga Ora is similar to how flood hazards are currently managed in the Auckland Unitary Plan, and is also being introduced into other District Plans through current planning processes, e.g. Tauranga City Council.

## 8. MITIGATION VS AVOIDANCE FOR CERTAIN NATURAL HAZARDS

8.1 Kāinga Ora supports a risk-based approach to the management of natural hazards, but considers provision for management rather than an avoidance approach is more appropriate in certain circumstances.

8.2 Kāinga Ora requested the following addition to subclause 6 of Policy DO2.2.4 (Flood Hazard: Subdivision, Use and Development in Flood Areas):

*6. building platforms are not located within land identified in the High Flood Hazard, or where located within the Floodways, or Flood Paths are provided with appropriate mitigation to not exacerbate flood effects.*

8.3 The Section 42A report by Ms Robb and Ms Carter rejects this, stating that ideally no building platform particularly those associated with residential uses should be located in a watercourse (Floodway or Flood Path)[14].

8.4 Kāinga Ora appreciates that in many cases placing a building wholly within a Floodway or Flood Path may not always be appropriate, however the avoidance approach taken in subclause 6 rules excludes the opportunity for particular circumstances such as the following examples:

i Where significant earthworks and/or stormwater upgrades have been undertaken changing the course of the mapped flood path negating the need for the overlay; or

ii Where a small part of a building (for example a deck) extends into the flood path but it can be demonstrated through assessment by a suitably qualified person that this will not exacerbate flooding risks.

8.5 In circumstance i) above, mapping of the hazard, which is proposed to remain static in the Plan until amended through a Schedule 1 process, is likely to be out of date which directly reflects the problematic nature of including flood layers within planning maps[15]. Where updated information is available the avoidance direction in subclause 6 of Policy DO2.2.4 would still apply, resulting in uncertainty for plan users and potentially unnecessarily excluding development that would otherwise be acceptable.

8.6 Kāinga Ora further notes that whilst the PC29 Section 32 Report describes the various flood hazard categories (Page 70), these are not defined in the Plan, leaving plan users relying on maps and policies to interpret the meaning and relative risk level. Kāinga Ora considers better certainty for plan users would be provided through clearly defining all hazards and how the level of risk is to be assigned.

## 9. HEIGHTS, HRB AND YARDS FOR HIGH DENSITY DEVELOPMENT

9.1 The Section 42A report by Ms Morgan recommends an additional zoning option which involves deleting the High Density Residential Zone (HDRZ) and replacing it with the Medum

[14] Section 42A Report (Natural Hazards) – Sue Robb and Janice Carter, para 192
[15] identified in Paragraph 5.15 above

Density Residential Zone (MDRZ), while enabling high density development to occur on large sites in highly accessible locations around the Inner City and Stoke.[16]

9.2 Whilst Kāinga Ora would prefer retention of HDRZ zoning as this is the most efficient, effective and certain method of delivering the planned outcome, Kāinga Ora does not oppose in principle this alternative approach being applied in the context of Nelson City.

9.3 Kāinga Ora is interested in whether the consenting pathway and rule framework of the additional zoning option is sufficiently enabling of high density development including more intensive and larger buildings that align with the policy intent which envisages six storeys.[17] Kāinga Ora is concerned that the proposed rules do not necessarily provide for such development in an economically feasible manner that appropriately manages the effects of the policy intent in a manner that enables landowners and developers to be deliver projects that meet housing need.

9.4 Having reviewed the alternative zoning option Kāinga Ora considers amendments to the proposed building height, height in relation to boundary (HRB), and side yard controls are required. Kāinga Ora considers that its suggested amendments are required to ensure six storey buildings are feasible and thus likely to be delivered to provide for high density homes in the right location. The amendments sought would also encourage building bulk to be located at the front of the site, leaving more space and 'openness' at the rear of the site, which would promote a quality high density built form and also better amenity outcomes, both within the site and for adjacent land.

9.5 Kāinga Ora seeks the following changes to the proposed new rule for high density development on qualifying sites:

*REr.18V*

*Four or more residential units is a restricted discretionary activity provided that:*

*a. The site is in the High Accessibility Overlay; and*

*b. the site is a minimum of 1,000m2 in net site area; and*

*c. the site has a minimum road boundary width of 24m; and*

*d. all buildings are no more than ~~19.5m~~ 22m or 6 storeys in height; and*

*e. building coverage of the net area of the site does not exceed 60%; and*

*f. ~~no buildings project beyond a 60° recession plane measures from a point 8m above ground level along all side and rear boundaries; and~~ they do not project beyond a 60° recession plane measured from a point:*

*i. 19m above ground level along all side boundaries within 23.5m from the road frontage; and*

[16] Section 42A Report (Overview and Strategic), Rachel Morgan, para 4
[17] Section 42A Report (Residential) – Coralie Barker, page 32

*ii. 8m above ground level along all remaining side and rear boundaries; and*

*g. buildings are not located within ~~3m~~ 1m of ~~the~~ side and 3m of rear boundaries.*

9.6 The rationale for the requested relief is discussed in the following sections.

**Building Height for High Density Development**

9.7 The notified height limit for buildings in the High Density Residential Zone (HDRZ) was 19.5 metres, and the new rule 'High Density Development in the High Accessibility Overlay' (REr.18V) sets a height limit of 19.5m.

9.8 Kāinga Ora seeks that the height limit is set at 22 metres to allow for design flexibility when providing a high density development. This additional 2.5m also allows for a six-storey residential building to be accommodated consistent with the policy intent.

9.9 Height is a key standard when it comes to the development of residential apartment buildings. It controls and influences the bulk and scale of a building on site. It dictates the dwelling typology, form and shape of a building that is to be enabled and built on a site.

9.10 Height is not just an urban design or urban form consideration, it has economic implications as well, all of which influences whether a developer would develop the site, yet alone make it a feasible and therefore realisable development option.

9.11 Enabling heights play a significant role in the future development of the city, with greater heights providing the opportunity to facilitate urban growth that contributes to the vitality of centres will would in turn enhance overall economic activity and outcomes. If more height is not enabled in central and accessible locations there is a risk that land within these zones will be underutilised and underdeveloped. Underutilisation of highly accessible land inevitably leads to the displacement of growth into less accessible locations. The displacement of growth increases overall servicing costs for the Council and decreases the overall economic efficiency of the urban form.

9.12 Kāinga Ora supports the evidence of Mr Wallace, who agrees that an increase to 22m for higher-density housing is appropriate to ensure adequate design flexibility to achieve six-storey development.[18]

9.13 Mr Wallace goes on to raise concern that a height of 22m could enable greater than six storeys of development (up to seven storeys), higher than the intended design outcomes.

[18] Statement of Evidence – Cam Wallace (Urban Design) para 5.40

Kāinga Ora considers this is easily addressed by amending Rule REr.18V to provide either for 22m or six storeys. This is reflected in the relief sought on Page 11 above.

9.14 Amending the rule in this way will better support the delivery of the planned urban built form on sites suitable for high density development. The height limit of 22m will enable design flexibility and development density that is commensurate to the central city and highly accessible location of these sites. The purpose of this is to not only enable more intensive development of residential housing within proximity to jobs, education, commercial services and amenities, but to also encourage more of the population to live in accessible locations where active transport and public transport are reasonable alternative transport options to private motor vehicle use.

**Height in Relation to Boundary for High Density Development**

9.15 As requested in the primary submission, Kāinga Ora seeks a height in relation to boundary (HRB) control of 19m + 60º within first 23.5m from road boundary and then 8m + 60° from 23.5m of the road boundary to better enable flexibility in design choice for developments. This HRB together with the proposed 60% building coverage standard is a useful mechanism in achieving a good quality urban form which encourages buildings to the street frontage. This approach also better enables six storeys on a greater number of sites and better manages amenity of adjacent sites by reducing the need for increased building bulk to extend deeper into a site.

9.16 Ms Barker recommends deleting the HDRZ and replacing it with MDRZ zoning, along with a change in HRB controls to 8m + 60º along side and rear boundaries for those sites qualifying for such high-density development. This is on the advice of Mr Wallace, who in recommending the HRB change noted that larger sites suitable for high density development have enough space to be less permissive, while still providing for increased amenity in a manner which does not undermine either the design outcomes intended for the MDRZ or the delivery of more intensive forms of housing in Nelson.[19]

9.17 Mr Wallace acknowledges that with this new HRB control that additional setback of the upper two storeys will be necessary and has modelled this, refer to **Figure 1** below.

[19] Statement of Evidence – Cam Wallace (Urban Design) paras 5.48-5.52

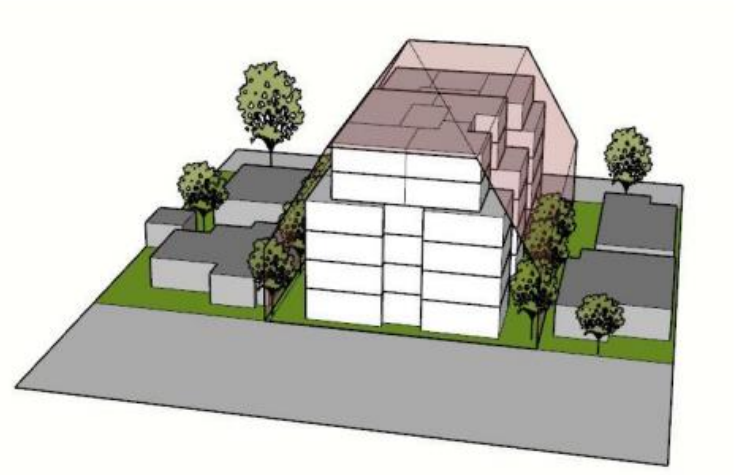


Figure 4 - Indicative Built Form outcomes from an 8m + 60$^0$ recession plane.

**Figure 1: Modelled built-form outcomes of new HRB control**

9.18 Applying the new recommended HRB and side yard controls (discussed in the next section) to a compliant site with a 24m frontage means not only that the top floors have to be recessed, but to comply those top floors can only between 8m and 12.5 metres in width. This represents a 33-58% reduction in the efficiency of the upper floors as a result of the HRB control promoted by the Council when compared with the HRB control sought by Kāinga Ora.

9.19 In a practical sense when the 8m + 60$^o$ HRB control sought by the Council is applied the delivery of six storey development will be more complex to construct and provide less useable GFA on upper levels. The increased construction complexity increases the per square meter construction cost and increases the weather tightness façade risk profile of the building. The financial feasibility of the upper floors of the building will be reduced and if developed will reduce the affordability of those dwellings on upper floor relative to the control sought by Kāinga Ora.

9.20 In the experience of Kāinga Ora as a significant developer of homes, if developers are not able to construct full floors to six storeys, the likely scale delivered on these 'high density' sites will in reality seldom be no more than three storeys (i.e. MDRZ) for the following reasons:

i. The optimal height of a building is what maximises the total return on investment over the expected life of the asset. In practical terms, the optimal height is found where the additional or marginal revenue of the top floor equals the marginal cost of building it. Through development, Kāinga Ora have experienced that the cost of building over three storeys is only maximised through increasing the building height to five or more storeys (not at four).

ii. Once building above three storeys, there are building systems required, additional compliance costs and additional construction costs generally to allow for the additional height, such as and not limited to, the costs associated with additional foundation/structural needs to hold the building up, lift cores, a sprinkler system and additional circulation (corridors for access to lifts from units). There is additional constructed floor for these additional elements that are not found in a more traditional 2-3 storey residential development.

iii. The extra construction and compliance costs of this building form mean that efficient floor plates are necessary if a feasible development is to be enabled. If the additional costs do not provide a marginal economic benefit compared with alternative typologies the higher intensity apartment typologies sought by the policy intent will not be realised.

9.21 Importantly, Mr Wallace also makes the point that the potential shading impacts of this option versus the notified HDRZ standards are similar and the main amenity changes of the new control are to reduce potential visual dominance, privacy and overlooking impacts onto neighbouring sites. The benefits of the change therefore do not address the reason for having a HRB (or 'daylight') control in the first place.[20]

9.22 The HRB change sought by Kāinga Ora would encourage building form to be located at the front of the site, leaving more space and "openness" at the rear of the site, reduce the overall length of built form into the depth of the site thereby reducing visual dominance effects for neighbours, and better enable the delivery of development of at least six storeys. Kāinga Ora submits that privacy and overlooking effects can be better addressed by specific outlook controls rather than through application of the proposed HRB control. The relief sought by Kāinga Ora will overall assist in achieving the quality high-density urban built form envisaged by the policy intent of the plan.

**Side and Rear Yards for High Density Development**

9.23 Kāinga Ora supported the notified yard setbacks for all residential zones. Ms Barker now recommends an increase in side and rear yard setback requirements from 1m to 3m for high density development on suitable sites in highly accessible locations.

9.24 Mr Wallace expressed that he generally does not support changes to side and rear yard dimensions, as increases will have the effect of decreasing design flexibility and creating

[20] Statement of Evidence – Cam Wallace (Urban Design) para 5.50

on-site inefficiencies in design that could undermine the ability to deliver on the benefits of intensification[21]. Kāinga Ora strongly supports this position.

9.25 Mr Wallace went on to state he could support an increased 3 metre yard as part of the development standards for high density development, as this would provide more suitable conditions to accommodate more meaningful landscaping along side and rear boundaries which can be used to soften and/or screen, taller buildings.[22]

9.26 Consistent with its position that higher density built form is better located to the frontage of a site, Kāinga Ora agrees with a 3m rear setback being applied to High Density Development in Nelson. However, Kāinga Ora does not consider that a 3m side yard is required.

9.27 Kāinga Ora considers that the HRB control will adequately manage the effects identified by Mr Wallace. Increasing setbacks on the side yards will result in lengthening out of buildings into the rear yards. The HRB control sought by Kāinga Ora would mean that buildings located more than 23.5m from the road frontage and more than 3 stories in height would need to be setback at least 3m in any event. The side yard control is therefore unnecessary to achieve the outcome of providing space for landscaping where it is more likely necessary to mitigate the effects of built form.

9.28 Kāinga Ora seeks that the side yard control is retained at 1m and that the HRB control is used to manage building setbacks for built form located more than 23.5m from the road boundary.

**Conclusion on Provisions for High Density Development**

9.29 As discussed, Kāinga Ora is concerned that the proposed rules for high density development will in reality only result in medium density development being achieved, particularly on smaller qualifying sites. If high density development is sought on qualifying sites in accessible locations to respond to the need for additional housing, council should adopt a sufficiently enabling package of controls to ensure this type of development is economically feasible and deliverable when considered with competitive alternative housing typologies.

9.30 The high density built form outcome resulting from the package of amendments sought by Kāinga Ora is modelled below at **Figure 2**. Kāinga Ora considers this to strike a more appropriate balance between the policy intent of higher density housing choices and the financial feasibility, deliverability and potential amenity effects.

[21] Statement of Evidence – Cam Wallace (Urban Design) para 5.54
[22] Statement of Evidence – Cam Wallace (Urban Design) paras 5.55




**Figure 2: Kainga Ora Modelled Relief Sought**

## 10. HEIGHT IN RELATION TO BOUNDARY WITHIN THE MDRZ

10.1 The Section 42A report by Ms Barker proposes more restrictive height in relation to boundary (HRB) controls in the MDRZ for rear boundaries to allow more access to daylight and sunlight at the rear of properties as a response to submissions received. This is on the recommendation of Mr Wallace[23], who considers there is merit in introducing an additional recession plane of 4m + 35º applying only from the rear boundary of a site in the MDRZ, which is more restrictive than the notified 4m + 60º.

10.2 Kāinga Ora supports the additional recession plane of 4m + 35º restriction in cases there the rear boundary is within 45 degrees of due south as this would achieve the intent of the change, that is, to allow more access to daylight and sunlight at the rear of properties.

10.3 Kāinga Ora does not support more restrictive daylight controls to rear boundaries not within 45 degrees of due south, as this would have the effect of limiting development potential without providing greater access to daylight and sunlight at the rear of those adjacent properties. An amendment to Rule REr.18K.1 is sought to ensure the more restrictive control only applies to sites with a rear boundary which is oriented to the south. To achieve this Kāinga Ora suggests the following wording:

*REr.18K.1*
*Buildings are permitted if:*

[23] Statement of Evidence – Cam Wallace (Urban Design) para 5.45

a. *they do not project beyond a 60 degree recession plane measured from a point 4m above ground level along side boundaries and a 35 degree recession plane measured from a point 4m above ground level along rear boundaries orientated within 45 degrees of due south; and…*

**Additional Matters of Discretion for Reverse Sensitivity**

10.4 BP Oil NZ Ltd, Mobil Oil NZ Ltd, and Z Energy Ltd ('The Fuel Companies', S257.008) sought that additional matters of discretion were added to rules REr.17B (general residential zone – residential units) and 18B.3 (medium density residential zone – residential units) to include reverse sensitivity effects on lawfully established non-residential activities that are operating at the interface with residential zones.

10.5 Kāinga Ora opposed this relief (FS56.029), as the presence of petrol stations in proximity to residential areas enabled for intensification does not, in and of itself, present a reverse sensitivity effect warranting additional controls or management. Mitigation of effects and management of unreasonable noise should be the primary responsibility of those businesses generating noise, as opposed to a burden on the continued use and development of adjacent residentially zoned land.

10.6 Ms Barker has accepted the relief sought by The Fuel Companies, and considers the notified matters of restricted discretion for rules REr.17B.3 and 18B.3 do not allow for consideration of effects associated with any existing non-residential activities on neighbouring sites, and there are instances where it would be appropriate to consider these effects (such as glare, light and noise from the use of an existing petrol station, or noise from a preschool playground).[24] Reverse sensitivity is also included within the matters of discretion for new rule REr.18V (High Density Development in the High Accessibility Overlay).

10.7 The approach taken by Ms Barker for the Residential Chapter appears to be at odds with the approach taken by Mr Gopinath, who in relation to City Centre, Commercial and Infrastructure provisions supports deleting references to reverse sensitivity effects on the safe and efficient operation of the State Highway network in the matters of discretion and assessment criteria, as the real issue is less to do with reverse sensitivity and more to do with effects on human health and residential amenity.[25]

10.8 Kāinga Ora agrees with the approach taken by Mr Gopinath. The presence of a residential activity adjacent to a non-residential activity in itself does not give rise to a reverse sensitivity effect. There are controls within the zones that appropriately focus on the management of

[24] Section 42A Report (Residential), Coralie Barker page 93
[25] Section 42A Report (Residential), Coralie Barker page 70
[25] Section 42A Report (Para 281

residential amenity for future residents, such that this additional assessment criteria is not necessary.

## 11. CONCLUSION

11.1 Kāinga Ora considers that the adoption of PC29 subject to the changes sought will reduce existing regulatory constraints and increase housing choice and supply in accessible locations. Kāinga Ora either provides support for or accepts the majority of the positions taken in the Section 42A reports.

11.2 The Kāinga Ora submissions seek to ensure Kāinga Ora can manage and reconfigure its housing portfolio, in an economically efficient manner, which is important to ensure current and future housing supply is matched to demand. That is to enable provision of warm dry and healthy homes that are in the right location, right condition and of the right type to meet the current and future needs of those people requiring public housing assistance, as well as enable the development of a greater choice and affordable housing more generally.

11.3 If the requested relief sought by Kāinga Ora is adopted, then the constraints applied by PC29 its notified and recommended amended form would be further reduced. It would provide a development capacity for delivery of additional public housing, affordable housing, homes for first-home buyers, and significant market capacity across the city. The creation of a planning framework that provides for efficient use of residential land will allow for the evolution of urban environments over time with greater social, cultural and economic vitality.



**Brendon Liggett**

**21 August 2024**

## Appendix 1: Key Kāinga Ora Submission Points and final position following Section 42A Reporting - Plan Change 29

| Submission point/s | Provision | Relief Sought | S42A position | Relief sought following s42A reporting |
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| S933.010, 011, 012. 013, 014, 015 | AD10 Relevant Documents<br>AD10.2.i Design Guides | Opposed the inclusion of Design Guidelines in the Plan, which act as de facto rules to be complied with. Opposed any policy or rule approach which would require development proposals to comply with such design guidelines in the District Plan. Delete all references to the [AD10.2.i] Design Guidelines.<br>Alternatively support design guidelines that sit outside the Plan as guidance to be treated as a non-statutory tool. Where particular design outcomes are to be achieved, these should be specified in matters of discretion or assessment. | These design guidelines relate to operative provisions that PC29 does not delete. Removing these remaining design guides and associated references is not part of PC29. | Kāinga Ora wishes this relief to be accommodated in future review of the District Plan |
| S933.008 | Definitions<br>Design Statement | Amendment sought to remove the requirement that the design statement must be from an “urban design expert.” Requested ‘qualified and experienced’ person instead. | I agree with Transpower and Kāinga Ora to delete the reference to urban design expert. Other experts with qualifications in architecture and landscape architecture could for example competently prepare a design statement. | Support s42A recommendation |
| FS38.033 | Definitions<br>Permeable Landscaped Area | Small Time Developments S580.11 considered the definition of permeable landscape does not adequately define what is permeable and how it will be protected in the longer term. The issues are: "sealed does not equal impermeable" as there are many products already on the market that would fulfil both definitions in the common understanding.<br>Kāinga Ora also support greater flexibility through a revised definition which recognises there are products that provide a high level of permeability comparable to or better than planted areas. Consent | Support the notified definition as this links with proposed rules REr.17H, 18H and 19H, all of which seek to provide for a minimum amount of landscaped amenity area (20%) on a site and limit the amount of impervious area (80%). By deleting the reference to sealed or paved surfaces, this would not achieve the landscape amenity the rule is seeking to achieve.<br>I would consider any alterative wording (and associated amendments to the rules referenced above) presented by the submitters at the Hearing that could achieve the outcome described above. | Could assist with an alternative definition if not addressed by Smal Time Developments. |

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| | | conditions could be imposed to ensure permeable products continue to function as intended. | | |
| S933.006<br>S933.028 | Definitions and Residential Rules | Seek a new definition for community gardens.<br>Seek to introduce a new rule to the Residential zones to permit community gardens. | Under the<br>NRMP, community gardens would be included in the definition of residential activity where it is proposed as part of a wider residential development. The definition of residential activity under Chapter 2 – MW.iii includes [emphasis added] "accessory buildings and leisure activities." A community garden would be deemed a leisure activity for the purpose of a residential activity under the operative NRMP. On this basis, a community garden would be a permitted activity and no changes are required to the NRMP. | Accepting of s42A recommendation |
| S933.107 | Suburban Commercial Objs and Pols | Sought to retain the rule framework as notified but include notification preclusions where compliance is not achieved. Kāinga Ora also seeks an amendment from the assessment criteria in SCr.30A.4 to remove the privacy effects on neighbouring sites. | I do not support the amendments to assessment criteria proposed by Kāinga Ora. In my opinion the intention of the rule is to ensure adequate separation between residential activities to provide for appropriate residential amenity and privacy as detailed in rule reason SCr.30A.4. For these reasons, I consider it is appropriate to undertake a notification assessment in accordance with the RMA. | Accepting of s42A recommendation |
| S933.029 | Suburban Commercial Objs and Pols<br>Noise | Appendix 19 is out of date and should be revised to incorporate new acceptable acoustic products being available. | Accept S933.029 and amend as follows:<br>Refer to Appendix 5 to view the completed set of recommended rule changes, which include:<br>• Replace the term bedroom with Habitable Space.<br>• Rule title change from "Acoustic Insulation of Buildings" to "Residential Activity- Acoustic insulation".<br>• Additional standard to address cumulative noise.<br>• Additional standard relating to mechanical ventilation and cooling system compliance. | Support s42A recommendation |
| S933.025 | Residential Objs and Pols | Policy RE1.2 Flexibility in Development: supported the policy, but considered the need for a 'high' standard of on and off-site amenity a difficult benchmark to achieve. Also requested a definition for 'building sketch plans'. | I do not support introducing a new definition for building sketch plans. This term is commonly understood and can take the form of full architectural plans in the case of land use consents or building outline/sketch plans in the case where vacant lot subdivision is applied for. | Accepting of s42A recommendation |
| S933.027 | Residential Objs and Pols | Policy RE2.9 Quality Living Environments for Residents | Relief not accepted. Amend Policy RE2.9 quality living environments for residents | Accepting of s42A recommendation |

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| | | Support the need for quality urban environments but considers that high quality is a difficult and subjective threshold to achieve.<br><br>Amend Policy [RE2.9] as follows: Enable development of existing or new sites to create an acceptable ~~high~~ standard of amenity for residents within and adjoining a development | *Enable development of existing or new sites to create a high standard of amenity for residents within and adjoining a development, including by providing:*<br><br>*a) Private, useable and accessible open space that has access to sunlight;*<br>*b) A reasonable level of visual privacy and outlook;*<br>*c) Opportunities for on site landscaping;*<br>*d) Safe and convenient pedestrian access to residential units from the street;*<br>*e) Developments that enable as many people as possible to independently use and interact with the on site living environments.* | |
| S933.021 | Residential Objs and Pols | Sought minor amendments to policies DO13A.1.1 and REd.10 (development to support anticipated amenity/planned urban form rather than maintain existing amenity values) to be more reflective of the policy direction of the NPSUD and provide a clearer direction for the new policies introduced via PC29. | I agree with these suggested wording changes and consider the recommended amendments assist with interpretation, clarifying the intent of the provisions, improve usability of the plan, and are the most appropriate way to achieve the purpose of the RMA. | Support s42A recommendation |
| FS56.019 | Definition of residential activity | Supported in part Dept of Corrections (S204.002) who sought non-discriminatory approach.<br><br>Prefer the use of the standard definition for residential activity provided in the National Planning Standards. Support a non-discriminatory definition which recognises a wide range of households to be provided for in residential zones. | Agree with Department of Corrections and Kāinga Ora that housing residents on community based sentences is similar to other types of residential living and there are social benefits in allowing these activities to establish in communities that are familiar to those under supervision. Amend the definition of residential activity as follows:<br><br>d. custodial facilities. ~~places where residents are subject to detention.~~ | Support s42A recommendation |
| S933.022<br><br>S933.023 | Residential Zones | Supported additions that recognise that changes to the existing built urban form will occur as density increases in response to the planned urban environment.<br><br>Retain the following additional paragraphs within REd Description: REd.1, REd.3, REd.6, REd.9, REd.10 and REd.11 | Accepted and made requiested amendments. | Support s42A recommendation |

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| | | Amend wording in REd.10 to incorporate deletion:<br>... ~~In achieving the planned built character of the zone, development will have regard to the amenity values of existing residential sites, acknowledging that this is more challenging as the density of development increases.~~ New development will support the anticipated changes to the amenity values of existing residential sites. | | |
| 933.041 | Residential<br>REr.17B.3(a), and 18B.3(a) | Seek removal of the requirement to provide for wheelchair accessible units when providing 10+ units. | Considered the matters raised by Kāinga Ora and acknowledge that the rules as proposed may give rise to a range of feasibility challenges and Section 32 efficiency issues.<br>Recommend removing the requirement to provide a minimum percentage of wheelchair accessible dwellings (this requirement was only for developments proposing more than 10 residential units). Replace with amendments providing:<br>i. improvements to policy direction, and<br>ii. the addition of matters of discretion and assessment criteria that enable consideration of the suitability of providing wheelchair accessible residential units for all resource consents for multi-unit developments (four or more residential units). | Support s42A recommendation |
| FS56.029 | Residential<br>REr.17B and 18B.3 | Kāinga Ora opposed relief sought by BP Oil NZ Ltd, Mobil Oil NZ Ltd, and Z Energy Ltd (S257.008) for additional matters of discretion are added to include reverse sensitivity effects on lawfully established non-residential activities that are operating at the interface with residential zones.<br>The presence of petrol stations in proximity to residential areas enabled for intensification does not, in and of itself, present a reverse sensitivity effect warranting additional controls or management, and mitigation of effects should be the primary responsibility of those businesses generating noise, as opposed to a burden on future development of residential land. | The notified matters of restricted discretion for rules REr.17B.3 and 18B.3 do not allow for consideration of effects associated with any existing non-residential activities on neighbouring sites. Recommended addition of reverse sensitivity as a matter of discretion as a new REr.17B.3(i)(g) and REr.18B.3(i)(g). | **Disagree with s42A recommendation**<br>The presence of a residential activity adjacent to a non-residential activity in itself does not give rise to a reverse sensitivity effect. There are controls within the zones that appropriately focus on the management of residential amenity for future residents, such that this additional assessment criteria is not necessary. Kāinga Ora seeks deletion.. |

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| S933.051, 067 and 084 | Residential<br>REr.17L (outlook & privacy) | Seek amendment from the matters of discretion, to remove privacy effects on neighbouring sites. This standard is an onsite amenity control, with other standards managing offsite amenity outcomes (e.g. setbacks, height, height in relation to boundary controls). | I do not support Kāinga Ora's request to delete "privacy effects on neighbouring sites" from the matters of discretion where the outlook and privacy standard is infringed. The outlook and privacy standard in part ensures that principal living rooms are not located to directly overlook neighbouring sites, and effects on neighbouring sites is therefore a relevant consideration for infringements. | Accepting of s42A recommendation |
| S933.082 | Residential<br>REr.19J. (Building Height HDRZ) | Kāinga Ora consider that a height of 22m is more appropriate within the high density zone to properly allow for 6 storeys. A height of 22m allows for minimum floor level and floor to ceiling height and design variations.<br>Amend REr.19J.1 as follows:<br>The maximum permitted height for buildings is ~~19.5m~~ 22m. | HDRZ deleted, new rule REr.18V for High Density Development on qualifying sites. Height limit of 19.5m retained. | **Disagree with s42A recommendation**<br>Height limit of 22m sought. Kāinga Ora remains of the view that a height of 22m is more appropriate within the high density zone to properly allow for 6 storeys as discussed in detail this evidence. |
| S933.083 | Residential<br>REr.19K (Daylight admission) | Kāinga Ora supports, in part, the more enabling height in relation to boundary provisions for the High Density Zone. However, Kāinga Ora seeks the following changes to better enable flexibility in design choice for developments.<br>Amend REr.19K.1 as follows:<br>Buildings are permitted if:<br>a. they do not project beyond a 60° recession plane measured from a point:<br>i. 19m ~~12m~~ above ground level along all side and rear boundaries within 23.5m from the road frontage; and<br>ii. 8m ~~4m~~ above ground level along all other side and rear boundaries; | HDRZ deleted, new rule REr.18V for High Density Development on qualifying sites, with new height in relation to boundary (HRB) control of 8m + 60°. | **Disagree with s42A recommendation**<br>HRB control of 19m+60° for the first 23.5m from street boundary, and 8m+60° for remainder of site sought, as discussed in detail in this evidence. |
| S933.043, 044 | Residential<br>REr.18V (Front Yard), REr.18V (Other Yards), | Supported front yards and other yards subject to notification preclusions. | HDRZ deleted, new rule REr.18V for High Density Development on qualifying sites, with new 3m side and rear yard. | **Disagree with s42A recommendation**<br>1m side setback/yard sought for qualifying high density development, |

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| | REr.18D (Front Yards), REr.18E (Other Yards), REr.19D (Front Yards), REr.1E (Other Yards). | | | as discussed in detail in this evidence. |
| S933.045, 061 & 079 | Residential<br>REr.18F (outdoor living court) | Do not support clause d) orientation or e) accessible from principal living room, as this is considered too restrictive. | Both standards assist to achieve a high standard of amenity for residents. Outdoor living courts with a southerly orientation are generally a poor design outcome resulting in minimal sunlight access for the main living area…<br>I consider this would be more appropriately assessed on a case-by-case basis through a consenting process. Similarly, ensuring the outdoor living space is directly accessible from the principal living room better supports functional and useable spaces and achieving a high standard of amenity. | Accepting of s42A recommendation |
| S933.032<br>S933.033 | Residential<br>REr.17 subdivision | Requested the removal of minimum allotment sizes for vacant allotments in the MDRZ and HDRZ and provide for 8m x 15m minimum shape factors only. A shape factor of 8m x 15m is appropriate to maintain residential amenity. | I consider the notified minimum site area is appropriate and do not recommend any changes. | Accepting of s42A recommendation in Nelson context |
| S933 | Residential<br>Various | Requested to amend the notified rules in the proposed residential zones to specify that infringements to several standards be non-notified, including front yards, corner sites, permeable landscaped area, outlook and privacy, glazing to the street and maximum building length. | I support the following approach to notification to ensure that the objectives of increasing housing diversity and choice (DO14.1 and RE1) can be efficiently achieved:<br>a) Enable resource consent applications for residential units that comply with standards to be assessed on a non-notified basis;<br>b) Enable resource consent applications for residential units that infringe standards relating to on-site amenity to be assessed on a non-notified basis;<br>c) Enable resource consent applications for residential units that infringe key bulk and location standards (height, daylight and site coverage) to be subject to the normal tests for notification (public and limited);<br>d) Enable resource consent applications for residential units that infringe other standards in the proposed residential zones to be | Support s42A recommendation |

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| | | | precluded from public notification but require a limited notification assessment. | |
| S933.003, S933.005 and S933.009<br><br>FS56.001 | Dynamic Hazard mapping (flood, coastal inundation) | Support a risk-based approach to the management of natural hazards, however, opposes the inclusion of flood hazard overlays within the map as part of the District Plan hazards.<br><br>Request that these maps sit outside the plan in non-statutory GIS layers - these requested changes to mapping are sought throughout the plan change within all relevant rules that refer to these overlays. The Auckland Unitary Plan (" AUP") adopts a set of non- statutory flood hazard overlay maps which operate as interactive maps on the Council's 'Geo Maps' website - a separate mapping viewer to the statutory maps. The advantage of this approach is the ability to operate a separate set of interactive maps which are continually subject to improvement and overlay maps which operate as interactive maps on the Council's 'Geo Maps' website - a separate mapping viewer to the statutory maps. | In considering whether flood overlays should be included in the NRMP planning maps, it is acknowledged that an advantage of the flood maps (overlays) is that it enables the maps to be regularly updated and reduces cost and time delays by not having to use the Schedule 1 process (amendment of plans). However, certainty is reduced if maps can be changed by the council without a robust vetting and consultation process. Placing the flood modelling information on the planning maps gives the community the greatest amount of certainty regarding whether they are in or out of the overlay and therefore whether there are standards to be met and whether consent is required. Also gives the community the opportunity through the submission process to indicate whether they agree with the mapping and if it reflects the reality of their site. A non-statutory layer is potentially subject to multiple changes, and hence the permitted threshold can change when the maps are tweaked or updated.<br><br>Allowing council to update the flood maps without a statutory process can be problematic in terms of fairness and transparency. A statutory layer is also more likely to be informed by evidence, because of the rigour of the process to place it within a statutory planning document. Statutory maps can be given appropriate statutory weight in decisions-making processes. | **Disagree with s42A recommendation**<br><br>Maps should sit outside the Plan. See detailed explanation in evidence. |
| S933.019 | Natural Hazards<br><br>DO2.2.4(6) | Amend subclause 6 to: building platforms are not located within land identified in the High Flood Hazard, or where located within the Floodways, or Flood Paths are provided with appropriate mitigation to not exacerbate flood effects.<br><br>Opposed avoidance approach sought by EQC (S203), provision should be made for management and mitigation where appropriate in medium and lower risk areas where appropriate. | The Flood areas indicate the location of areas where flooding may occur. Flooding can cause harm to people and significant damage to buildings, and infrastructure and the natural environment. In the first instance, it is important that subdivision and development in flood areas is avoided. If the development is to go ahead, it is important that prior to development consideration is given to the flood hazard and measures are taken to reduce any risk<br><br>In relation to the Kāinga Ora I suggest that ideally no building platform particularly those associated with residential uses should be located in a watercourse (Floodway or Flood Path). On this basis, I recommend rejecting the submission point. | **Disagree with s42A recommendation**<br><br>In some circumstances building platforms within a mapped floodway or flood path is acceptable and should be provided for in policy. See detailed explanation in evidence. |

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| S933.111<br>S933.112 | Natural Hazards<br>Nr.72A (building and network utilities in the Liquefaction Overlay)<br>ICr.88 and INr76 (subdivision in liquefaction hazard overlay) | Seek change to a controlled activity from restricted discretionary. | With respect to the request by Kainga Ora to amend rule INr.72A to a controlled activity, I am generally not supportive. This is because I consider it appropriate for resource consent applications under this rule in the Liquefaction Hazard overlay to be able to be declined.<br>I have considered the request to amend the activity status of ICr.88 and INr76 (subdivision in the Liquefaction Hazard Overlay) where Kainga Ora from restricted discretionary to controlled. Given the nature of liquefaction hazard and the greater checks and balances for subdivision under 106 of the RMA, I agree that this activity status may be appropriate in the Industrial and Inner City Zones. However, the structure of the subdivision rules in these chapters are relatively complicated and will require further discussion with the subdivision consent planners, before I can draft an alternative. | Accepting of s42A recommendation |
| S933.029 | Noise | Opposed a rule framework which is based on a standardised corridor approach and instead support a modelled noise contour.<br>Supported that Waka Kotahi (S894) who completed acoustic modelling to identify more accurate noise sensitivity zones based on noise contours, and now seek that the 100m setback be replaced with a variable noise sensitivity overlay.<br>Requested that noise from Port Nelson Ltd (S224) activities are spatially modelled based on the actual effects, and, if they are to be regulated on the receivers, then they should be shown in the NRMP. | The operative NRMP does not contain any provisions to manage the effect road traffic noise on sensitive land uses. PC29 proposes to introduce acoustic insulation requirements for new buildings, and additions or substantial alterations<br>Refer to Appendix 4 to view the completed set of recommended rule changes, which include:<br>• Replace the 100m set distance with an overlay.<br>• Qualify additions as being increases in habitable space gross floor areas by 10m2 or more.<br>• Remove acoustic insulation requirements for internal alterations.<br>• Amend the activity status for infringing permitted standard in the Suburban Commercial Zone from discretionary to restricted discretionary.<br>• Additional standard to address cumulative noise.<br>• Additional standard relating to mechanical ventilation and cooling system compliance.<br>• Remove vibration and reverse sensitivity effects from the assessment criteria. | Support s42A recommendation |
| 933.029 | Noise<br>REr.43A and Scr.36A | Opposed vibration as a matter of discretion given rule manages noise. | Remove reference to vibration in the matters of discretion. | Support s42A recommendation |

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| S933.096 | Chapter 8 Inner City Zone<br>Objective S2A housing and policy SC2A.1 residential amenity | General support and suggest amendment to allow dwellings on ground floor where not facing the street frontage and providing a focus for passive surveillance over public spaces and the street, and removing some matters of discretion which are considered ambiguous. | Having considered the submissions PC29 is too restrictive regarding the limitation of residential at ground floor in the Inner-City Zone, particularly when considered against the current economic climate and changing retail trends towards online shopping and loss of brick-and-mortar locations. I consider that the creation of a mixed-used environment of residential and commercial activities, with some residential at ground floor in appropriate locations, will enhance the vibrancy and vitality of the Inner City. | Support s42A recommendation |

**Appendix 2 – Requested retention of Notified MDRS Zoning for land between Karaka Street and The Ridgeway in Stoke**

Area requested to be retained as MDRZ shown in Green

