

# **Before Hearings Commissioners**

**Under** the Resource Management Act 1991

**In the matter of** Private Plan Change 35; Rezoning of land at Military Road / Hathaway Avenue / Boulcott Street from General Recreation Activity Area to General Residential Activity Area with specific provision for a retirement village.

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## **Response to Commissioners Request**

**Date: 8 July 2016**

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1. At the close of the hearing, the Commissioners requested that the planners report back to them with revised wording for proposed Policy I, based on advice from urban designers. In particular, the request stated:

*In particular, there is a gap identified by the planners in relation to architectural treatment of a comprehensive development for housing of the elderly. The urban designers indicated that words such as varied and visual interest are important. Can we have policy wording that captures this, either collectively from the planners or individually that can be placed in 4A 1.2.1 Policy L. In addition, the proposed wording of Alistair Aburn for 4A 1.2.1 L(iii) provides policy support for the opportunity for larger scale building on the recreational boundary. Mr Gjerde proposed more conditional wording. Can you capture the wording Mr Gjerde would be comfortable with.*

2. This memorandum sets out the planners' response to this request. We have also addressed other proposed provisions in light of matters raised at the hearing.
3. Appended is an amended version of the changes to the District Plan sought through PC35. As with the previous documents provided to the Commissioners, where planners agree, the text is highlighted green. Where planners disagree, the text is highlighted yellow. We have also included comment boxes to highlight the points of difference.
4. This response should be read in conjunction with the planners' statement tabled at the hearing on 8 July 2016.

*Policy I - introduction*

5. All planners agree with the proposed introductory wording to the policy.

*Policy I – (i)*

6. The amendment proposed is from Marc Baily and Andrew Burns.
7. Alistair disagrees with the proposed amendments to (i). He states:

*What had earlier been agreed (i.e. 'green' highlighting on version placed in front of the hearing) was: "(i) Development adjacent to a Residential Activity Area boundary is compatible with the scale, location and form of development on the existing Residential Activity Area properties". Why such a significant change from what was previously agreed. Why remove "adjacent"? I continue to endorse the wording of (i) as previously agreed. If there is to be a change so as to incorporate "grain" I could accept "(i) Development of the site adjacent to the Residential Activity Areas is compatible with the grain, scale, location and form of existing residential buildings". In my view, as a planner, and not an urban designer, I consider that "grain" is implicit in "scale, location and form" – however if "grain" is to be added, then okay, but as in my preferred amendment and not that proposed by Marc Baily and Andrew Burns. I agree with you<sup>1</sup> - i.e. not to include "buildings and intervening open spaces".*

8. I concur with Alistair, and support his suggested refinement to this clause, as outlined above. I support the inclusion of grain.

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<sup>1</sup> This is in response to a comment I made.

*Policy I (iii)*

9. Alistair disagrees with the proposed amendments to (iii). He states:  
*I do not agree with the additional words "... while being compatible with the scale and form of development on adjacent Residential Activity Areas and allows for visual permeability across the site". In my opinion this addition effectively undermines the purpose of the policy which is premised on the 'opportunity' of the open space boundary, as it effectively points back to the residential boundary as the determinant of design for the whole site. In my opinion, the additional words should be deleted.*
10. Marc Baily and I support this addition, which is the wording proposed by Morten, in consultation with me in respect of drafting. I consider it is consistent with other policies in this chapter.

*Policy I (iv)*

11. Alistair suggests an amendment to (iv). I do not consider this necessary, as the wording proposed is already captured by the amendments proposed. Marc has not commented on this.

*Rule 4A2.3(m)*

12. Marc has suggested an alternative approach to this rule, as follows:  
*m) Housing for the elderly within the area identified in Appendix General Residential 22, including buildings and structures which:*
- (i) Do not exceed 8m in height;*
  - (ii) Provide a staggered building setback within a range of 5m to 10m from all Residential Activity Area boundaries;*
  - (iii) Provide a separation distance of 5m between buildings and a building orientation at the Residential Activity Area interface which is perpendicular rather than lengthwise; and*
  - (iii) Otherwise comply with the permitted activity conditions relating to maximum site coverage, maximum length of buildings, recession planes, yard requirements, required permeable surface, except that:*
    - a) for conditions that refer to 'net site area' this term shall be replaced with 'site area'.*
13. Alistair does not agree with Marc's suggested alternative. He remains of the opinion that the rule should specifically reference height to 16.5m on parts of the site as a restricted discretionary activity, subject to the comprehensive assessment criteria.
14. My position has not changed in response to not supporting clauses (i) and (ii) and in (iv) that the maximum length of building should apply to the stopbank boundary. With the proposed changes to the policy, I support a restricted discretionary activity rule where the maximum height standard does not apply, allowing an assessment against the policy and comprehensive matters of discretion. I consider these are adequately robust that the end result would not result in out of scale and incompatible development on the site.

*4A2.3.1 Matters of Discretion*

15. Outstanding are the matters relating to landscaping and infrastructure. Positions are set out in the earlier planners' statement.

16. I support the amendment sought by GWRC.

*Rule 4A2.4*

17. This is still outstanding. Marc, Nick and I support a different wording, as set out in the earlier planners' statement.

18. Alistair states:

*agree, but only if Rule 4A 2.3(m) continues to reference 16.5m (i.e. maximum of 4 stories). I remain of the opinion that height up to 16.5m on parts of the site could be appropriate as a restricted discretionary activity, and height above 16,5 would trigger non-complying activity status (my point around greater certainty than that offered under an unrestricted discretionary activity).*

*Rule 4A2.4.1*

19. Marc, Nick and I suggest a new clause (v), as set out in the earlier planners' statement.

*Rule 4A2.5*

20. This is still outstanding.

*Rule 4A3*

21. This is still outstanding. All planners except me support this addition, as I consider it is broader than the scope of this plan change and may have unintended consequences.

Gina Sweetman