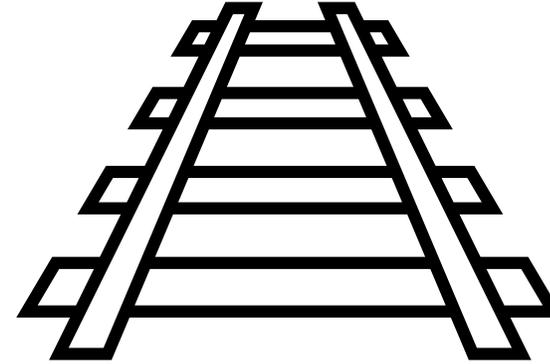


Trains, Flood Plains & (no) Automobiles

Leo Archer for
Central Apartments Ltd

Trains

- Kiwirail want a QM applied to their rail lines in the form of a 5m buffer on their rail corridor
- Kiwirail already have a buffer defined in the National Rail System Standards
- We suggest that Kiwi rail can fence their properties when abutting residential land (Safety)
- Kiwirail is a Requiring Authority under RMA
- Designations under the RMA can provide what Kiwirail seek.

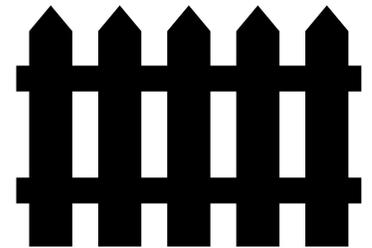
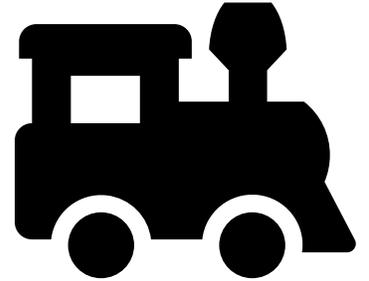
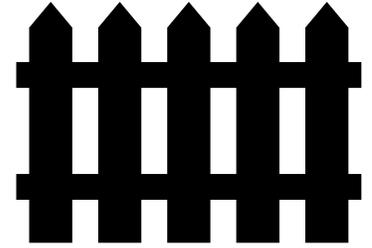


“Railway Corridor” means the land between the legal boundaries of railway land, or land within three metres of the centerline of any operational track in cases where the land boundary is less than this distance.

Trains

- Clarification around Rail Corridors is needed
- A QM has a chilling effect on development.
- The current Buffer already give indications of the Reverse Sensitivity Effects

Relief sought: Reject the QM





Floodplains | Natural Hazards

- Stream Corridors
- Overland Flow Paths

Hazard Levels

- The PDP has 3 levels of risk, Low, Medium, High
- Activities such as New Residential Units in a OFP are RD
- Matters of discretion apply
- New Residential Units in a Stream Corridor are Non-Complying
- However, matters of discretion are listed in amendment 417
- Levels or risk are site specific and need to be addressed on a case-by-case basis

AMENDMENT 417 - Add new Policy 14H 1.7

Policy 14H 1.7 New residential units, commercial activities or retail activities within the Stream Corridors of the Flood Hazard Overlays

Avoid New residential units, commercial activities or retail activities that are within the Stream Corridors or any subdivision where the building platform where the building platform is within the Stream Corridors unless it can be demonstrated that:

1. The activity, has an operational and functional need to locate within the Stream Corridor and locating outside of the Stream Corridor is not a practicable option;
2. Mitigation measures are incorporated that reduce or avoid an increase in risk to people and property from the 1% Annual Exceedance Probability Flood;
3. People can safely evacuate the property during a 1% Annual Exceedance Probability Flood; and
4. The conveyancing of flood waters through the Stream Corridor is still able to occur unimpeded and is not diverted onto adjacent properties.

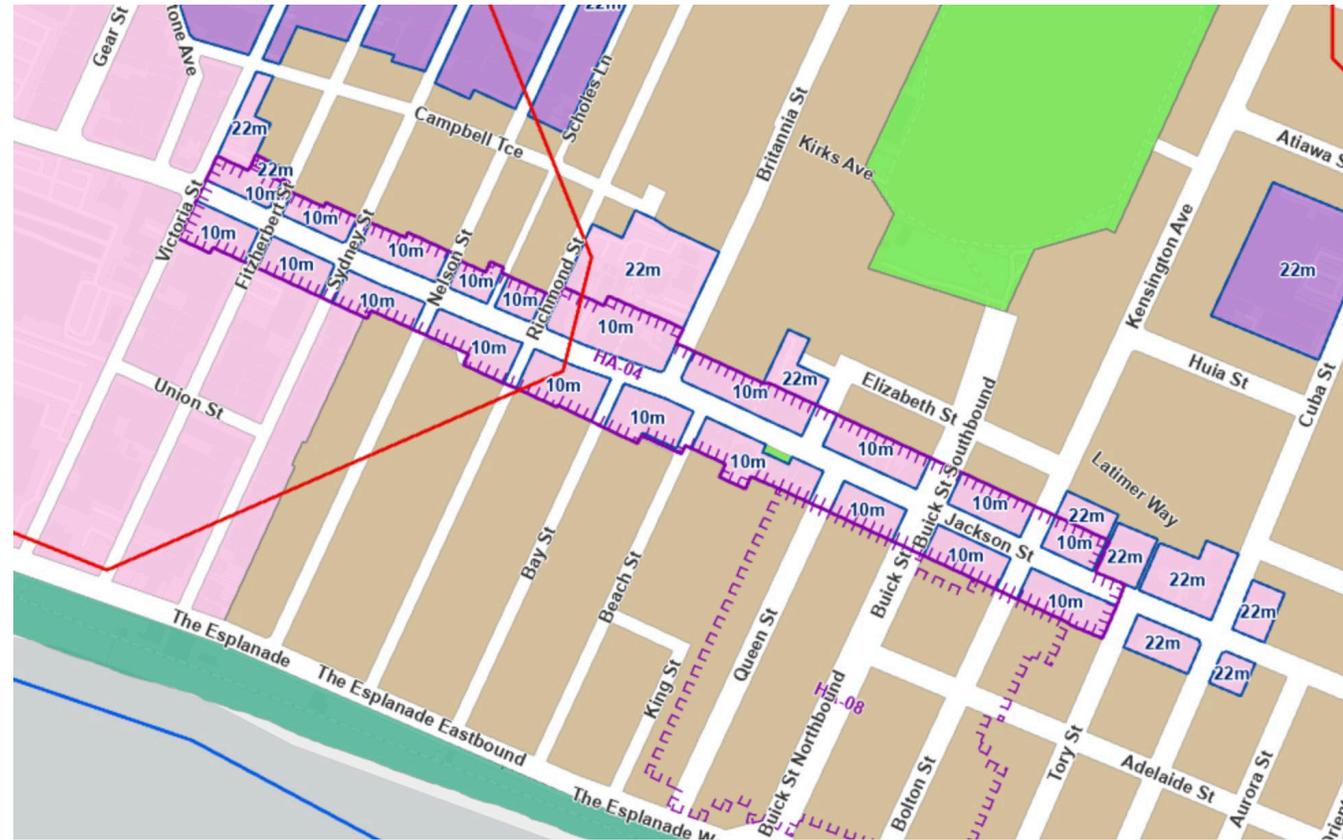
How it might be addressed:

Note: The Council holds publicly available information showing the modelled extent of hazard flooding areas affecting specific properties in its GIS viewer. The maps are non-statutory and can be reviewed to take account of any property specific information.

- KO have included this text in their Legal Evidence (Karen Williams) Natural Hazards
- We believe that such inclusions may help clarify that the site-specific differences in risks are more apparent.
- Discretionary Activity Status will also allow council control to mitigate hazards
- The development potential/increased housing supply purpose of The Act is better achieved.

General Rules

- Inconsistent rules across Petone Commercial 1 & 2
- NPS-UD policy 3 & 4 aren't met at a handful of sights in Petone Metropolitan Area 1
- The Housing Supply Amendment Act purpose is to increase the availability of land to densify.
- No QM apply to these handful of sites.
- The QM applies to Jackson St Heritage Precinct only
- S80 (e – g) does not allow the IPI to be used to limit density outside of QM



General Rules

- S80 (e) must give effect to Policy 3 & 4 of NPS-UD
- The IPI should only be used to give effect to the Density
- S80 (g) stipulates the IPI must not be used for **ANYTHING** else.
- Council's approach to allowing for density in the Petone Commercial Area 2 is logical
- Petone Commercial Area 1 has a proposed upper limit of 6 storeys
- This should be the permitted base line. Not the maximum.

80E Meaning of intensification planning instrument

- (1) In this Act, **intensification planning instrument** or **IPI** means a change to a district plan or a variation to a proposed district plan—
 - (a) that must—
 - (i) incorporate the MDRS; and
 - (ii) give effect to,—
 - (A) in the case of a tier 1 territorial authority, policies 3 and 4 of the NPS-UD; or
 - (B) in the case of a tier 2 territorial authority to which regulations made under [section 80I\(1\)](#) apply, policy 5 of the NPS-UD; or
 - (C) in the case of a tier 3 territorial authority to which regulations made under [section 80K\(1\)](#) apply, policy 5 of the NPS-UD; and
 - (b) that may also amend or include the following provisions:
 - (i) provisions relating to financial contributions, if the specified territorial authority chooses to amend its district plan under [section 77T](#);
 - (ii) provisions to enable papakāinga housing in the district;
 - (iii) related provisions, including objectives, policies, rules, standards, and zones, that support or are consequential on—
 - (A) the MDRS; or
 - (B) policies 3, 4, and 5 of the NPS-UD, as applicable.
- (2) In subsection (1)(b)(iii), **related provisions** also includes provisions that relate to any of the following, without limitation:
 - (a) district-wide matters;
 - (b) earthworks;
 - (c) fencing;
 - (d) infrastructure;
 - (e) qualifying matters identified in accordance with [section 77I](#) or [77O](#);
 - (f) storm water management (including permeability and hydraulic neutrality);
 - (g) subdivision of land.

Section 80E: inserted, on 21 December 2021, by [section 10](#) of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (2021 No 59).

General Rules

- There is evidence from KO that asks for a much more permissive build height allowance outside the Heritage Precinct of **36m**
- This will allow a demarcation of Residential to Commercial zones
- Residential Zones within the catchments allow for 22m anyway.
- Allowing for higher density in the eligible Petone Commercial Area 1 sites will allow increased economic vibrancy along Jackson St
- It logically follows that Residential Zones should have different heights to Commercial Zones

5B Petone Commercial Activity Area

[...]

Area 1 Permitted Activity Condition 5B 2.1.1(b) Maximum Height of Buildings and Structures

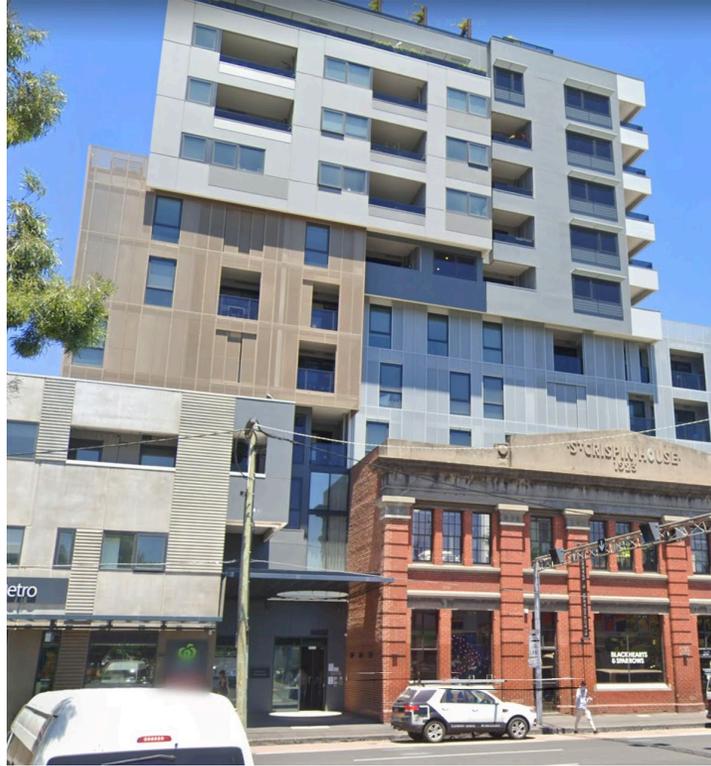
(b) **Maximum Height of Buildings and Structures:**

(i) 10m within the Jackson Street Heritage Precinct

(ii) 22.36m where not within the Jackson Street Heritage Precinct

~~Maximum Height of Buildings and Structures: 10.0m.~~





Density and Heritage
Not Mutually Exclusive