

Attachment A - Response to Key Points of Kāinga Ora's Corporate Evidence

Recommended Provision	Kāinga Ora's suggested change	Council's position	
Objective MPZ O3 and Papakāinga O3	<i>Manage adverse effects of buildings, structures and activities on the amenity values, character and quality of the surrounding environment, including reverse sensitivity effects.</i>	<i>Manage adverse effects of buildings, structures and activities on the amenity values, character and quality of the surrounding environment, and manages adverse reverse sensitivity effects on existing lawfully established non-residential activities</i>	<p>Maintain position for reasons explained in para 194 to 198 of S42A Report.</p> <p>In addition, the requested amendments are not necessary because the changes would shift the focus of the objective, limit its effectiveness, and there is an existing definition of "reverse sensitivity" in the ODP:</p> <p><i>"Reverse sensitivity" means the potential for the operation of an existing lawfully established activity to be constrained or curtailed by a proposed or more recent activity which is sensitive to the adverse environmental effects being generated by the pre-existing activity.</i></p>
Maximum density	<p>Maximum density and number of dwellings</p> <ul style="list-style-type: none"> • MPZ-PREC1: 1 kāinga per 5000m² of site area, up to 10 • MPZ-PREC2: 1 kāinga per 500m² site area • Rural Zones (Māori freehold land): 1 kāinga per 1 ha site area, up to a maximum of 5 	<ul style="list-style-type: none"> • No maximum number of dwellings (unlimited) • 1 kāinga per 5000m² of site area in all Rural zones. • No density standard in PREC2. • No differentiation between density and land ownership structure 	<p>Maintain position, to maintain rural character, considering all sites were zoned rural in ODP, are varying in size, and the densities proposed are akin to Rural-Residential zone densities¹ which is much more enabling than density standards for Rural Zone² (refer paras 301 to 315 in S42A Report).</p> <p>Council has undertaken a review of the Māori Purposed Zoned sites and Māori Freehold land in the District and considers the infrastructure can generally provide for 5 or 10 dwellings per site, and 1 house per 500m² in PREC2.</p> <p>Over and above this threshold, there could be off-site effects that would be unknown, that need to be assessed on case-by-case basis through the resource consent process.</p>

¹ of one lot per hectare in in the Rural-Residential 1 Zone and one lot per 5,000 m² in the Rural-Residential 2 Zone.

² One house per property.

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	<ul style="list-style-type: none"> Rural Zones (not Māori freehold land): 1 kāinga per site 		
Site Coverage (MPZ-PREC2)	35%	40%	<p>Maintain position for reasons stated in para 318 of S42A Report, including because:</p> <ul style="list-style-type: none"> The MPZ-PREC2 sites are small-clusters of dwellings, surrounded by Rural Zoned sites (i.e. they are within a rural context). 35% site coverage enables 350.35m² – 525m² coverage on 90% of the PREC2 sites, consistent with one or two kāinga per site and the Settlement Zone Residential Precinct.
Setbacks (MPZ-PREC1)	<p>25 m front yard 20 m side yard 20 m rear yard</p> <p>Note: Where a building is part of a Papakāinga that spans multiple Records of Title, a minimum of 1.5m from the Record of Title boundary is required.</p>	<p>10 m front yard 5 m side yard 5 m rear yard</p> <p>(consistent with Rural-Residential Zone)</p>	<p>In general, maintain position stated in S42A Report, because:</p> <ul style="list-style-type: none"> Rural-Residential Zones are generally clustered around towns whereas papakāinga sites will be in the rural context. Clusters of housing in and adjacent to the Rural Zone have a higher chance of reverse sensitivity effects compared to one house per site in the Rural-Residential Zone. A 10 metre setback is provided for habitable buildings where agreement from the adjoining landowners is obtained. Proposed setbacks are not unnecessarily restrictive considering the rural context, up to 5 or 10 kāinga as a permitted activity (on Māori freehold land), and large size of sites. The planning process for a yard setback infringement is straightforward especially if the applicant has agreement from the adjacent landowner.

Recommended Provision		Kāinga Ora's suggested change	Council's position
			However, in response to Kāinga Ora's hearing evidence we have recommended introducing a reduced setback (1.5m) from side and/or rear yards where the building is part of a papakāinga that spans multiple records of title.
Activity Status	Discretionary activity status for papakāinga not complying with standards, or subdivision of papakāinga	Restricted discretionary activity status for papakāinga not complying with standards, or subdivision of papakāinga	<p>Maintain position for reasons set out in paras 417 to 419 of S42A Report.</p> <p>The nature/scale of activities and associated effects on the environment are potentially such that Council needs to be able to fully assess the appropriateness of the activity. The objective, policy and assessment matters are clear. In addition, Discretionary activity status enables an assessment against the National Policy Statement for Highly Productive Land.</p> <p>The recent plan changes which is Settlement Zone, Medium Density Residential Zone, and General Industrial Zone (decision yet to be released) have all have the same provisions which requires Discretionary activity consent for three or more non-compliances.</p>
Communal living arrangements	Discretionary activity status	Permitted activity status	<p>Maintain position of Discretionary activity status for Communal living arrangements, for key reasons stated in paras 364 - 365 of S42A Report:</p> <ul style="list-style-type: none"> • There is potential for various designs, configurations and scale of communal living arrangements which makes it difficult to determine efficient and effective performance standards alone. • Any resource consent application for communal living arrangement proposed would be supported by the enabling objectives and policies for papakāinga, and could be supported by a permitted baseline argument.

Recommended Provision		Kāinga Ora's suggested change	Council's position
			<ul style="list-style-type: none"> Discretionary activity status enables assessment of any proposal for a communal living arrangement on a case-by-case basis, with full discretion to assess whether the nature and scale of the activity and its associated effects is appropriate for the context.