



**Mackenzie**

**DISTRICT PLAN REVIEW**

TOMORROW'S MACKENZIE  
KA AWATEA HŌU

# **Section 42A Report: Plan Change 21 – Implementation of the Spatial Plans**

**Reply Report**

**Authors: Rachael Willox and Liz White**

**Date: 6 April 2023**

## 1. Purpose and Scope of Report

1. The purpose of this Reply Report is to outline where our recommendations on PC21 have altered, as a result of the questions arising from the Hearing Panel, submitter evidence or matters traversed at the hearing. It also addresses other matters arising in submitter evidence or during the course of the hearing where we consider further comment may be of benefit to the Hearing Panel. As such, other than where stated in this Reply Report, our opinions and recommendations remain as set out in the Section 42A Report<sup>1</sup> and in the Response to Minute 4.<sup>2</sup>
2. For the avoidance of doubt, where we do not comment further, this is not because we have not carefully considered matters raised in the presentations made by submitters, rather we are not persuaded that there is a need to alter our recommendations from that in the Section 42A report, and our reasoning is already set out within that report.

## 2. Format of Report

3. This report is structured following the order of submitters who presented at the hearing. For the reasons noted above, it does not however traverse all matters/topics discussed at the hearing.
4. A full set of the changes recommended to provisions are contained in **Appendix 1** to this Report, incorporating recommendations made in the Section 42A Report, the Response to Minute 4 and in this Reply Report. Changes recommended in the Section 42A Report are shown by way of ~~strikeout~~ and underlining. Changes recommended in the Response to Minute 4 and in this Reply Report are shown by way of ~~red-strikeout~~ and red underlining. Changes previously recommended to be deleted but now recommended to be reinstated are shown in ~~red without underlining~~. Footnoted references to the relevant submitter(s), and where applicable, submitter evidence, identify the scope for each recommended change.
5. Where required, an evaluation under s32AA of the RMA is undertaken of any further changes recommended.
6. As with the Section 42A Report, to distinguish who has authored different parts of this report, any sections authored by Liz are footnoted as such; where there is no footnote, the author is Rachael.

## 3. Environment Canterbury (ECan)

### Wastewater Disposal – Kimbell and Albury

7. Ms Hollier, in her evidence, agrees with the proposed Servicing Standards recommended to be introduced to the LLRZ, LRZ and MUZ, subject to three amendments:

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<sup>1</sup> Section 42A Report: Plan Change 21 – Implementation of the Spatial Plans, 17 February 2023.

<sup>2</sup> Response to Minute 4 (PC21) – s42A Authors.

1. All reference to wastewater discharge authorisation is retained within the Servicing Standards;
  2. Minor amendments are made to the terminology used, and the Servicing Standards are amended to address stormwater and wastewater discharge to ground; and
  3. The Servicing Standards are applied to all activities requiring a discharge consent from ECan.
8. In considering the evidence from Ms Hollier, I agree that it is appropriate to retain all reference to wastewater discharge within the Servicing Standards (LLRZ-S6, LRZ-S7 and MUZ-S8) to remove unnecessary repetition. Amendments to LLRZ-S1, LRZ-S1 and MUZ-S1 to remove reference to wastewater disposal are therefore recommended as set out in **Appendix 1**. To ensure residential units are subject to the proposed Servicing Standards, consequential amendments to LLRZ-R1, LRZ-R1 and MUZ-R1 are also recommended.
9. I do not consider it necessary to amend the Servicing Standards to address stormwater disposal. Disposal of stormwater is likely to meet the permitted activity conditions set in the Canterbury Land and Water Regional Plan. Ms Hollier has also provided no strong evidence to suggest that the ability to dispose of stormwater is likely to constrain the level of development anticipated under the residential zone framework. In my view, it is therefore inefficient to require landowners to provide authorisation from ECan under the District Plan. A standard for on-site wastewater disposal, in comparison, is appropriate to achieve integrated management given the minimum allotment size/density proposed in unsewered areas (1,500m<sup>2</sup>) also requires discharge consent from ECan.
10. In considering the evidence from Ms Hollier, I recommend minor amendments to the terminology used in the Serving Standards as set out in **Appendix 1**. The specific wording in relation to wastewater disposal has been discussed and agreed with Ms Hollier.
11. Regarding the third amendment sought by Ms Hollier, it is my view that the Servicing Standards should only be applied to the rules which control buildings. The drafting approach taken in PC21 is to manage built form separately to activities. As such, buildings, regardless of what they are used for, are subject to the built form standards. As wastewater disposal is also only required when a building is proposed, the recommended standard should, in my view, only be linked to the rules controlling buildings. Requiring compliance with the standard for activities is therefore in my view unnecessary. Having provided clarity on this to Ms Hollier as part of discussing the wording amendments, I believe she is comfortable with this approach.
12. Ms Hollier, in her evidence, also notes that the Section 42A Report provides no discussion around the CRC request to amend policies associated with the LLRZ, LRZ and MUZ chapters. Nor CRC proposed amendments to the introductions of the LLRZ, LRZ and MUZ to make it clear to plan users that there are potential development constraints in Albury and Kimbell due to a lack of reticulated services.
13. In my view, amendments to the introduction and policies of the LLRZ, LRZ and MUZ Chapters are unnecessary. The purpose of the introduction is to provide a brief overview of the zone and

is not intended to highlight all potential development constraints that may impact the zone. In my view, the requirement to obtain discharge consent from ECan is made clear through the proposed provisions. I therefore do not consider it necessary for on-site wastewater discharge to be specifically mentioned in the introduction to the LLRZ, LRZ or MUZ Chapters. Nor do I consider it necessary to highlight that Kimbell and Albury may be subject to development constraints due to the absence of reticulated services.

14. In my view, any policies relating to wastewater services should be included in the subdivision chapter. I note Section 13, Policy 14 of the District Plan already requires upon subdivision, that new lots be provided with a means of connection to a reticulated sanitary system and where a reticulated system is not available on-site systems may be installed, subject to discharge consent requirements. New policies in the LLRZ, LRZ and MUZ to ensure allotments manage waste discharges in areas where no reticulated services are available, in my view, are therefore unnecessary. No amendments to the introduction and policies of the LLRZ, LRZ or MUZ are therefore recommended.

### ***Recommendation***

15. I recommend, for the reasons given above, that:
  - LLRZ-S1, LRZ-S1 and MUZ-S1 are amended to remove any reference to wastewater disposal;
  - LLRZ-R1, LRZ-R1 and MUZ-R1 are amended to require compliance with the Servicing Standards; and
  - Minor amendments are made to the terminology used in LLRZ-S6, LRZ-S7 and MUZ-S8.
16. The recommended amendments are set out in **Appendix 1**.
17. The scale of changes does not require a Section 32AA evaluation because it is a minor change, and the change does not alter the general intent.

### **Flood Hazard**

18. As detailed at the hearing, ECan are seeking an interim rule to ensure any development occurring between Glen Lyon Road and the Twizel River is located atop the terrace as they are concerned that additional development could be enabled on land subject to significant flooding prior to the natural hazard provisions being reviewed in Stage 3 of the MDP.
19. For the reasons outlined in the Section 42A Report I maintain that a new standard is not necessary in the LLRZ with respect to inundation. In my view, the natural hazard provisions are best dealt with as part of the Natural Hazard Chapter, which is currently being reviewed as part of Stage 3 of the MDP with formal notification scheduled for October 2023.
20. I do not agree that there is a timing gap warranting the inclusion of an interim rule as this implies there are currently no controls, which is inaccurate. Section 6 of the Operative District Plan, while amended through PC21, still contains rules applying to activities in the LLRZ. This includes

Standard 5, which requires all habitable residential buildings in areas subject to Low Flood Risk to be 150mm above flood waters with a 0.2% annual probability of occurring (i.e. a 500-year return period flood). The minimum floor height for commercial, visitor accommodation and industrial buildings shall also be 150mm above floodwaters with a 0.5% annual probability of occurring (i.e. a 200 year return period flood). Landowners are also required to obtain a flood risk assessment from a suitability qualified expert. It is therefore my view that while the definition of high flood hazard in the Operative Plan does not align with the CRPS definition of high flood hazard, there is sufficient scope in the plan to mitigate any potential risk until such time the appropriateness of the existing controls are reviewed in Stage 3 of the MDPR.

21. In addition, Section 71 of the Building Act 2004 requires a building consent authority to refuse to grant a building consent for construction of a building if the land is subject or is likely to be subject to one or more natural hazards (and adequate provision has not been made to protect the land or building work from the natural hazard) or the building work is likely to accelerate, worsen, or result in a natural hazard on land or any other property.

### **Advice Note**

22. For the reasons outlined in the Section 42A Report I maintain that advice notes relating to the Canterbury Flood Protection and Drainage Bylaw 2013 are not appropriate in the LRZ and MUZ. I also note that there are a range of other activities permitted under the District Plan that may require authorisation under other regulations, including consents under the regional plan, authorisation under local or regional bylaws and/or approvals under the Conservation Act. Based on the evidence submitted and presented at the hearing it is also unclear why this bylaw warrants specific mention as opposed to other regulations. Reference to the Bylaw would also need to be included within multiple other chapters, where the zone crosses an area to which the bylaw applies, which in my view is not appropriate. To my knowledge, advice notes relating to this bylaw has not been included in other Plans in the region. LRZ-S4.2 and MUZ-S4.1 are therefore recommended to be retained as notified.

### **Industrial and Residential Zone Interfaces<sup>3</sup>**

23. As noted in response to the question of the Hearings Panel, I have recommended that the CON activity rule sought by ECan for activities within the GIZ which are located adjacent to a residential zone boundary, be applied within a 30m (not 50m) area.
24. Ms Hollier identifies concerns with the rule applying to GIZ-R1 but not GIZ-R2. Firstly, for the avoidance of doubt, the drafting approach taken in PC21 is to manage 'built form' separate from activities. Thus the activities rules relate to the activity undertaken on a site, whether it is located within or outside a building. Any building, regardless of its intended use, is subject to the various built form standards set out in each zone chapter. Thus GIZ-R1 only relates to the establishment of a building within the GIZ and not to the use of the building; conversely, GIZ-R2 – GIZ-R9 manage activities, but do not control the establishment of buildings associated with those activities.

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<sup>3</sup> This section is authored by Liz White.

25. I understand from Ms Hollier's comments that her concern relates to industrial activities, rather than other activities. Having reflected on this further, I note the amendment I proposed to GIZ-R1 would apply to any buildings, but not to industrial activities undertaken outside of a building, and therefore could be ineffective at managing potential effects arising at the zone boundary. In particular, it could encourage the use of that part of the site which is within 30m of the zone boundary being used for industrial activities that are not contained within a building. I therefore recommend that the additions to GIZ-R1 are removed and instead placed in GIZ-R2. This would also mean that the changes sought by Ms Hollier to GIZ-S3 (which relate to setbacks) are not required. I also agree with Ms Hollier regarding the inclusion of reference to amenity effects relating to odour in the matters of control.

### **Recommendation**

26. I recommend, for the reasons given above, that:
- The changes previously recommended to GIZ-R1 (buildings and structures) are removed and instead shifted to GIZ-R2 (industrial activities) and the matters of discretion expanded to include consideration of the amenity effects related to odour.
27. The recommended amendments are set out in **Appendix 1**.
28. In terms of Section 32AA, I consider that the evaluation set out in paragraph 339 of the Section 42A report is still valid, except that reference to GIZ-R1 should now be to GIZ-R2.

## **4. EnvironZ**

### **Waste Storage**

29. As detailed at the hearing Ms Griffiths would support the inclusion of a new standard to address waste management in the MRZ. While I acknowledge Ms Griffiths support for a new standard, as noted in the Section 42A Report, waste management including waste storage and collection is already addressed by the Mackenzie District Council Solid Waste Bylaw 2021. Inclusion of a new standard to manage waste could therefore duplicate or conflict with this existing regulation. I therefore recommend amendments to the MRZ Design Guide contained in APP2 to address the concerns raised by Ms Rosser and to require consideration of waste storage and collection at the design phase of any higher density proposal. I consider amendments to the Design Guide appropriate as residential units in the MRZ are only permitted where they have a site area of 400m<sup>2</sup> or more, with all residential units with a site area less than 400m<sup>2</sup> requiring resource consent as a RDIS activity (MRZ-R1), with consistency with the Design Guide being the only matter of discretion. I note that Ms Rosser's concern is with higher density development (i.e. 200-250m<sup>2</sup> sections), which are those which would require consent and will therefore be assessed against the Design Guide.
30. The Design Guide also provides general guidance on the location of service functions including bin storage. Amendments to the Design Guide are therefore recommended to expand this guidance further, to ensure the size of these areas is also considered and to provide a useful link to the Solid Waste Bylaw. The recommended amendments reflect input received from Ms Rosser and are generally supported by her.

## **Recommendation**

31. I recommend, for the reasons given above, that the Design Guide is amended as follows:

### **IN THE FRONT:**

#### **A WELCOMING ADDRESS**

*Design Element F (Page 44)*

*Any front yard services, such as bin storage, need to be balanced with the quality of visitors' experience and consideration of tapu (prohibited) and noa (common) through separation and visual screening and should be appropriately sized. Service functions are generally best located in the side or back yard if there is good access, which is clear of stairs or steep gradients.*

### **ON THE SIDE:**

#### **A GOOD NEIGHBOUR**

*Design Element I*

*I. Outdoor bin storage areas should be accessible to individual dwellings and should cater for waste and recycling bins. Generally, these should provide a minimum storage area of 2.5m<sup>2</sup> and a minimum width of 1.5m. Outdoor bin storage areas should not be within outdoor living spaces and predominant outlook areas. Screening of outdoor bin storage areas enhances amenity and reduces litter and odour for neighbours. Good access should be provided from the storage area to the street, with sufficient width available for the efficient collection of bins, that does not impede the footpath. Proposals for multiple dwellings require a Waste Management and Minimisation Plan as directed by the Mackenzie District Council Solid Waste Bylaw.*

32. The scale of change does not require a Section 32AA evaluation. The recommended changes are relatively minor and do not alter the intent of the Design Guide which already contains existing guidance on the location of service functions including bin storage.
33. If the Hearing Panel are however persuaded that an explicit standard is required to ensure bin storage is appropriately managed in the MRZ I recommended the following amendments/wording in general accordance with other second-generation plans reviewed<sup>4</sup>. For the avoidance of doubt, this is not my preferred approach as it is my view the above changes to the Design Guidelines will address the issues identified by Ms Rosser.
34. The amendments below, in my view, should only be applied to higher density development (i.e. where the residential unit is on a site less than 400m<sup>2</sup>). For completeness I note that I have recommended other changes to MRZ-R1 which are detailed later in the report and set out in **Appendix 1**, but which are not included in the drafting below as they do not relate to the waste storage matter.

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<sup>4</sup> Proposed Timaru District Plan and Plan Change 19 – Residential Zoning Central Otago District Plan

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|---|--|---|
| <b>MRZ-R1</b>                                 | <b>Residential Units</b>   |   |
| <b>Medium Density Residential Zone</b>        | <p><b>Activity Status: PER</b></p> <p><b>Where:</b></p> <ol style="list-style-type: none"> <li>1. There is a maximum of one residential unit per site;</li> <li>2. The site has a minimum site area of 400m<sup>2</sup>.</li> </ol> <p><b>And the activity complies with the following standards:</b></p> <p>MRZ-S2 to MRZ-S9</p>  | <p><b>Activity status when compliance with standard(s) is not achieved:</b><br/>Refer to relevant standard(s).</p> <p><b>Activity status when compliance is not achieved with R1.1 or R1.2: RDIS</b></p> <p><b>Where:</b> the activity complies with MRZ-S1 to MRZ-S9 <u>and MRZ-S11</u></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>a. Consistency with the Mackenzie Medium Density Design Guidelines (Appendix APP2).</li> </ol> |
| <b><u>MRZ-S11</u></b>                         | <b><u>Waste Management</u></b>   |   |
| <b><u>Medium Density Residential Zone</u></b> | <ol style="list-style-type: none"> <li>1. <u>Each residential unit must have separate outdoor or indoor storage space for waste and recycling bins of at least 2.5m<sup>2</sup> with a minimum width of 1.5m.</u></li> <li>2. <u>The storage space can be provided either individually or within a communal space for multiple units.</u></li> <li>3. <u>Any outdoor bin storage space shall be screened by a continuous wall, fence, or landscaping to a minimum height of 1m.</u></li> </ol> | <p><b><u>RDIS</u></b></p> <p><b><u>Matters of discretion are restricted to:</u></b></p> <ol style="list-style-type: none"> <li>a. <u>Provision of useable bin storage space.</u></li> <li>b. <u>Accessibility and convenience for residents and collection vehicles.</u></li> <li>c. <u>Visual impacts on the streetscape and surrounding environment.</u></li> </ol>   |

35. For completeness, the above wording has been reviewed and is generally supported by Ms Rosser. Ms Rosser has however asked for two additional clauses:

4. *Access to the street must not require bins to be transported through dwellings, or up and down stairs or steep gradients.*



5. *Kerbside collection requires a kerbside width of 1.8m per dwelling without impeding the footpath.*

36. In my view, the above clauses are not appropriate. I do not consider it the responsibility of the District Plan to control, on an ongoing basis, whether bins are pulled through buildings or located up and down stairs or steep gradients. In my view, this is better encouraged through the Design Guide as opposed to a rule. The kerbside of a development also sits outside the boundaries of the site and, in my view, is not within the control of the landowner/developer once a subdivision is completed. I therefore consider that if rules are to be included in the District Plan regarding kerbside collection that this is better assessed at the time of subdivision or part of the review of the transport chapter of the MDP.

#### **GIZ-O1<sup>5</sup>**

37. Ms Rosser considers that:

*The general industrial zone should effectively provide for industrial activities as the main purpose of the zone given their difficulty in locating elsewhere. The current wording gives equal status to 'other compatible activities' as to industrial activities. I consider the purpose should clearly prioritise industrial activities to avoid reverse sensitivity effects for these.<sup>6</sup>*

38. I note that the NP Standards description for the General Industrial Zone is:

*Areas used predominantly for a range of industrial activities. The zone may also be used for activities that are compatible with the adverse effects generated from industrial activities.*

39. I consider GIZ-O1 to be aligned with the NP Standards description and note that in my view, the GIZ is equally appropriate for other activities which are not easily located in other zones, such as yard-based retail and trade-based retail. What are considered to be "compatible activities" are then articulated further in GIZ-P1 and the rule framework. I therefore continue to recommend that GIZ-O1 is retained as notified.

## **5. David Power**

40. For the reasons outlined in the Section 42A Report, I do not consider a change to the proposed TCZ on Mackenzie Drive to be appropriate. If the Hearing Panel are however persuaded by Mr Power that there is a need to retain open space zoning adjacent to the Twizel Skate Park, to allow for passive surveillance from the street, I consider a reduction in the extent to which the TCZ stretches north to be more appropriate than removing the proposed TCZ in its entirety. The existing carpark abutting the Twizel Four Square, in my view, is appropriate for commercial and community activities.
41. The area to be retained TCZ, if the Hearing Panel are persuaded by Mr Power's Submission, is outlined in yellow in Figure 1.

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<sup>5</sup> This section is authored by Liz White.

<sup>6</sup> Para 1.4

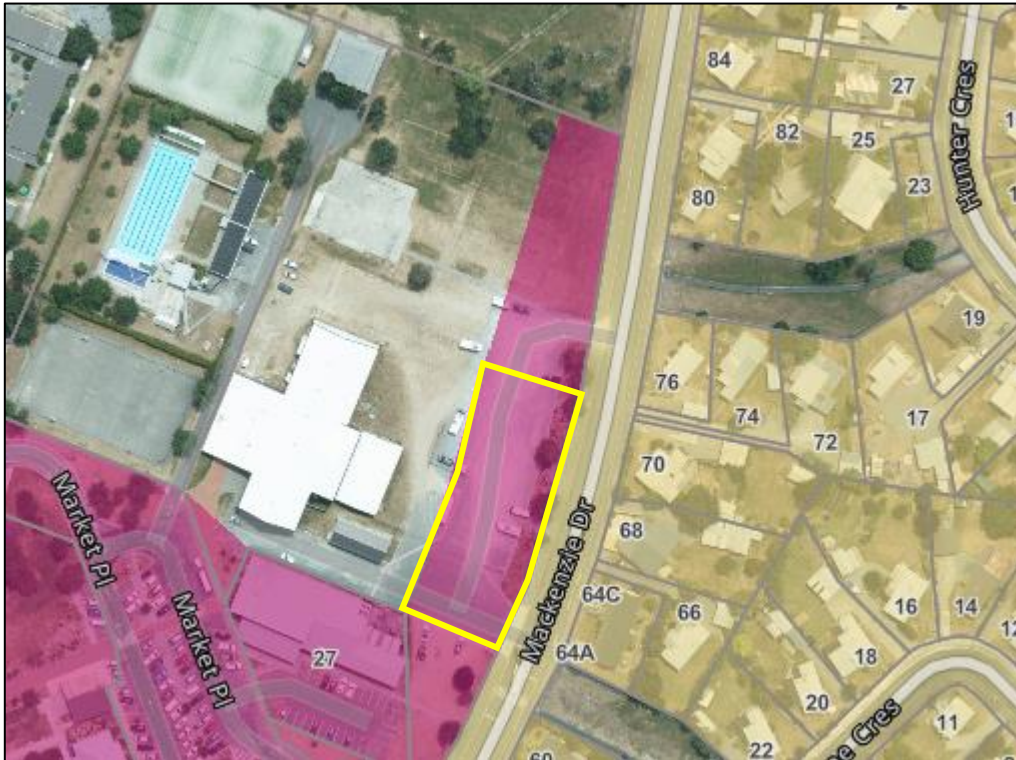


Figure 1 - Proposed TCZ north of Market Place

## 6. Rick Ramsay

42. No changes to the zones are recommended in response to Mr Ramsay's evidence at the hearing. However, to provide greater context to matters raised by Mr Ramsay I note the following:
- a. PC21 seeks to implement the Spatial Plans. I accept that the Spatial Plan zoning and land use patterns are not universally supported by all members of the community. The Spatial Plans, however, were subject to extensive community input with different viewpoints considered. I consider that departing from the intent of the Spatial Plans would generally require the support from the wider community.
  - b. The demand for commercial growth was considered in the Spatial Plans and PC21. The Spatial plans were based on growth projections for 30 years and took into account employment and industry projections. The application of the commercial zonings in PC21 aligns with those in the Spatial Plans and therefore provide for the anticipated growth.
  - c. While the character that might reasonably be anticipated under the current zoning has not yet eventuated, the current rule framework applying to the Musterers Hut area already allows for a range of commercial activities to be established (Tourist Zone) with the zone framework almost identical to that of the Village Centre Zone. Application of the TCZ to this location is therefore, in my view, appropriate to rationalise the current overly complex zone framework.

## 7. Tekapo Landco Ltd & Godwit Leisure (TL&GL)

### Zoning of 'Lakeside Drive land'<sup>7</sup>

43. In relation to land within the scope of PC21 and to which the submission of TL&GL relates, Ms Banks seeks application of the MUZ to the land parcels outlined in green, red, purple and blue below (and areas between the purple and blue and purple and red areas), as well as application of PREC2 (Commercial Visitor Accommodation Precinct). Currently PREC2 is only applied to areas with an underlying residential zoning, and the application of PREC2 would therefore require some changes to the PREC2 provisions.



Figure 2 - TL&GL Land

44. My understanding of Ms Banks and Mr Speedy's evidence is that the previously recommended MRZ with PREC2 zoning would enable "a mix of high density of residential or visitor accommodation activity", but would not enable "small scale commercial, retail, food and beverage, community activities or commercial recreation".<sup>8</sup> I note that application of MUZ alone would also provide for the latter, with commercial visitor accommodation being RDIS under Rule MUZ-R6.2.
45. Having considered the purpose of the MRZ and that of the MUZ, the existing and consented activities in these areas, as well as what I understand was the intent behind the Spatial Plan, I agree that application of the MUZ is appropriate. This reflects that the commercial activities anticipated under this zoning would be limited to small-scale ones serving the convenience needs of the surrounding residential area, or visitors, and therefore in my view would not compromise the purpose of the TCZ. I note that minor changes are required to the MUZ chapter if the recommendation to apply the MUZ is accepted, and I generally agree with those identified

<sup>7</sup> This section is authored by Liz White.

<sup>8</sup> Statement of Evidence of Kimberley Anne Banks, Revised 24 March 2023, para 42.

by Ms Banks. In coming to this view, I considered whether the MUZ should only be applied to Lot 400 DP 560853 (blue above) given the established visitor accommodation activities on the other sites and that the Spatial Plan did not identify these in the “High Density Residential / Mixed Use” area, but given their frontage to Lakeside Drive I consider providing for greater flexibility for increased commercial use of these sites in future to be appropriate.

46. Given the activity status and matters of discretion are exactly the same under PREC2-R1 as they are under MUZ-R6.2, I do not consider it necessary to apply PREC2 to the site. Ms Banks has however sought changes to PREC2 to:
- a. amend PREC2-P1 to also provide for “*ancillary Commercial Activities such as office, retail and café/restaurants*”.
  - b. add a permitted activity for expansions or alterations to an existing Commercial Visitor Accommodation Activity, up to 200m<sup>2</sup>.<sup>9</sup>
47. If these changes are considered by the Hearing Panel to be appropriate, I consider that it is more appropriate that they are included in the MUZ chapter, rather than through amendments to the PREC2 provisions and application of the PREC2 on top of a MUZ zoning. In terms of the changes sought, my view is that:
- a. the amendment to PREC2-P1 is not appropriate as this would apply to all areas within PREC2 and in my view provision for office, retail and café/restaurants would not be consistent with the objectives. In relation to the TL&GL land, these are in any case provided for through a MUZ zoning.
  - b. It is appropriate to provide a permitted activity pathway for expansions or alterations to an existing Commercial Visitor Accommodation Activity, up to 200m<sup>2</sup>. I consider that this is a more efficient approach and acknowledges that the effects associated with the activity are already established, and that a small expansion will not significantly alter these (noting the expansion will be subject to meeting built for standards.) The threshold of 200m<sup>2</sup> is also consistent with that which applies to new commercial activities (under MUZ-R6.3).

### **Recommendation**

48. I recommend, for the reasons given above, that Lots 1, 49, 50 and 400 DP560853 (excluding the skinny western strip of Lot 400) and the intervening areas between Lots 1, 49 and 400 are zoned MUZ (as per the map in **Appendix 2**), and that minor changes are made to the MUZ chapter to reflect application of the zoning within Tākapo/Lake Tekapo as set out in **Appendix 1**.
49. In terms of s32AA, I note that Ms Banks has provided an evaluation of the proposed zoning, which I generally agree with.<sup>10</sup> I further consider that given the existing and consented activities

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<sup>9</sup> I note in Ms Banks’ Attachment B it is not clear to what new standard PREC2-S1 is to attach to but I have assumed it is intended to apply to new rule PREC2-R1.

<sup>10</sup> Statement of Evidence of Kimberley Anne Banks, Revised 24 March 2023, Paragraph 3 of Attachment C.

in these areas and the intent behind the Spatial Plan, that the outcomes sought in the MUZ are more appropriate for these sites than those of the MRZ.

50. With respect to the amendments to the MUZ standards, I note that these ensure consistency with those standards applying elsewhere in this area, and are therefore more effective in achieving MUZ-O2, as they reflect the character and anticipated amenity values of the surrounding residential neighbourhood in this location.

#### **MRZ-P4 and MRZ-P2**

51. Ms Banks, in her evidence, agrees that MRZ-P2 and MRZ-P4 will be effective in achieving the objectives of the MRZ provided the policies are amended to give guidance as to what activities may be considered compatible, or those that may not be compatible and should otherwise be discouraged. In my view, what activities are generally compatible or less likely to be compatible in the MRZ is made clear through the rule framework and associated activity status with PER and RDIS activities generally being compatible and DIS and NC activities less likely to be compatible, depending on the effects expected from these activities on a particular site. Such activities would be considered via the resource consent process and assessed against MRZ-P5 to determine compatibility. I therefore do not consider the amendments sought by Ms Banks to be appropriate as the rules, in my view, already implement the policies and provide necessary guidance as to what activities are compatible/not compatible. No amendments to MRZ-P4 and MRZ-P2 are therefore recommended.

#### **MRZ-R1 and MRZ-S1**

52. As noted in the Section 42A Report, the 400m<sup>2</sup> minimum site area proposed in MRZ-R1 needs to be considered in the context of the provisions as a whole. The drafting intent is to require all high-density development (being that with a density of less than 400m<sup>2</sup>) to be designed and constructed in accordance with the Medium Density Residential Design Guide contained in APP2 of the District Plan. If the 400m<sup>2</sup> minimum site area is removed, as sought by TL&GL, it would permit higher density development without consideration of the Design Guide, as Section 13, Standard 6.a.i.(b)) of the District Plan currently allows subdivision in the MRZ to a minimum site area of 250m<sup>2</sup>. In my view, the removal of the 400m<sup>2</sup> is therefore not appropriate as it would create greater risk of the objectives of the MRZ not being achieved.
53. In considering the evidence from Ms Banks and the questions raised by the Hearing Panel during the hearing, I do however consider amendments to the location of the provisions to be appropriate to improve the drafting of the Plan and to remove any ambiguity. More specifically, I recommended that MRZ-R1 is amended to remove any reference to a minimum site area within the rule itself, with the 400m<sup>2</sup> reference instead shifted to MRZ-S1. The recommended redrafting of MRZ-S1 would require all residential units to have a minimum site area of 400m<sup>2</sup> to be permitted; where this is not met but the minimum site area is not less than 200m<sup>2</sup> the activity status is RDIS with matters of direction restricted to consistency with the MRZ Design Guide in APP2; and development with a minimum site area of less than 200m<sup>2</sup> would remain DIS. In my view, shifting the 400m<sup>2</sup> minimum site area to MRZ-S1 will remove any perceived inconsistency between the two provisions and will make it clearer for plan users when an

assessment of the Medium Density Residential Design Guide is required. Removing density requirements from within the rule is also more consistent with the rule framework for the LLRZ and the LRZ.

### **Recommendation**

54. I recommend, for the reasons given above, that:

- The density controls are shifted from MRZ-R1 into MRZ-S1, as set out in **Appendix 1**.

55. The scale of the change does not require a Section 32AA evaluation because it is a minor change to improve plan drafting and does not alter the general intent of the provisions. The original s32 evaluation therefore still applies.

### **Definition of Residential Unit**

56. Ms Banks, as detailed in her evidence, is unclear how the density controls (MRZ-S1) would apply to a minor residential unit, and whether a minor residential unit is considered part of a residential unit. In her view, either the definition of residential unit should be amended to specify that it includes any minor residential unit or that the various standards should be amended to clarify this.

57. Minor residential units are not proposed to be permitted in the MRZ with all supplementary residential units (with a site area no less than 200m<sup>2</sup>) requiring resource consent as a RDIS activity. The approach to minor residential units is different in the LLRZ, LRZ and MUZ where minor residential units are recommended to be permitted (LLRZ-R2, LRZ-R2 and MUZ-R2) provided there is no more than one minor residential unit per site, the gross floor area of the minor residential unit does not exceed 65m<sup>2</sup> and the minor residential unit is ancillary to or for the purpose of residential activity. It is noted that minor residential units in the LLRZ, LRZ, and MUZ are subject to their own rule and are not captured by the rule framework for residential units. Minor residential units are also not subject to the density standards. Based on this approach, amendments to the definitions and/or standards as sought by Ms Banks are not appropriate.

## **8. Department of Corrections**

### **Definition of Household**

58. In considering the evidence from Corrections I still consider that a definition of household is not necessary in PC21. In my view, a residential unit would generally include any individuals living within a dwelling no matter their relationship. I also note that the District Plan is not proposing to treat supported residential activities such as those provided by Corrections differently to other forms of residential activity. If the Hearing Panel are however persuaded to include a new definition of household to make explicitly clear that a residential unit includes residential activity where members of the group receive care, support or supervision then I am not opposed to the wording of the definition proposed by Corrections.