

Appendix A

Analysis and Recommendation Tables

Appendix A- Analysis and Recommendation Tables

An analysis of the submissions and an assessment of the effects of the proposed changes has been undertaken and is set out below. The recommendations on the proposed changes in the submissions are also set out below.

Late submissions

The plan change was notified on 29 July 2019 and the opportunity for submissions on the plan change closed on 2 September 2019. Three late submissions were received as follows:

Submission Number	Name/Company	Date received
Submission 28	Ministry of Social Development	3 September 2019
Submission 29	Habitat for Humanity	3 September 2019
Submission 30	Housing New Zealand (now Kainga Ora – Homes and Communities)	18 September 2019

The hearings panel needs to decide whether to waive the failure to comply with time limits as provided under sections 37 and 37A of the RMA.

Section 37(1) states:

(1) A consent authority or local authority may, in any particular case, -

(a) extend a time period specified in this Act or in regulations, whether or not the time period has expired; or

(b) waive a failure to comply with a requirement under this Act, regulations, or a plan for the time or method of service of documents.

Section 37A sets out the requirements for waivers and extensions as follows:

(1) A consent authority or local authority must not extend a time limit or waive compliance with a time limit, a method of service, or the service of a document in accordance with section 37 unless it has taken into account -

(a) the interests of any person who, in its opinion, may be directly affected by the extension or waiver; and

(b) the interests of the community in achieving adequate assessment of the effects of a proposal, policy statement, or plan; and

(c) its duty under section 21 to avoid unreasonable delay.

(2) A time period may be extended under section 37 for -

(a) a time not exceeding twice the maximum time period specified in this Act; or

(b) a time exceeding twice the maximum time period specified in this Act if the applicant or requiring authority requests or agrees.

...

(6) A consent authority or a local authority must ensure that every person who, in its opinion, is directly affected by the extension of a time limit or the waiver of compliance with a time limit, a method of service, or the service of a document is notified of the extension or waiver.

All of the late submissions were included within the summary of submissions which was notified for further submissions on 9 October 2019. The late submissions did not hold up the notification of the summary of submissions. Interested parties had the opportunity to view these submissions during the further submission period and were able to lodge further submissions in support or opposition.

It is therefore recommended that the hearings panel allow the late submissions so that the issues raised can be considered through the hearings process.

Out of scope provisions

A number of the submissions have been identified as not within the scope of the plan change. While the changes proposed as part of the plan change cover a wide number of chapters, the provisions that are proposed to change are specific in focus. Council has no jurisdiction to consider submissions on provisions which are not “on” the plan change.

The High Court in *Palmerston North City Council v Motor Machinists Limited* [2013] NZHC 1290 (*Motor Machinists*) confirmed that there is a two-part test on whether a submission is within scope:

- a. The submission must fall within the ambit of the plan change i.e. it must address an alteration to the status quo advanced by the proposed plan change; and
- b. Whether there is a real risk that persons directly or potentially directly affected by such a change sought in the submission have been denied an effective opportunity to respond to what the submission seeks.

The submissions deemed to be out of scope address provisions that are not proposed to change as part of this plan change. Any directly or potentially directly affected persons have not been given the opportunity to respond.

Chapter 4 Residential Zone

Rule 4.4.1 Density

There are a number of submissions opposing the removal of the average net site area wording for integrated residential development (17.10, 18.10 and 25.02, 27.05). The reasoning for this is that it will reduce flexibility and will not affect overall density.

There has been difficulty by customers and processing planners calculating the average net site area for apartments when only a portion of the site is covered by apartments. It is recommended to make this amendment for clarity.

One submitter opposes the 150m² required for each apartment and suggests making the maximum number of apartments equal the total site area divided by 150m² (25.02). This is a large increase in the density of apartments and it will have adverse effects on the character and amenity of the Residential Zone. This goes well beyond that proposed in this plan change and is not recommended.

Rule 4.4.3 Permeable Surface

A number of submissions were received in support of the permeable surface standards. The following amendments were requested to the standards:

- Relaxation of the permeable surface rules for areas that adjoin or are in close proximity to sensitive or strategic road networks, parks neighbourhood reserves, open spaces or the Waikato River (Submission 14.04)
- The 50% permeability within the front setback is overly prescriptive as there are other types of permeability to aid in stormwater percolation such as rock gardens, mulch cover and permeable pavers (submission 27.06)

It is not recommended to reduce the permeability standards as the front yard planting is required in order to maintain the amenity of the streetscape and soften the bulk of hard surfaces on the site. Any reduction to the permeability standards will compromise Hamilton City Council's ability to comply with its comprehensive Discharge Consent. Also see the Chapter 25.13 Three Waters assessment in the following tables.

Rule 4.4.5 Height in relation to boundary

There were a number of submissions in support of the proposed height in relation to boundary provisions. The following amendments were requested:

- Remove the exception for gable ends due to the loss of sunlight (Submission 15.01).
- General opposition to Rule 4.4.5c (Submission 14.06)
- Include an additional provision which gives an exemption if the written approval of the owner of the adjoining property is obtained (Submission 25.05)

The encroachment from the gable ends of buildings is small and therefore an adequate level of sunlight will continue to reach the adjacent properties. The encroachment of gable will enable more enhanced building definition and improve design outcomes.

An exemption to the height in relation to boundary rules if the neighbours written approval is obtained is appropriate provided that none of the boundaries are a public boundary. This is consistent with Section 87BA of the Resource Management Act which sets out that boundary activities are permitted if approved by neighbours. It is also consistent with Section 95E and 104(3) of the RMA which allows effects to be disregarded where the written approval from the adjoining owner is obtained. It is not appropriate to include this same exemption where adjoining a public boundary as shading and dominance effects may go beyond adversely affecting the property owner.

It is noted that exemptions 4.4.5c)i and 4.4.5c)ii are existing exemptions taken from the definition of height control plane.

Rule 4.4.6 Building Setbacks

There were a number of submissions in support of the proposed building setbacks. The following amendments were requested to the building setback standards:

- Remove the building setback from an internal access (Submission 10.04 and 26.05), owners should be able to give themselves dispensation for an internal access infringement for more than 3 dwellings (Submission 27.09)
- Allow eaves to encroach into internal access (Submission 14.07)
- Where notional boundaries are shown for concurrent subdivision, one accessory building can exist for each notional lot or unit (Submission 27.10)

The purpose of the building setback from internal access is to provide visibility along the access way, mitigate against noise and vibration effects and maintain visual amenity. It is proposed that a setback from internal access not be required for up to 3 residential units. The proposal is considered to provide good onsite amenity and mitigate against noise and vibration effects from use of the access way. It also aligns with the number of dwellings permitted on a site before a Resource Consent is required. Increasing the number of residential units will not result in any processing efficiencies and is therefore not recommended.

It is recommended not to allow eaves to encroach into an access way as a clear passageway of 3.5m with a minimum height of 4m is required for Fire Service Emergency vehicles (Emergency vehicle access guidelines). In addition, a clear passage way enables unrestricted access by moving trucks.

Submission 27.10 would enable the construction of an accessory building on a new lot prior to subdivision. This is consistent with the purpose of Rule 4.4.6g and is acceptable as the accessory buildings will not be bulky or dominant in appearance.

Rule 4.4.7 Interface between public and private

There are a number of submissions requesting amendments to the interface standards as follows:

Three submission points request to make it clear what is considered facing the transport corridor (Submission 2.01, 2.02, 2.03). This is in relation to the requirement for a 5m setback where the vehicle entrance is 'facing' the transport corridor and the requirement for a window in the side of the garage where it faces the transport corridor. It is recommended to make it clear that if vehicles are able to reverse straight onto the transport corridor, then the vehicle entrance would be considered facing. This captures the intent to protect the safety of the transport corridor from directly reversing vehicles. Thought was given into whether a specific angle would be considered as facing, however this is not considered the clearest approach.

Two submitters seek an amendment to the percentage of the dwelling obscured by an accessory building under Rule 4.4.7b)iii (Submission 2.04 and 10.06). Another submitter requests that this rule be amended to 6m for narrow lots (Submission 27.14). The minimum frontage length is 15m under Rule 23.7.3, a narrow frontage should therefore not be anticipated. The percentage of the dwelling obscured by the accessory building should not be calculated using the upper floor, as the standard is in place to ensure that garages do not dominate the façade at the street level.

Three submitters oppose the 5m setback for garages with the vehicle entrance facing the road boundary (Submission 17.11, 18.11 and 27.12). This standard ensures safety of the transport corridor by ensuring that vehicles have fully exited the garage before leaving the property. It will also avoid vehicles blocking the footpath.

One submitter opposes the amendments because of concerns around urban design (26.07). The amendments align with what is currently being approved as part of a Resource Consent. The provisions will provide the ability for passive surveillance of the street and ensure that garages do not dominate the frontage.

Rule 4.4.8 Fences and walls

A number of submissions were received in support of the fence and wall provisions. The below amendments have been requested:

A submitter disagrees with the 1.8m capped height of retaining walls in 4.4.8a as these might need a greater height depending on the gradient of topography (Submission 27.16). It is recommended to retain the provision given the adverse effects a large retaining wall can have on visual amenity of the adjoining properties. It is noted that under Rule 4.4.8c, any retaining wall that is load bearing and exceeds 1.5m in height is defined as a building and therefore subject to the bulk and location controls rather than the fence and walls rules in 4.4.8.

A submitter has requested that Rule 4.4.8b be amended to read *'The height of any fence and/or wall shall be measured in terms of the greater of the natural ground level or the natural ground level of the public/strategic road the public arterial road level (measurement to be taken from its highest point).'*" This change has been requested as sometimes the road level is above the ground level (Submission 14.09).

In terms of monitoring and implementation of the rule measuring from the natural ground level is more practical than measuring from the natural ground level of a road. An argument could be made through a Resource Consent if a road is located above the natural ground level.

One submitter has requested that a fence should be measured at the top of the retaining wall, not the natural ground level as required under Rule 4.4.8b (Submission 27.17). This is because the overall structure would be measured from natural ground level and may fit into the definition of a building.

The structure would only be considered as a building if the retaining wall component exceeds 1.5m or the combined fence or wall height exceeds 2.5m. If the retaining wall is higher it will result in a higher fence which will have greater adverse effects on the adjoining properties. It is therefore recommended to retain the measurement of a fence from natural ground level.

One submitter has requested that load bearing retaining walls not be considered as buildings in their own right and instead the fence and wall provisions in 4.4.8 should be applied (Submission 30.30). A 1.5m high retaining wall is considered a building due to the implications around building in a Natural Hazard area. A fence is a permitted activity in the Gully Hazard area where a building is a discretionary activity. Adequate assessment of retaining walls in the gully hazard area is needed to ensure stability of the gully is maintained and minimise risk on people, property and the environment.

Rule 4.4.10 Outdoor living area

There were a number of submissions in support of the outdoor living area standards. A large number of submitters opposed the more onerous outdoor living area requirements for apartments and duplex dwellings in the Residential Intensification Zone (10.07, 14.10, 17.12, 18.12, 26.09, 27.20 and 30.32).

Given the close proximity of these sites to centres, facilities and parks which provide high levels of social amenity, it is recommended to accept the requested change and retain the existing outdoor living area rules for apartments and duplexes in the Residential Intensification Zone.

Rule 4.4.11 Service areas

There are a number of submissions in support of the service area rules. Two submitters opposed the delineation and minimum size of the service area (Submission 14.11, 17.13, 18.13, 27.21) and one submitter opposed Rule 4.4.11h)iii (Submission 27.23) as locating rubbish areas where bins can be moved to the roadside might not be possible for mid row apartments where there is no side or rear access and no internal garage. Submitter 17.13 and 18.13 also seeks recognition of the efficiencies and improved amenity from consolidating refuse and recycling areas.

The minimum service area requirements are based on the Council's new waste collection system which is being introduced from July 2020. This includes two wheelie bins, a food waste bin and a small crate. The rubbish wheelie bin will be 0.48x0.55x0.92 (width/depth and height) and the recycling wheelie bin will be 0.58mx0.74mx1.08m. The proposed service area dimensions are adequate to contain the proposed bins. There is also space for household storage, a clothesline or a compost bin.

Ensuring that bins can be rolled out onto the street is imperative for the new wheelie bin rubbish collection system. If this is not possible from mid row apartments, thought will need to be given on how rubbish will be disposed of. Whilst there are benefits to consolidating refuse and recycling into communal areas for some

developments, thought needs to be given into how this will be collected. This can be assessed through resource consent. Apartments already require a resource consent, therefore amending this provision will not result in any processing efficiencies.

No changes are recommended to the service area rules.

Submission Name Further Submission Name	Submission Point Further Submission Point	Topic	Submission Type	Summary	Recommendation
Leonard Halgryn	02.01	Chapter 4	Support in part	The word 'facing' is unclear in Rule 4.4.6b), the submitter seeks an amendment to define 'facing' as at an angle of up to and including 45° between the front boundary and the facade in question, and that any greater angle be considered as "not facing" the transport corridor.	Accept in part Amend for clarity. A vehicle entrance is considered as facing if vehicles are able to reverse straight from a garage onto the transport corridor. It is also recommended to make a correction and relocate Rule 4.4.6b into Rule 4.4.7.
Leonard Halgryn	02.02	Chapter 4	Support in part	The word 'facing' is unclear in Rule 4.4.7b) i., the submitter seeks an amendment to define 'facing' as at an angle of up to and including 45° between the front boundary and the facade in question, and that any greater angle be considered as "not facing" the transport corridor.	Accept in part Amend for clarity. A vehicle entrance is considered as facing if vehicles are able to reverse straight from a garage onto the transport corridor.
Leonard Halgryn	02.03	Chapter 4	Support in part	The submitter seeks clarification as the wording 'no less than 10% of the façade' in Rule 4.4.7b)ii(b) is unclear if it applies	Accept in part Clarify that the 10% applies to the accessory building only.

				<p>to the façade of the accessory building or to the whole building.</p> <p>The word 'facing' is unclear in Rule 4.4.7b)ii(b)., the submitter seeks an amendment to define 'facing' as at an angle of up to and including 45° between the front boundary and the facade in question, and that any greater angle be considered as "not facing" the transport corridor.</p>	See recommendation on submission 2.01
Leonard Halgryn	02.04	Chapter 4	Support in part	<p>The submitter considers Rule 4.4.7 b) iii) bullet point one, the parameters for assessing the percentage of the dwelling obscured by the accessory building, is illogical as elevation plans are drawn perpendicular to the plane of the wall and not the street. The submitter seeks assessing the percentage as viewed perpendicular from the front boundary or if irregularly shaped from a line drawn from the front left to the front right boundary corners.</p> <p>The submitter also seeks to clarify if 10% is assessed on the</p>	<p>Reject in part</p> <p>This is a clear approach to ensure that the frontage is not dominated by a garage. Clarify that the 10% applies to the accessory building only.</p>

				basis of the façade area, or façade length.	
Disabled Persons Assembly NZ	09.01	Chapter 4	Oppose	The submitter considers that disabled persons have not been adequately acknowledged in this Plan Change and that a statement on lifetime and universal design be included in the District Plan for all sections that consider residential development. Specific examples Policy 4.2.13 a) and Rule 4.3.1 a)	Reject This matter is more appropriately addressed under the Building Act.
CKL	10.02	Chapter 4	Support	The submitter supports the proposed amendment of Rule 4.4.3 – Permeable Surface	Accept
CKL	10.03	Chapter 4	Support	The submitter supports the proposed amendment to Rule 4.4.5 – Height to Boundary	Accept in part See recommendation on submissions 25.05 and 16.01
CKL	10.04	Chapter 4	Oppose	The submitter considers that there should be no building setback requirement from an internal access, regardless of the number of residential units it serves (Rule 4.4.6).	Reject The provisions will provide good onsite amenity and mitigate against noise and vibration effects from use of the access way. It also aligns with the number of dwellings permitted on a site before a Resource Consent is required. Increasing the number of residential units will not result in any efficiencies.

<i>Weston Lea Ltd</i>	<i>FS4.01</i>		<i>Supports submission 10.04</i>		<i>Reject</i> <i>See recommendation on submission 10.04</i>
CKL	10.05	Chapter 4	Support	The submitter supports proposed amendments to Rule 4.4.6 – Building Setbacks.	Accept in part See recommendation on submission 27.10
CKL	10.06	Chapter 4	Oppose	The submitter considers that the proposed amendment to Rule 4.4.7 – Interface between Public and Private, would allow accessory buildings and garages to have doors facing the transport corridors with no control over the remainder of the building façade. The submitter seeks an amendment to Rule 4.4.7 to make the maximum garage door width 50% of the front building line of the dwelling for a frontage less than 15m wide but include upper floor areas in the calculation to encourage two-story dwellings.	Reject Rule 4.4.7 requires a window from habitable room to face the transport corridor. This will break up the hard surfaces of the dwelling and provide passive surveillance. This is not considered necessary as the minimum length for a front site is 15m. It is based on ground floor only to avoid an overly dominant garage facing the street.
<i>Kainga Ora- Homes and Communities</i>	<i>FS1.04</i>		<i>Opposes submission 10.06</i>		<i>Accept</i> <i>See recommendation on submission 10.06</i>
CKL	10.07	Chapter 4	Support in part	The submitter supports the proposed amendments to Rule	Accept due to the close proximity of these sites to centres, facilities and

				4.4.10 – Outdoor Living Area in respect of the north facing outdoor living areas. However, they seek clarification as why there is an increase in the outdoor living areas for units of more than two bedrooms in the Residential Intensification Zone. This should also apply to Rule 5.4.11	<p>parks which provide high levels of social amenity.</p> <p>Amendments to Rule 5.4.11 are not within the scope of this plan change.</p>
CKL	10.08	Chapter 4	Support	The submitter supports proposed amendments to Rule 4.4.11 – Service Areas.	Accept
CKL	10.10	Chapter 4	Support in part	To ensure consistency across the residential environments the submitter seeks an amendment to Rule 4.8.3 c) Interface by adding the following words to the rule, “ <u>taking into account total building frontage at ground and first floor level.</u> ”	<p>Out of scope</p> <p>This submission point is not ‘on’ the plan change, as required under the principles established in the <i>Motor Machinists</i> case.</p>
CKL	10.11	Chapter 4	Oppose	To ensure consistency between the residential zones, the submitter seeks amendment of Rule 4.8.5 a) iv. Outdoor Living Area By adding the following words to the end of the sentence “ <u>, or located to the south where adjacent to a significant natural feature which enables additional onsite</u>	<p>Out of scope</p> <p>This submission point is not ‘on’ the plan change, as required under the principles established in the <i>Motor Machinists</i> case.</p>

				<u>amenity (e.g lake, river, stream, reserve)."</u>	
Chedworth Properties	13.01	Chapter 4	Oppose	The submitter seeks amendments to Rule 4.1.3 – Medium Density Residential Zone so a Land Development Plan is not required before development can occur in the Ruakura Medium Density Zone.	Out of scope This submission point is not 'on' the plan change, as required under the principles established in the <i>Motor Machinists</i> case.
Chedworth Properties	13.02	Chapter 4	Oppose	The submitter seeks the deletion of Land Development Activities for the Ruakura Medium Density Zone from Rule 4.5.4 – Activity Status Table.	Out of scope This submission point is not 'on' the plan change, as required under the principles established in the <i>Motor Machinists</i> case.
Chedworth Properties	13.03	Chapter 3	Oppose	The submitter seeks consequential amendments to Rule 3.7.4.2 – Land Development Activities to reflect the decisions requested in submission points 13.01 and 13.02	Out of scope This submission point is not 'on' the plan change, as required under the principles established in the <i>Motor Machinists</i> case.
Chedworth Properties	13.06	Chapter 4	Support in part	The submitter seeks the amendment of Rule 4.5.4 to include provision for up to 3 residential units on front, corner, through and rear sites (excluding duplex dwellings) or up to 3 residential units on rear sites in the Medium Density Zone as Permitted Activities.	Out of scope This submission point is not 'on' the plan change, as required under the principles established in the <i>Motor Machinists</i> case.

Chedworth Properties	13.07	Chapter 4	Support	The submitter supports the notified amendments to Rule 4.4.5 – Height in Relation to Boundary.	Accept in part See recommendation on submissions 25.05 and 16.01
Chedworth Properties	13.08	Chapter 4	Support in part	The submitter seeks amendments to height in relation to boundary Rule 4.6.3 to provide for the same exemptions listed in notified Rule 4.4.5 c).	Out of scope This submission point is not ‘on’ the plan change, as required under the principles established in the <i>Motor Machinists</i> case.
Chedworth Properties	13.09	Chapter 4	Support in part	The submitter seeks amendment to the explanation note for Rule 4.4.7 b) iii. to clarify that the 50% threshold applies to the total frontage, including the ground and first floors for two-storied units.	Accept in part Make it clear this covers ground floor façade only. See recommendation on submission 10.06.
Chedworth Properties	13.10	Chapter 4	Support in part	The submitter seeks amendment to Rule 4.8.3 c) to clarify that the 50% threshold applies to the total frontage, including the ground and first floors for two-storied units.	Out of scope This submission point is not ‘on’ the plan change, as required under the principles established in the <i>Motor Machinists</i> case.
Chedworth Properties	13.11	Chapter 4	Support in part	The submitter seeks amendment of Rule 4.8.3 c) by adding the word ‘door’ after garage.	Out of scope This submission point is not ‘on’ the plan change, as required under the principles established in the <i>Motor Machinists</i> case.

Chedworth Properties	13.12	Chapter 4	Support	The submitter supports the notified amendments to Rule 4.4.8 - Fences and Walls.	Accept
Chedworth Properties	13.13	Chapter 4	Support in part	The submitter seeks the amendment of Rule 4.8.3 g) ii. by amending the percentage to 40% or more of the fence is visually permeable.	Out of scope This submission point is not 'on' the plan change, as required under the principles established in the <i>Motor Machinists</i> case.
Chedworth Properties	13.14	Chapter 4	Support in part	The submitter seeks the amendment of Rule 4.8.3 g) iii. by amending the percentage to 40% or of that part over 1.5m is visually permeable.	Out of scope This submission point is not 'on' the plan change, as required under the principles established in the <i>Motor Machinists</i> case.
Chedworth Properties	13.15	Chapter 4	Support	The submitter supports the notified amendments to Rule 4.4.10 – Outdoor Living Area.	Accept in part See recommendation on submissions 25.10 and 30.32.
Chedworth Properties	13.16	Chapter 4	Support in part	The submitter seeks the amendment of Rule 4.8.5 a) iv. as follows: " <u>Located on a side of the residential unit which faces north, of east or west</u> "	Out of scope This submission point is not 'on' the plan change, as required under the principles established in the <i>Motor Machinists</i> case.
Chedworth Properties	13.17	Chapter 4	Support in part	The submitter seeks the amendment of Rule 4.8.5 a) iv. to provide the ability to provide an outdoor living area on the southern side where it	Out of scope This submission point is not 'on' the plan change, as required under the

				overlooks natural features such as a lake, river or open space.	principles established in the <i>Motor Machinists</i> case.
Chedworth Properties	13.18	Chapter 4	Support	The submitter supports the notified amendments to Rule 4.4.11 – Service Areas.	Accept
Chedworth Properties	13.19	Chapter 4	Support in part	The submitter seeks the amendment of Rule 4.8.6 a) to reduce the minimum dimension to 2m and the minimum area to 10m ² .	Out of scope This submission point is not 'on' the plan change, as required under the principles established in the <i>Motor Machinists</i> case.
Chedworth Properties	13.20	Chapter 4	Support in part	The submitter seeks the amendment of Rule 4.8.6 c) to clarify that a screen fence permitted under Rule 4.8.3 g) ii. is sufficient to screen a service area from a public space.	Out of scope This submission point is not 'on' the plan change, as required under the principles established in the <i>Motor Machinists</i> case.
Peter Findlay	14.04	Chapter 4	Support in part	The submitter supports the minimum permeable surface of 40% in Rule 4.4.3 a) and 20% in Rule 4.4.3 b) but seeks relaxation for areas that adjoin or are in close proximity to sensitive or strategic road networks, parks, neighbourhood reserves, open spaces or the Waikato River.	Reject. The landscaping within the front setback softens the hard surfaces on the site when viewed from the transport corridor. Any reduction to 4.4.3b will compromise Hamilton City Council's ability to comply with its comprehensive stormwater discharge consent.

Peter Findlay	14.05	Chapter 4	Oppose	The submitter seeks that Rule 4.4.4 – Building Height not apply to areas in close proximity to the CBD and sensitive or strategic road networks, parks, neighbourhood reserves, open spaces or the Waikato River.	Out of scope This submission point is not ‘on’ the plan change, as required under the principles established in the <i>Motor Machinists</i> case.
Peter Findlay	14.06	Chapter 4	Support in part	The submitter supports the amendments to Rule 4.4.5 c) Height in Relation to Boundary and amendments to the point of measurement where the boundary adjoins a right of way or vehicle access, to the farthest boundary on the right of way. All other amendments are opposed.	Reject The minor amendments will not compromise adequate access to sunlight and good neighbourhood amenity.
Peter Findlay	14.07	Chapter 4	Oppose	The submitter opposes minimum distance Rule 4.4.6 – Building Setbacks and seeks that eaves are excluded from the application of the Rule.	Reject A clear passageway is required for access by emergency vehicles. This also enables access by moving trucks.
Peter Findlay	14.08	Chapter 4	Oppose	The submitter opposes the amendments to Rule 4.4.7 – Interface between Public and Private, except for 4.4.7 a).	Reject in part See recommendations on submissions 2.01, 2.03, 2.04 and 13.09
Peter Findlay	14.09	Chapter 4	Support in part	The submitter supports the amendments to Rule 4.4.8 – Fences and Walls but seeks amendment to Rule 4.4.8 b) to read as follows: " <u><i>The height of any fence and/or wall shall be</i></u>	Reject Issues with implementation and monitoring.

				<i>measured in terms of the greater of the natural ground level or the natural ground level of the public/strategic road the public arterial road level (measurement to be taken from its highest point)."</i>	
Peter Findlay	14.10	Chapter 4	Oppose	The submitter opposes the amendments to Rule 4.4.10 d) – Outdoor Living Areas.	Accept in part See recommendation on submission 10.07
Peter Findlay	14.11	Chapter 4	Support in part	The submitter opposes the delineation of the areas in sizes in Rule 4.4.11 – Service Areas	Reject The service area is sufficient for Council's new waste collection system as well as providing for space for household storage, a clothes line or compost bin.
Peter Bos	15.01	Chapter 4	Oppose	The submitter opposes the exception for gable ends in Figure 4.4.5f.	Reject The encroachment from the gable ends of buildings is small and an adequate level of sunlight will continue to reach the adjacent properties.
<i>Kainga Ora- Homes and Communities</i>	<i>FS1.12</i>		<i>Opposes submission 15.01.</i>		<i>Accept</i> <i>See recommendation on submission 15.01</i>
Transpower	16.01	Chapter 4	Support in part	The submitter seeks the retention of the proposed Rule 4.4.5 c) ii Height in Relation to Boundary but seeks an	Accept

				amendment to correct the spelling of the word <u>Plane</u> .	
Assured Construction	17.04	Chapter 4	Support	The submitter supports the amendments to Rule 4.4.5 – Height in Relation to Boundary.	Accept in part See recommendation on submissions 25.05 and 16.01
Assured Construction	17.05	Chapter 4	Support	The submitter supports the amendments to Rule 4.4.6 d) and e) – Internal Vehicle Access setbacks.	Accept
Assured Construction	17.06	Chapter 4	Support	The submitter supports the amendments to Rule 4.4.10 d) i. – Outdoor Living Area: area, positioning and dimensions.	Accept in part See recommendation on submissions 25.10 and 30.32
Assured Construction	17.10	Chapter 4	Oppose	The submitter opposes the removal of the average net site area wording for Integrated Residential Developments in Rule 4.4.1 a) v. – Density as it will reduce flexibility and will not have an effect on overall density.	Reject It is unclear how to work out an average net site area for apartments when only a portion of the site is covered by apartments.
Assured Construction	17.11	Chapter 4	Oppose	The submitter opposes the new requirement in Rule 4.4.7 b) – Interface which requires a garage to be setback 5m from the front boundary where the entrance faces the transport corridor. The submitter seeks a 3m setback.	Reject This standard ensures safety of the transport corridor by ensuring that vehicles have fully exited the garage before leaving the property.

Assured Construction	17.12	Chapter 4	Oppose	The submitter opposes the more onerous outdoor living area standards for apartments and duplexes in the Residential Intensification Zone in Rule 4.4.10 d).	Accept See recommendation on submission 17.12
<i>Kainga Ora- Homes and Communities</i>	<i>FS1.15</i>		<i>Supports submission 17.12.</i>		<i>Accept</i> <i>See recommendation on submission 17.12</i>
Assured Construction	17.13	Chapter 4	Oppose	The submitter opposes the amendments to Rule 4.4.11 b) and c) which provide for a dedicated outside area for drying washing. The submitter also seeks recognition of the efficiencies and improved amenity gained from consolidating refuse and recycling into communal areas for infill developments.	Reject Whilst there are benefits to consolidating refuse and recycling into communal areas for some developments, thought needs to be given into how this will be collected. This can be assessed through resource consent. Apartments already require a resource consent, therefore amending this provision will not result in any processing efficiencies.
Da-Silva Builders	18.04	Chapter 4	Support	The submitter supports the amendments to Rule 4.4.5 – Height in Relation to Boundary	Accept in part See recommendation on submissions 25.05 and 16.01
Da-Silva Builders	18.05	Chapter 4	Support	The submitter supports the amendments to Rule 4.4.6 d) and e) – Internal Vehicle Access setbacks.	Accept
Da-Silva Builders	18.06	Chapter 4	Support	The submitter supports the amendments to Rule 4.4.10 d) i.	Accept in part

				– Outdoor Living Area: area, positioning and dimensions	See recommendation on submissions 25.10 and 30.32
Da-Silva Builders	18.10	Chapter 4	Oppose	The submitter opposes the removal of the average net site area wording for Integrated Residential Developments in Rule 4.4.1 a) v. – Density as it will reduce flexibility and will not have an effect on overall density.	Reject. See recommendation on submission 17.10
Da-Silva Builders	18.11	Chapter 4	Oppose	The submitter opposes the new requirement in Rule 4.4.7 b) – Interface which requires a garage to be setback 5m from the front boundary where the entrance faces the transport corridor. The submitter seeks a 3m setback.	Reject See recommendation on submission 17.11
Da-Silva Builders	18.12	Chapter 4	Oppose	The submitter opposes the more onerous outdoor living area standards for apartments and duplexes in the Residential Intensification Zone in Rule 4.4.10 d).	Accept See recommendation on submission 10.07
Da-Silva Builders	18.13	Chapter 4	Oppose	The submitter opposes the amendments to Rule 4.4.11 b) and c) which provide for a dedicated outside area for drying washing. The submitter also seeks recognition of the efficiencies and improved amenity gained from	Reject Whilst there are benefits to consolidating refuse and recycling into communal areas for some developments, thought needs to be given into how this will be collected. This can be assessed through resource

				consolidating refuse and recycling into communal areas for infill developments.	consent. Apartments already require a resource consent, therefore amending this provision will not result in any processing efficiencies.
Blue Wallace	25.02	Chapter 4	Oppose	The submitter opposes the 150m ² required for each apartment in Rule 4.4.1 a) v Density and seeks that the rule is amended to allow the maximum number of apartments equal the total site area (m ²) divided by 150. The submitter also opposes deletion of the word 'average'.	Reject This is a large increase in the density of apartments and it will have adverse effects on the character and amenity of the Residential Zone. This goes well beyond that proposed in this plan change and is not recommended. Also see recommendation on submission 17.10
Blue Wallace	25.03	Chapter 4	Support	The submitter supports the amendments to Rule 4.4.3 a) Permeable Surface to reduce the permeability for front-yard setbacks.	Accept
Blue Wallace	25.04	Chapter 4	Support	The submitter supports the amendments to Rule 4.4.5 a) iv – Height in Relation to Boundary.	Accept
Blue Wallace	25.05	Chapter 4	Support in part	The submitter supports the amendments to Rule 4.4.5 c) but seeks an additional provision as follows: <i>iv. The written consent of the owners adjoining the height to</i>	Reject in part The additional provision sought is not appropriate where adjoining a public boundary as the dominance and shading effects may go beyond

				<p><u>boundary infringement is obtained.</u></p> <p>The submitter also seeks that for Comprehensive Developments there needs to be implicit internal sign off on any non-compliance sought by a developer that owns adjacent buildings proposed to be developed (likewise with side yards).</p>	<p>adversely affecting the property owner.</p> <p>The submission relating to Comprehensive Developments is out of scope. This submission point is not 'on' the plan change, as required under the principles established in the <i>Motor Machinists</i> case.</p>
Blue Wallace	25.06	Chapter 4	Support in part	The submitter supports the amendments to Rule 4.4.6 g) ii. but seeks amendment by adding the word ' ; or' at the end of the sentence.	<p>Accept</p> <p>Correction for consistency.</p>
Blue Wallace	25.07	Chapter 4	Support	The submitter supports the amendments to Rule 4.4.6 g) iii.	<p>Accept in part</p> <p>See recommendation on submissions 25.06 and 27.10</p>
Blue Wallace	25.08	Chapter 4	Support	The submitter supports the amendments to Rule 4.4.8 – Fences and Wall.	Accept
Blue Wallace	25.09	Chapter 4	Support	The submitter supports the deletion of Rule 4.4.10 b) iv. – Outdoor Living Area.	Accept
Blue Wallace	25.10	Chapter 4	Support in part	The submitter supports the outdoor living area standard in Rule 4.4.10 d) i. to the extent where the required area better matches the size, use and occupancy of the housing type,	<p>Accept</p> <p>Correction for clarity.</p>

				however seeks an amendment to the wording as follows: - <u>No dimension width contributing to complying area less than 4.0m; or</u>	
Blue Wallace	25.11	Chapter 4	Support	The submitter supports the amendments to Rule 4.4.11 b) i. and ii. – Service Areas and seeks the rule is retained as notified.	Accept
Blue Wallace	25.12	Chapter 4	Support	The submitter supports the amendments to Rule 4.4.11 c) i., ii. and iii. – Service Areas and seeks the rule is retained as notified.	Accept
Blue Wallace	25.13	Chapter 4	Support	The submitter supports the amendments to Rule 4.4.11 d) to g) – Service Areas and seeks the rule is retained as notified.	Accept
Blue Wallace	25.14	Chapter 4	Support	The submitter supports the amendments to Rule 4.4.11 h) – Service Areas and seeks the rule is retained as notified.	Accept
Property Council NZ	26.02	Chapter 4	Oppose	The submitter seeks to retain the average net site area requirements in Rule 4.4.1 a) v – Density	Reject. It is unclear how to work out an average net site area for apartments when only a portion of the site is covered by apartments.
Property Council NZ	26.03	Chapter 4	Support	The submitter supports the amendments to Rule 4.4.3 –	Accept

				Permeable Surfaces and seeks the amendment is retained.	
Property Council NZ	26.04	Chapter 4	Support	The submitter supports the amendments to Rule 4.4.5 – Height in Relation to Boundary and seeks the amendment is retained.	Accept in part See recommendation on submissions 25.05 and 16.01
Property Council NZ	26.05	Chapter 4	Oppose	The submitter seeks no building setbacks from internal access, regardless of the number of units it serves (Rule 4.4.6 d and e).	Reject See recommendation on submission 10.04
<i>Kainga Ora- Homes and Communities</i>	<i>FS1.17</i>		<i>Supports submission 26.05</i>		<i>Reject</i> <i>See recommendation on submission 26.05</i>
Property Council NZ	26.06	Chapter 4	Support	The submitter supports the amendments to Rule 4.4.6g – Building Setbacks and seeks the amendment is retained.	Accept in part See recommendation on submissions 25.06 and 27.10
Property Council NZ	26.07	Chapter 4	Oppose	The submitter opposes the amendments to Rule 4.4.7 – Interface between public and private as it could result in poor urban design.	Reject The amendments will ensure there is adequate ability for passive surveillance of the street and provide visual interest to the front façade of the building.
Property Council NZ	26.08	Chapter 4	Support	The submitter supports the amendments to Rule 4.4.8 – Fences and Walls and seeks the amendment is retained.	Accept

Property Council NZ	26.09	Chapter 4	Support in part	The submitter supports the amendments to Rule 4.4.10 – Outdoor Living Area and seeks the deletion of the change in relation to the area required for two-bedroom dwellings.	Accept See recommendation on submission 10.07
Property Council NZ	26.10	Chapter 4	Support	The submitter supports the amendments to Rule 4.4.11 – Service Areas and seeks the amendment is retained.	Accept
MG Solutions	27.01	Chapter 4	Support	The submitter supports the amendment to the description in 4.1.1 Residential Zone.	Accept
MG Solutions	27.02	Chapter 4	Support	The submitter supports the amendment to the description in 4.1.2 Residential Intensification Zone.	Accept
MG Solutions	27.05	Chapter 4	Oppose	The submitter opposes the deletion of average net site area from Rule 4.4.1 – Density as this allows for a range of large and smaller mid lots.	Reject See recommendation on submission 17.10.
MG Solutions	27.06	Chapter 4	Support in part	The submitter supports the amendments to Rule 4.4.3 – Permeable surfaces but believes the 50% permeability within the front setback is overly prescriptive as there are other types of permeability to aid in stormwater percolation such as rock gardens, mulch cover and permeable pavers.	Reject 50% of front yard setback must be planted in grass, shrubs and trees in order to maintain the amenity of the streetscape and soften the bulk of hard surfaces on the site.

<i>Kainga Ora- Homes and Communities</i>	<i>FS1.21</i>		<i>Supports submission 27.06</i>		<i>Reject</i> <i>See recommendation on submission 27.06</i>
MG Solutions	27.07	Chapter 4	Support	The submitter supports the amendments to Rule 4.4.5 – Height in Relation to Boundary.	Accept in part See recommendation on submissions 25.05 and 16.01
MG Solutions	27.08	Chapter 4	Support	The submitter supports the amendments to Rule 4.4.6d – Building Setback from internal access.	Accept
MG Solutions	27.09	Chapter 4	Oppose	The submitter opposes Rule 4.4.6e – Building Setback from internal access serving more than 3 dwellings. Owners should be able to give themselves dispensation as the access is a private way and not council land.	Reject See recommendation on submission 10.04
MG Solutions	27.10	Chapter 4	Support in part	The submitter supports the amendments to Rule 4.4.6g – Building Setbacks and seeks that where notational boundaries are shown for concurrent subdivision, one accessory building can exist for each notional lot or unit. The definition of site means that only one such qualifying building could exist over multiple lots.	Accept This is consistent with the purpose of Rule 4.4.6g.
MG Solutions	27.11	Chapter 4	Support	The submitter supports the amendments to Rule 4.4.7a –	Accept

				Interface Between Public and Private.	
MG Solutions	27.12	Chapter 4	Support in part	The submitter supports the amendments to Rule 4.4.7b – Interface between Public and Private but seeks the 5m setback where a garage faces the street to be reduced where complying parking standards are met within an accessory building that is part of the integral design of the main building, and where the garage was still setback from the main building line, and not within the absolute minimum building setback.	Reject in part (amendment sought for 5m setback). See recommendation on submission 17.11
MG Solutions	27.13	Chapter 4	Support	The submitter supports the amendments to 4.4.7) b) ii.a – Interface Between Public and Private.	Accept in part See recommendation on submissions 2.03 and 2.04
MG Solutions	27.14	Chapter 4	Support in part	The submitter seeks that Rule 4.4.7 b) ii.b be amended to allow for narrow lots 6m or 50% whichever is greater excluding eaves.	Reject This is not considered necessary as the minimum length for a front site is 15m.
MG Solutions	27.15	Chapter 4	Support	The submitter supports the amendments to Rule 4.4.7b) iii., c) and d) – Interface Between Public and Private.	Accept in part See recommendation on submissions 13.09, 2.01, 2.02 and 2.03
MG Solutions	27.16	Chapter 4	Support in part	The submitter supports the maximum fence height in Rule 4.4.8a – Fences and Walls but	Reject Retain the provision given the adverse effects a large retaining wall can have

				disagrees that retaining walls be capped at this height.	on visual amenity of the adjoining properties. It is noted that Rule 4.4.8a does not apply if the retaining wall is load bearing and exceeds 1.5m in height.
MG Solutions	27.17	Chapter 4	Oppose	The submitter opposes the amendment to Rule 4.4.8b – Fences and Walls and seeks that a fence is measured from the top of a retaining wall not the natural ground level.	Reject If the retaining wall is higher it will result in a higher fence which will have greater adverse effects on the adjoining properties.
MG Solutions	27.18	Chapter 4	Oppose	The submitter supports the amendments to Rules 4.4.8c-e – Fences and Walls.	Accept
MG Solutions	27.19	Chapter 4	Oppose	The submitter supports the amendments to Rules 4.4.10b, c and d)i – Outdoor Living Area.	Accept
MG Solutions	27.20	Chapter 4	Oppose	The submitter opposes the amendments to Rule 4.4.10d) iv. requiring greater than 12m ² outdoor living area for apartments.	Accept See recommendation on submission 10.07
MG Solutions	27.21	Chapter 4	Support in part	The submitter supports the smaller service areas in Rule 4.4.11b and c – Service Areas however does not support the minimum area allocation as this is arbitrary and too prescriptive.	Reject in part (minimum area allocation). See recommendation on submission 27.21
MG Solutions	27.22	Chapter 4	Support	The submitter supports the amendments to Rule 4.4.11d-h) ii. – Service Area.	Accept
MG Solutions	27.23	Chapter 4	Oppose	The submitter opposes the amendment to Rule 4.4.11h)iii –	Reject

				Service Area as locating rubbish areas where bins can be moved to the roadside might not be possible for mid row apartments where there is no side or rear access and no internal garage.	An alternative will need to be assessed through a resource consent due to the inability to dispose of rubbish via Council's proposed kerbside collection service.
MG Solutions	27.24	Chapter 4	Support in part	The submitter advises that using a garage for rubbish storage as provided for under Rule 4.4.11h)iv will not be practical for everyone. With rubbish collections becoming bi weekly, the rubbish may start to smell.	Reject This will need to be managed by the occupants.
MG Solutions	27.25	Chapter 4	Support	The submitter supports the amendments to Rule 4.4.12 – Residential Unit Size.	Accept
Housing NZ (Kainga Ora-Homes and Communities) <i>(Late submission)</i>	30.18	Chapter 4	Support	Retain the amendment to purpose 4.1.1b General Residential Zone as notified.	Accept
Housing NZ (Kainga Ora-Homes and Communities) <i>(Late submission)</i>	30.19	Chapter 4	Support	Retain the amendment to purpose 4.1.2a Residential Intensification Zone as notified.	Accept
Housing NZ (Kainga Ora-Homes and Communities) <i>(Late submission)</i>	30.23	Chapter 4	Support	Retain the amendment to Rule 4.4.1v – Density-integrated residential development as notified.	Accept
Housing NZ (Kainga Ora-Homes and Communities)	30.24	Chapter 4	Support	Retain the amendment to Rule 4.4.3 – Permeable Surfaces as notified.	Accept

<i>(Late submission)</i>					
Housing NZ (Kainga Ora-Homes and Communities) <i>(Late submission)</i>	30.25	Chapter 4	Support	Retain the amendment to Rule 4.4.5a)ii– Height in Relation to Boundary as notified.	Accept
Housing NZ (Kainga Ora-Homes and Communities) <i>(Late submission)</i>	30.26	Chapter 4	Support	Retain the amendment to Rule 4.4.5a)iv – Height in Relation to Boundary as notified.	Accept
Housing NZ (Kainga Ora-Homes and Communities) <i>(Late submission)</i>	30.27	Chapter 4	Support	Retain the amendment to Rule 4.4.5a)c – Height in Relation to Boundary as notified.	Accept in part See recommendation on submission 16.01
Housing NZ (Kainga Ora-Homes and Communities) <i>(Late submission)</i>	30.28	Chapter 4	Support	Retain the amendment to Rule 4.4.6d,e and g – Building Setbacks as notified.	Accept in part See recommendation on submissions 25.06 and 27.10
Housing NZ (Kainga Ora-Homes and Communities) <i>(Late submission)</i>	30.29	Chapter 4	Oppose	The submitter seeks an amendment to Rule 4.4.7 interface between public and private to remove the requirements which are subjective in nature and overly prescriptive.	Reject in part Corrections for clarity have been made, see recommendations on submissions 2.01, 2.03, 2.04 and 13.09
Housing NZ (Kainga Ora-Homes and Communities) <i>(Late submission)</i>	30.30	Chapter 4	Support in part	The submitter seeks an amendment to Rule 4.4.8 – Fences and Walls to delete (c) so that load bearing retaining walls are not considered as buildings in their own right, and instead	Reject This would undermine the natural hazard provisions.

				are subject to the provisions in standard 4.4.8.	
Housing NZ (Kainga Ora-Homes and Communities) <i>(Late submission)</i>	30.31	Chapter 4	Support	Retain the amendment to Rule 4.4.10b – Outdoor Living Areas as notified.	Accept
Housing NZ (Kainga Ora-Homes and Communities) <i>(Late submission)</i>	30.32	Chapter 4	Support in part	The submitter seeks amendments to Rule 4.4.10d to reduce the outdoor Living area for apartment buildings in the Residential Intensification Zone so as to be consistent with the approach to apartments in the Central City Zone and in recognition of the fact that the size of outdoor amenity space does not necessarily correspond to the quality of the space provided.	Accept See recommendation on submission 10.07
Housing NZ (Kainga Ora-Homes and Communities) <i>(Late submission)</i>	30.33	Chapter 4	Support	Retain the amendment to Rule 4.4.11 – Service Area as notified.	Accept
Housing NZ (Kainga Ora-Homes and Communities) <i>(Late submission)</i>	30.34	Chapter 4	Support	Retain the amendment to Rule 4.4.12 – Residential Unit Size as notified.	Accept

Chapter 6 Business Zones

Residential Amenity policies

One submitter opposes the changes to Policy 6.6.2b and Policy 6.2.3c relating to residential amenity in the Suburban Centre and Neighbourhood Centre Zone (Submission 30.02 and 30.03). They consider that the requirement for 'high amenity living environment' may restrict opportunities for residential development and that sites suitable for housing cannot be optimised. These policies will help to give effect to the existing rules around residential development. The rules are currently redundant as there are no relevant considerations under Section 104 of the Resource Management Act that could be assessed if there was an infringement. It is recommended to remove the word 'high' from high quality living environments as the policy will still be adequate to ensure quality living environments are achieved. This reflects the lowered expectation for high residential amenity in the Business Zones given the close proximity of these sites to centres, facilities and parks which provide high levels of social amenity.

Rule 6.3 Activity Status

One submitter opposes listing gyms larger than 250m² as a non-complying activity in a Neighbourhood Centre Zone (Rule 6.3II) (Submission 27.29) in order to provide for a range of services capable of meeting day to day needs and to promote wellness in the neighbourhood.

The cap on the maximum size of gymnasiums will ensure that retail/service offerings in the Business Zones are not displaced. This will ensure that a range of activities meeting the needs of residents are available within neighbourhood centres.

Rule 6.4.7 Residential Development

External outlook

One submitter opposes the amendments to the external outlook area as they are overly complicated, and the District Plan should not reference private partnerships (Submission 27.38).

The intention of the standards is to ensure that the outlook is protected in perpetuity to maintain a reasonable degree of amenity and natural light for occupants of the residential unit. Consideration was given to removing this requirement, however the provision gives the developer flexibility to use an adjoining site for external outlook where the situation allows it.

However, there is an issue with the requirement for a legal instrument if a resource consent for the residential unit is not required. This is because the legal instrument may be removed without Council's knowledge. If a legal instrument is proposed it should go through a resource consent process so that conditions of consent are in place to ensure that the legal instrument is retained. I therefore recommend this change be accepted.

Submission Name Further Submission Name	Submission Point Further Submission Point	Topic	Submission Type	Summary	Recommendation
Disabled Persons Assembly NZ	09.02	Chapter 6	Oppose	The submitter considers that disabled persons have not been adequately acknowledged in this Plan Change and that a statement on lifetime and universal design be included in the District Plan for all sections that consider residential development. Specific example Rule 6.4.7 d) ii.	Reject This matter is more appropriately addressed under the Building Act.
Blue Wallace	25.15	Chapter 6	Support	The submitter supports the amendments to Rule 6.4.7 e) and g) – Residential Development and seeks the rule is retained as notified.	Accept
Property Council NZ	26.15	Chapter 6	Support	The submitter supports the amendments to Rule 6.3.1 Activity Status – Gymnasiums and seeks the amendment is retained.	Accept
Property Council NZ	26.16	Chapter 6	Support	The submitter supports the amendments to Rule 6.4.7c and d Residential Development and seeks the amendment is retained.	Accept
Property Council NZ	26.17	Chapter 6	Support	The submitter supports the amendments to Rule 6.4.7e Outdoor Living Area and seeks the amendment is retained.	Accept in part See recommendation on submissions 27.34 and 27.36

MG Solutions	27.27	Chapter 6	Support	The submitter supports the amendments to Policy 6.2.2b – Suburban Centres.	Accept in part See recommendation on submission 30.02
MG Solutions	27.28	Chapter 6	Support	The submitter supports the amendments to Policy 6.2.3c – Neighbourhood Centres.	Accept in part See recommendation on submission 30.03
MG Solutions	27.29	Chapter 6	Support in part	The submitter opposes listing gyms larger than 250m ² as a non-complying activity in a neighbourhood centre (Rule 6.3 Activity Status – Gymnasium)	Reject The cap on the maximum size of gymnasiums will ensure that retail/service offerings in the Business Zones are not displaced.
MG Solutions	27.30	Chapter 6	Support	The submitter supports the amendments to Rule 6.4.7c – Residential Development.	Accept
MG Solutions	27.31	Chapter 6	Support	The submitter supports the amendments to Rule 6.4.7d) – Residential Development but seeks further clarification as the initial density seems too low.	Accept This density is based on the residential density in the intensification zone which is taken from the RPS. No additional amendments to the notified Plan Change are recommended.
MG Solutions	27.32	Chapter 6	Support	The submitter supports the amendments to Rule 6.4.7e) Residential Development.	Accept in part See recommendations on Submission 27.34 and 27.36
MG Solutions	27.33	Chapter 6	Oppose	The submitter seeks a correction to Rule 6.4.7e) ii. as bullet points 3 and 4 have been amended.	Accept Consequential correction
MG Solutions	27.34	Chapter 6	Support in part	The submitter seeks consistency in Rule 6.4.7e) iii. with the	Accept

				outdoor living area required for apartments and ancillary residential units. The district plan doesn't promote residential at ground floor, ancillary residential units don't sit within the mixed-use model.	8m ² outdoor living area for ancillary residential units is consistent with what is required for apartments and is adequate given the reduced level of open space expected when living in a business zone and the close proximity to facilities.
MG Solutions	27.35	Chapter 6	Support	The submitter supports the amendments to Rule 6.4.7e) iii. outdoor living areas for apartments and ancillary residential units above ground floor.	Accept
MG Solutions	27.36	Chapter 6	Oppose	The submitter seeks that Rule 6.4.7e) iii. outdoor living areas for all other residential units be deleted as there are no other residential units in the activities table that aren't addressed.	Accept Any residential unit that requires consent as discretionary or non-complying activity should be assessed on a case by case basis. This is consistent with the outdoor living area standards in the Residential Zone.
MG Solutions	27.37	Chapter 6	Support	The submitter supports the amendments to Rule 6.4.7e)iii and g) communal open space for apartment buildings.	Accept
MG Solutions	27.38	Chapter 6	Oppose	The submitter opposes the amendments to Rule 6.4.7 i) – External Outlook Area as this is overly complicated, and the District Plan should not reference private partnerships.	Accept in part The standards maintain a reasonable degree of amenity and natural light for occupants of the residential unit. A legal instrument may be removed without Councils knowledge. If a breach occurred it would be incapable

					of remedy and the lower level of amenity would need to be lived with. It is recommended to abandon 6.4.7i) iv)d completely, leaving the rest of the rule in place.
Housing NZ (Kainga Ora-Homes and Communities) <i>(Late submission)</i>	30.02	Chapter 6	Oppose	The submitter seeks an amendment to Policy 6.2.2b – Suburban Centres to ensure that the opportunities for residential development within the suburban centres are not restricted.	Accept in part This policy will help to give effect to the existing rules around residential development. Removal of the word ‘high’ quality from the policy is appropriate to achieve good on-site amenity.
Housing NZ (Kainga Ora-Homes and Communities) <i>(Late submission)</i>	30.03	Chapter 6	Oppose	The submitter seeks an amendment to Policy 6.2.3c – Neighbourhood Centres to ensure that the opportunities for residential development within the suburban centres are not restricted.	Accept in part See recommendation on submission 30.02
Housing NZ (Kainga Ora-Homes and Communities) <i>(Late submission)</i>	30.04	Chapter 6	Support	Supports the amendment to Rule 6.4.7d – Residential Development- Density as notified.	Accept
Housing NZ (Kainga Ora-Homes and Communities) <i>(Late submission)</i>	30.05	Chapter 6	Support	Supports the amendment to Rule 6.4.7e – Residential Development- Outdoor living areas as notified.	Accept in part See recommendations on submission 27.34 and 27.36
Housing NZ (Kainga Ora-Homes and Communities) <i>(Late submission)</i>	30.06	Chapter 6	Support	Supports the amendment to Rule 6.4.7g – Residential Development- Residential Unit Size as notified.	Accept

Housing NZ (Kainga Ora-Homes and Communities) <i>(Late submission)</i>	30.07	Chapter 6	Support	Supports the amendment to Rule 6.4.7i – Residential Development-External Outlook Area as notified.	Accept in part See recommendation on submission 27.38
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Chapter 7 Central City Zones
<p>Residential Amenity policies</p> <p>One submitter opposes the changes to Policy 7.2.6h and Policy 7.2.8e relating to residential amenity in the Downtown Precinct and Ferrybank Precinct particularly as it might extinguish the adjoining development rights for the sake of private outlook. The external outlook rules are looked at under Rule 7.5.3 in this table. The proposed policies will help to give effect to the existing rules around residential development. These rules are currently redundant as there are no relevant considerations under Section 104 of the Resource Management Act that could be assessed if there was an infringement. It is recommended to remove the word ‘high’ from high quality living environments as the policy will still be adequate to ensure quality living environments are achieved. This reflects the lowered expectation for high residential amenity in the central city given the close proximity of these sites to centres, facilities and parks which provide high levels of social amenity.</p> <p>Rule 7.4.13 Active Frontages</p> <p>One submitter supports the alternative to active frontages with the exception of ground floor residential frontage (Submission 5.02). No reasoning is given for this. Ground floor residential units are a restricted discretionary activity in the secondary active frontage and are a non-complying activity within a primary active frontage. The proposal will enable ground floor residential units to use obscure glazing which will provide a degree of privacy within the residential units. Curtains or blinds can currently be used whilst complying with the active frontage rule. Where residential units are a non-complying activity a full assessment considering the effect on the vitality and vibrancy of the city centre would need to be undertaken for a residential unit adjoining a primary active frontage.</p> <p>Two submitters have asked for the amendments to the active frontage provisions be deleted as active frontages need to be encouraged in the Central City, it makes the clear glazing requirements superfluous and could result in poor urban design outcomes (Submission 7.06, 26.23). It is already possible for these businesses to put blinds and curtains up which negates the benefits of clear glazing. Obscure glazing will enable privacy within some activities where appropriate e.g offices and health care services which are permitted on the ground floor.</p> <p>Rule 7.5.7 Alterations and Additions to existing buildings</p> <p>There are two submissions opposing the alterations and additions provisions. These amendments list alterations and additions as a permitted activity subject to specific exclusions.</p> <p>One submitter has asked for an amendment to clarify that alterations and additions are permitted provided they are not visible from any street or public place adjoining the site. (Submission 21.04). The notified rule captures any public place which is visible from the site. The submitter has asked for this change as there could be views from long distances.</p>

This would complicate interpretation when determining what is considered adjoining e.g the road. Directly in front of the building would be deemed as adjoining but what about where the building is viewed from an angle slightly down the same road or adjacent road. Either way the side and front appearance of the building would contribute to the vista, amenity and vibrancy of the streetscape. It is recommended to retain the notified rule as it is clear and will contribute to high levels of amenity which is consistent with the objectives.

One submitter opposes this rule as alterations and additions should be permitted and Rule 7.5.7b contradicts Rule 7.5.7a)l (Submission 27.57). They have asked for more qualifying criteria and have said the internal alterations and additions may be argued to be visible from public spaces. An amendment is recommended to Rule 7.5.7 to avoid the contradiction. This rule is taken from the definitions for minor works and has been included as a rule so that the provision does not get missed. Internal refurbishment works fall under the definition of minor works therefore it is clear that Rule 7.5.7 does not apply to internal refurbishment.

Rule 7.5.3 Residential

Outdoor living area

One submitter has asked to remove the shape factor circle requirements for communal outdoor living area for 8 or more residential units given the reduction of outdoor living area required per unit (Submission 27.51). The shape factor requirements ensure that the communal outdoor living area is usable and provides an adequate degree of amenity for residents.

Residential Unit Size

One submitter has asked for the deletion of the indoor living area standards for residential units with 3 or more bedrooms (Submission 7.11).

The Plan Change introduces a new definition for self-contained house-keeping unit (see definitions assessment below). This definition enables sinks in bedrooms as to provide flexibility to residents and facilitate how some households operate. However, in order to ensure that the residential units still meet the definition of 'household', adequate living area needs to be provided to ensure the occupants are able to interact on a daily basis. The minimum living area rule ensures that the residential units continue to function as one household unit. If the residential unit no longer functions as one household, separate parking, service areas and outdoor living areas will be required. In addition, the density rules would apply.

It is recommended that the minimum size of the living area be reduced to 25m² as this is sufficient to contain a small kitchen, lounge and dining area and ensure that the residential unit functions as a household.

External outlook.

One submitter opposes Rule 7.5.3h)iv)d – External Outlook Area as securing in perpetuity private residential view shafts or corridors over 3rd party land effectively sterilizes development rights on these properties and those of future generations which contradicts promoting higher densities in the city centre and is not in

accordance with Part 2 Section 5 (2)a of the RMA. The submitter seeks stronger wording on design outcomes to provide more robust options for ensuring external outlook is not the driving force behind sterilisation of future development rights (Submission 27.56).

The intention of the external outlook standards is to ensure that the outlook is protected in perpetuity to maintain a reasonable degree of amenity and natural light for occupants of the residential unit. The applicant is concerned about sterilisation of future development rights. This could occur with restrictions from a legal instrument put in place under Rule 7.5.3h)iv. In addition, there is an issue with the requirement for a legal instrument if a resource consent for the residential unit is not required as the legal instrument may be removed without Council's knowledge. If a legal instrument is proposed it should go through a resource consent process so that conditions of consent are in place to ensure that the legal instrument is retained. The proposed policies around residential amenity are sufficient to ensure a high level of residential amenity is achieved. For those reasons I recommend that the proposed rule relating to the requirement of a legal instrument be deleted.

Submission Name Further Submission Name	Submission Point Further Submission Point	Topic	Submission Type	Summary	Recommendation
Richard Armstrong	03.01	Chapter 7	Support	The submitter supports the removal of height restrictions in the Central City Area.	Accept
Hamilton Central Business Association	05.01	Chapter 7	Support	The submitter supports the amendments to Chapter 7 – Central City Zone	Accept in part See recommendations on submissions 27.56 and 27.57.
Hamilton Central Business Association	05.02	Chapter 7	Support in part	The submitter supports the alternative to active frontages with the exception of ground floor residential frontage.	Reject in part (ground floor residential frontage). The proposal will enable ground floor residential units to use obscure glazing which will provide a degree of privacy within the residential units. This can currently be provided by curtains and comply with the active frontage rule.
Hamilton Central Business Association	05.03	Chapter 7	Support	The submitter supports the Urban Design guidelines for the Central City Zone.	Accept

Waikato Farmers Trust	07.01	Chapter 7	Support	The submitter seeks the retention of the proposed new Rule 7.3 b) Activity Status Table- Alterations and additions	Accept
Waikato Farmers Trust	07.02	Chapter 7	Support	The submitter supports the deletion of Rule 7.4.2 – Building Intensity	Accept
Waikato Farmers Trust	07.03	Chapter 7	Oppose	Submitter seeks the deletion of Rule 7.4.3 – Permeable Surfaces as 20% can be hard to achieve in the central city.	Out of scope This submission point is not ‘on’ the plan change, as required under the principles established in the <i>Motor Machinists</i> case.
Waikato Farmers Trust	07.04	Chapter 7	Support in part	The submitter supports the removal of the height bonuses in the Central City but also seeks the removal of the Height Overlays and have no height limit for the Central City Zone.	Out of scope This submission point is not ‘on’ the plan change, as required under the principles established in the <i>Motor Machinists</i> case. Removal of the height controls would need to be re-notified.
Waikato Farmers Trust	07.05	Chapter 7	Oppose	The submitter seeks clarification of Rule 7.4.5 – Through-Site Links by including a new definition for ‘new wholesale redevelopment’ and including the word ‘GFA’ after 5000m ² . Amend the requirements in Rule 7.4.5 a) i. and ii. to allow a through-site link to be in the form of a shared pedestrian and vehicle space.	Out of scope This submission point is not ‘on’ the plan change, as required under the principles established in the <i>Motor Machinists</i> case. No change is proposed to the Through-Site Link rule. The additional provisions are just being relocated due to a change to the Maximum Height Control provisions.

Waikato Farmers Trust	07.06	Chapter 7	Oppose	The submitter seeks the deletion of the proposed amendments to Rule 7.4.13 – Active Frontages as active frontages need to be encouraged in the Central City.	Reject It is already possible for these businesses to put blinds and curtains up which negates the benefits of clear glazing. Obscure glazing will enable privacy within some activities where appropriate e.g offices and health care services which are permitted on the ground floor.
Waikato Farmers Trust	07.07	Chapter 7	Support	The submitter supports the proposed amendments to Rule 7.4.14 – Veranda Cover.	Accept
Waikato Farmers Trust	07.08	Chapter 7	Support	The submitter seeks the retention of the proposed amendments to Rule 7.5.3 b) & c) – Residential Density.	Accept
Waikato Farmers Trust	07.09	Chapter 7	Support	The submitter seeks the retention of the proposed amendments to Rule 7.5.3 d) i – Outdoor Living Areas.	Accept
	07.10	Chapter 7	Support	The submitter seeks the retention of the proposed amendments to Rule 7.5.3 d) iii – Outdoor Living Areas	Accept
	07.12	Chapter 7	Support	The submitter supports the proposed amendments to Rule 7.5.3 h) - External Outlook Area	Accept in part See recommendation on submission 27.56
	07.13	Chapter 7	Support	The submitter seeks the retention of the proposed new	Accept in part

				Rule 7.5.7 – Alterations and Additions to Existing Buildings.	See recommendation on submission 27.57
Disabled Persons Assembly NZ	09.03	Chapter 7	Oppose	The submitter considers that disabled persons have not been adequately acknowledged in this Plan Change and that a statement on lifetime and universal design be included in the District Plan for all sections that consider residential development. Specific example Policies 7.2.6h and 7.2.8e	Reject This matter is more appropriately addressed under the Building Act.
Fonterra Ltd	21.01	Chapter 7	Support	The submitter supports the amendments to Rule 7.3 b) Activity Status – Alterations and additions as notified.	Accept
Fonterra Ltd	21.02	Chapter 7	Support	The submitter supports the deletion of Rule 7.4.2 – Building Intensity as notified.	Accept
Fonterra Ltd	21.03	Chapter 7	Support	The submitter supports the deletion of the bonus provisions of Rule 7.4.4 – Maximum Height Control and Bonuses as notified.	Accept
Fonterra Ltd	21.04	Chapter 7	Support in part	The submitter supports the inclusion of a new standard in Rules 7.5.7 - Alterations and Additions to Existing Buildings to clarify the circumstances were an alteration or addition is a permitted activity, however they seek amendments to the wording of Rule 7.5.7 a) i. and 7.5.7 b) as follows:	Reject in part (additional amendments to Rule 7.5.7 a) i and 7.5.7 b)). This would complicate interpretation when determining what is considered adjoining the site.

				<p>7.5.7 a) i. <i>“Not be visible from any street or public space adjoining the site”</i></p> <p>7.5.7 b) <i>“alterations and additions visible from any street or public space adjoining the site shall...”</i></p>	
Blue Wallace	25.16	Chapter 7	Support	The submitter supports the amendments to Rule 7.5.3 d) and f) – Residential and seeks the rule is retained as notified.	Accept
Property Council NZ	26.19	Chapter 7	Support	The submitter supports the amendments to Rule 7.3b and 7.5.7 – Alterations and Additions and seeks the amendment is retained.	Accept in part See recommendation on submission 27.57
Property Council NZ	26.20	Chapter 7	Support	The submitter supports the amendments to Rule 7.4.2 – Building Intensity and seeks the amendment is retained.	Accept
Property Council NZ	26.21	Chapter 7	Support	The submitter supports the amendments to Rule 7.4.3 – Maximum Height Control and seeks the amendment is retained.	Accept
Property Council NZ	26.22	Chapter 7	Oppose	The submitter seeks that Rule 7.4.4a)i and ii are amended to allow a through-site link to be in	Out of Scope This submission point is not ‘on’ the plan change, as required under the

				the form of a shared pedestrian and vehicle space.	principles established in the <i>Motor Machinists</i> case.
Property Council NZ	26.23	Chapter 7	Oppose	The submitter seeks that amendments to Rule 7.4.13 – Active Frontages be rejected as it makes the clear glazing requirements superfluous and could result in poor urban design outcomes.	Reject See recommendation on submission 7.06
Property Council NZ	26.24	Chapter 7	Support	The submitter supports the amendments to Rule 7.4.14 – Veranda Cover and seeks the amendment is retained.	Accept
Property Council NZ	26.25	Chapter 7	Support	The submitter supports the amendments to Rule 7.5.3 a, b and c – Residential Density and seeks the amendment is retained.	Accept
Property Council NZ	26.26	Chapter 7	Support	The submitter supports the amendments to Rule 7.5.3d – Outdoor Living and seeks the amendment is retained.	Accept
MG Solutions	27.39	Chapter 7	Oppose	The submitter opposes Policy 7.2.6h – Downtown Precinct as it is too complicated, and it extinguishes neighbour's development rights for the sake of private outlook.	Accept in part The proposed policies will help to give effect to exiting rules around residential development. Removal of the word 'high' quality from the policy

					is appropriate to achieve good on-site amenity. Also see recommendation on submission 27.54
MG Solutions	27.40	Chapter 7	Oppose	The submitter opposes Policy 7.2.8e – Ferrybank Precinct as it is too complicated, and it extinguishes neighbour’s development rights for the sake of private outlook. This is more prevalent along a lineal feature such as a river whereby direct views could be promoted through better design and building setbacks could provide for the desired oblique outlook separation.	Accept in part The proposed policies will help to give effect to exiting rules around residential development. Removal of the word ‘high’ quality from the policy is appropriate to achieve good on-site amenity. Also see recommendation on submission 27.54
MG Solutions	27.41	Chapter 7	Support	The submitter supports the amendments to Rule 7.3 a) and b) – Activity Status	Accept
MG Solutions	27.42	Chapter 7	Support	The submitter supports the amendments to Rule 7.4.2 – Building Intensity.	Accept
MG Solutions	27.43	Chapter 7	Support	The submitter supports the amendments to Rule 7.4.3 – Maximum Height Control.	Accept
MG Solutions	27.44	Chapter 7	Support in part	The submitter seeks that any through site links under Rule 7.4.5 that create entrapment areas where there is little or no capable guardianship after hours needs to be activated or lit to promote passive	Out of scope This submission point is not ‘on’ the plan change, as required under the principles established in the <i>Motor Machinists</i> case.

				surveillance, territoriality or incorporate access control.	
MG Solutions	27.45	Chapter 7	Support	The submitter supports the amendments to Rule 7.4.13 – Active frontages.	Accept
MG Solutions	27.46	Chapter 7	Support	The submitter supports the amendments to Rule 7.4.14 – Veranda Cover.	Accept
MG Solutions	27.47	Chapter 7	Support	The submitter supports the amendments to Rule 7.5.3b – Residential Density.	Accept
MG Solutions	27.48	Chapter 7	Support	The submitter supports the amendments to Rule 7.5.3c – Residential Density.	Accept
MG Solutions	27.49	Chapter 7	Support in part	The submitter supports the amendments to Rule 7.5.3 d) however outdoor living areas in the city living or central city area may need to be sympathetic to central city environments (dot points 2 is not likely to be achievable nor will 3 likely occur in apartment buildings) and therefore the same rule as the low-density residential environment may prove unattainable.	Reject Outdoor living area (except for communal areas) should be readily accessible from the living area inside the residential unit and free of driveways, manoeuvring areas and parking spaces. If this is not achievable this needs to be assessed on a case by case basis in order to achieve an adequate level of amenity for residents.
MG Solutions	27.50	Chapter 7	Support	The submitter supports the amendments to Rule 7.5.3d)iii.A-C Outdoor Living Areas.	Accept
MG Solutions	27.51	Chapter 7	Support	The submitter supports the amendments to Rule 7.5.3d)iii.D	Reject

				Outdoor Living Areas and states that if this rule no longer relates to unit numbers greater than 7 point 2 '8 or more residential units-8m' should be deleted.	The shape factor requirements ensure that the communal outdoor living area is usable and provides an adequate degree of amenity for residents.
MG Solutions	27.52	Chapter 7	Support	The submitter supports the amendments to Rule 7.5.3f – Residential Unit Size.	Accept
MG Solutions	27.53	Chapter 7	Support in part	The submitter seeks to reinstate the word 'to' to Rule 7.5.3h)i. – External Outlook Area.	Accept
MG Solutions	27.54	Chapter 7	Support in part	The submitter supports the amendment to Rule 7.5.3h) iii. – External Outlook Area in part as this becomes a design issue requiring the main window to face the greater of the two outlooks.	Reject If there is an infringement this can be assessed through a Resource Consent to ensure that a high level of residential amenity is achieved.
MG Solutions	27.55	Chapter 7	Support	The submitter supports the amendments to Rule 7.5.3h) iv) a-c – External Outlook Area.	Accept
MG Solutions	27.56	Chapter 7	Oppose	The submitter opposes Rule 7.5.3h)iv)d – External Outlook Area as securing in perpetuity private residential view shafts or corridors over 3 rd party land effectively sterilizes development rights on these properties and those of future generations which contradicts promoting higher densities in the city centre and is not in accordance with Part 2 Section 5	Accept in part The standards maintain a reasonable degree of amenity and natural light for occupants of the residential unit. A legal instrument may be removed without Councils knowledge. If a breach occurred it would be incapable of remedy and the lower level of amenity would need to be lived with. It is recommended to abandon 7.5.3h

				(2)a of the RMA. The submitter seeks stronger wording on design outcomes to provide more robust options for ensuring external outlook is not the driving force behind sterilisation of future development rights.	iv)d completely, leaving the rest of the rule in place.
<i>Kainga Ora- Homes and Communities</i>	<i>FS1.22</i>		<i>Supports submission 27.56</i>		<i>Accept in part</i> <i>See recommendation on submission 27.56</i>
MG Solutions	27.57	Chapter 7	Oppose	The submitter opposes Rule 7.5.7 – Alterations and Additions as these should be permitted and seeks the removal of 7.5.7a)i as 7.5.7b contradicts this provision. Consider more qualifying criteria for what constitutes alterations and additions. Internal alterations and additions may be argued to be visible from public spaces given the high amount of clear glazing required.	Accept in part An amendment is recommended to Rule 7.5.7 to avoid the contradiction. Internal refurbishment works fall under the definition of minor works therefore it is clear that rule 7.5.7 does not apply to internal refurbishment.
<i>Kainga Ora- Homes and Communities</i>	<i>FS1.23</i>		<i>Supports submission 27.57</i>		<i>Accept in part</i> <i>See recommendation on submission 27.57</i>
MG Solutions	27.58	Chapter 7	Support	The submitter supports the amendments to Rule 7.5.7 a) ii.	Accept in part

				and b) – Alterations and Additions.	See recommendation on submission 27.57
Housing NZ (Kainga Ora-Homes and Communities) <i>(Late submission)</i>	30.08	Chapter 7	Support	Retain the amendment to Policy 7.2.6h – Downtown Precinct for high quality living environments as notified.	Reject See recommendation on submission 27.39.
Housing NZ (Kainga Ora-Homes and Communities) <i>(Late submission)</i>	30.09	Chapter 7	Support	Retain the amendment to Policy 7.2.8e – Ferrybank Precinct for high quality living environments as notified.	Reject See recommendation on submission 27.40
Housing NZ (Kainga Ora-Homes and Communities) <i>(Late submission)</i>	30.10	Chapter 7	Support	Retain the amendment to Rule 7.3b – Activity Status for alterations and additions as notified.	Accept
Housing NZ (Kainga Ora-Homes and Communities) <i>(Late submission)</i>	30.11	Chapter 7	Support	Retain the amendment to Rule 7.4.2 – Building Intensities as notified.	Accept
Housing NZ (Kainga Ora-Homes and Communities) <i>(Late submission)</i>	30.12	Chapter 7	Support	Retain the amendment to Rule 7.4.3 – Maximum Height Control as notified.	Accept
Housing NZ (Kainga Ora-Homes and Communities) <i>(Late submission)</i>	30.13	Chapter 7	Support	Retain the amendment to Rule 7.4.13 – Active Frontages as notified.	Accept
Housing NZ (Kainga Ora-Homes and Communities) <i>(Late submission)</i>	30.14	Chapter 7	Support	Retain the amendment to Rule 7.5.3b and c – Residential Standards-Density as notified.	Accept
Housing NZ (Kainga Ora-Homes and Communities)	30.15	Chapter 7	Support	Retain the amendment to Rule 7.5.3d – Residential Standards-Outdoor Living as notified.	Accept

<i>(Late submission)</i>					
Housing NZ (Kainga Ora-Homes and Communities)	30.16	Chapter 7	Support	Retain the amendment to Rule 7.5.3f – Residential Standards- Residential Unit Size as notified.	Accept
<i>(Late submission)</i>					
Housing NZ (Kainga Ora-Homes and Communities)	30.17	Chapter 7	Support	Retain the amendment to Rule 7.5.3h – Residential Standards- External Outlook area as notified.	Accept in part See recommendation on submission 27.56
<i>(Late submission)</i>					

Chapter 9 Industrial Zones					
<p>Gallagher (8.03) is requesting clarification on what is defined as outdoor storage. Their concern is that all their industrial sites have some form of outdoor storage and they don't want this to be restricted.</p> <p>Outdoor storage is as prescribed, any item being stored outside for future use or disposal. This does not include items being displayed.</p> <p>The only area where there will be restrictions on outdoor storage is between the front of the principal building and the major arterial road from which vehicle access is obtained. This is to raise amenity values within the City in highly visible locations.</p> <p>I note that on boundaries adjoining a Major Arterial Road where vehicle access is not obtained, a buffer strip is required which would screen any outdoor storage.</p> <p>Chedworth Properties (13.21) opposes the proposed design standards in Rule 9.5.3 for buildings on sites adjoining Major Arterial Transport Corridors as they consider these to be too prescriptive. The proposal is to make new buildings adjoining a Major Arterial road a Permitted Activity. These activities currently require consent as a Controlled Activity. The introduced provisions achieve the existing controlled assessment criteria in 1.3.2b)a which seeks to avoid a large featureless façade. All other assessment criteria are adequately captured by the development controls. The proposal reduces the consenting requirements and are considered to enhance the amenity values in highly visible locations. It is therefore recommended that these are retained as notified.</p>					
Submission Name Further Submission Name	Submission Point Further Submission Point	Topic	Submission Type	Summary	Recommendation
Gallagher	08.01	Chapter 9	Support	The submitter supports Rule 9.3 – Activity status table	Accept

Gallagher	08.02	Chapter 9	Support	The submitter supports Rule 9.4.1 – Building Setbacks	Accept
Gallagher	08.03	Chapter 9	Oppose	The submitter opposes 9.4.7 – Outdoor Storage and seeks clarification to understand what activities would be defined as outdoor storage.	Reject Outdoor storage is any item being stored outside for future use or disposal. This rule enhances amenity in highly visible areas.
Chedworth Properties Ltd(CPL)	13.21	Chapter 9	Oppose	The submitter seeks the deletion of proposed Rule 9.5.3 – Buildings on sites adjoining Major Arterial Transport Corridors.	Reject The rules are necessary in order to enhance amenity in highly visible areas.
Fonterra Ltd	21.05	Chapter 9	Support	The submitter seeks the retention of Rule 9.3 a) – Activity Status for New Buildings and Alterations to Existing Buildings, as notified. The submitter also supports the proposed deletion of activities listed in 9.3 g), h) i) and j).	Accept
Fonterra Ltd	21.06	Chapter 9	Oppose	The submitter opposes Rule 9.3 g) Activity Status for Light Industrial Activity and seeks the deletion of the following wording: <i>Where the activity complies with relevant standards in Rules 9.4 and 9.5 and generates < 250 vehicle movements per day.</i>	Out of scope This submission point is not ‘on’ the plan change, as required under the principles established in the <i>Motor Machinists</i> case.
Fonterra Ltd	21.07	Chapter 9	Oppose	The submitter opposes Rule 9.3 h) Activity Status for Service	Out of scope

				Industrial Activity and seeks the deletion of the following wording: <i>Where the activity complies with relevant standards in Rules 9.4 and 9.5 and generates < 250 vehicle movements per day.</i>	This submission point is not 'on' the plan change, as required under the principles established in the <i>Motor Machinists</i> case.
Fonterra Ltd	21.08	Chapter 9	Oppose	The submitter seeks the amendment of Rule 9.3 II) to delete the reference to Rules 9.3 g) and 9.3 h)	Accept Consequential correction.
Fonterra Ltd	21.09	Chapter 9	Support	The submitter supports the retention of new Rule 9.5.3 – Buildings on sites adjoining Major Arterial Transport Corridors.	Accept
Fonterra Ltd	21.10	Chapter 9	Support	The submitter supports the retention of Rule 9.5.12 a) – Building Setbacks in the Crawford Street Freight Village.	Accept
Property Council NZ	26.27	Chapter 9	Support	The submitter supports the amendments to Rule 9.3 – Activity Status Table and seeks the amendment is retained.	Accept
Property Council NZ	26.28	Chapter 9	Support	The submitter supports the amendments to Rule 9.5.3 – Building on Sites Adjoining Major Arterial Transportation Corridors and seeks the amendment is retained.	Accept
Property Council NZ	26.29	Chapter 9	Support	The submitter supports the amendments to Rule 9.3.3 –	Accept

				Comprehensive Development Plans and seeks the amendment is retained.	
Property Council NZ	26.30	Chapter 9	Support	The submitter supports the amendments to Rule 9.4.1 – Building Setback and seeks the amendment is retained.	Accept
Property Council NZ	26.31	Chapter 9	Oppose	The submitter seeks an amendment to Rule 9.4.7 – Outdoor Storage to ensure yard-based retail is not precluded from establishing.	Reject Outdoor storage is as prescribed, any item being stored outside for future use or disposal. This does not include items being displayed.

Chapter 16 Community Facilities					
<p>Waikato Anglican Trust (19.03) opposed the new provisions in Rule 16.5.1 for building orientation, façade treatment and location of service and other outdoor storage areas for new buildings and additions to existing buildings within 10m of a Transport Corridor. The submitter also seeks that Council identify those corridors where improvement to visual amenity is of particular importance and where the benefits of treatment as proposed outweighs the cost imposition.</p> <p>The proposed changes are a reduction to the cost currently faced where all new buildings are required to go through a Resource Consent. Whilst most of the policies in 16.2.2a can be achieved through bulk and location controls without having to go through a Resource Consent, additional provisions are required to ensure that policy 16.2.2a) iii relating to building design that contributes to streetscape and Policy 16.2.2a)vi relating to passive surveillance, are achieved.</p>					
Submission Name Further Submission Name	Submission Point Further Submission Point	Topic	Submission Type	Summary	Recommendation
Ministry of Education	04.01	Chapter 16	Support	The submitter supports the amendment of Rule 16.3 b) to change the activity status to Permitted.	Accept

Ministry of Education	04.02	Chapter 16	Support	The submitter supports the expansion of existing lawfully established schools as a permitted activity under Rule 16.3 u).	Accept
Ministry of Education	04.03	Chapter 16	Support	The submitter supports the amendment to Rule 16.6 ii.	Accept
Waikato Anglican Trust	19.01	Chapter 16	Support	The submitter supports the parts of the Plan Change that make new buildings and relocated buildings a permitted activity, specifically Rule 16.3 b).	Accept
<i>Ministry of Education</i>	<i>FS2.01</i>		<i>Supports submission 19.01.</i>		<i>Accept</i> <i>See recommendation on submission 19.01</i>
Waikato Anglican Trust	19.02	Chapter 16	Support	The submitter supports the inclusion of Rule 16.3 u) for existing lawfully established schools as a permitted activity.	Accept
<i>Ministry of Education</i>	<i>FS2.02</i>		<i>Supports submission 19.02.</i>		<i>Accept</i> <i>See recommendation on submission 19.02</i>
Waikato Anglican Trust	19.03	Chapter 16	Oppose	The submitter opposes the new provisions in Rule 16.5.1 for building orientation, façade treatment and location of service and other outdoor storage areas for new buildings and additions to existing buildings within 10m of a Transport Corridor. The	Reject Ensures existing policies 16.2.2a and 16.2.2b are achieved.

				submitter seeks that Council identify those corridors where improvement to visual amenity is of particular importance and where the benefits of treatment as proposed outweighs the cost imposition.	
Waikato Anglican Trust	19.04	General	Support in part	The submitter seeks any other consequential amendments to give effect to the submitters requested changes.	No consequential amendments are considered necessary and so none are recommended.
<i>Ministry of Education</i>	<i>FS2.03</i>		<i>Supports submission 19.04 in part.</i>	<i>Supports submission 19.04 insofar as the consequential amendments sought give effect to the requested changes in submissions 19.01 and 19.02 only.</i>	<i>Reject See recommendation on submission 19.04</i>

Chapter 22 Natural Hazards					
Submission in support no further assessment necessary.					
Submission Name Further Submission Name	Submission Point Further Submission Point	Topic	Submission Type	Summary	Recommendation
MG Solutions	27.59	Chapter 22	Support	The submitter supports the amendments to Rule 22.3u – Activity Status for swimming pools within natural hazard areas.	Accept

Chapter 23 Subdivision

Fee simple subdivision of apartments

There are a number of submissions requesting amendments to the objectives, policies and rules relating to the fee simple subdivision of apartments. The proposed rule includes a discretionary activity status for the fee simple subdivision of apartments. Objectives and policies have also been introduced to support this activity status. The relevant submissions are as follows:

- Amend the activity status from discretionary to restricted discretionary (Submission 10.14, 26.33 and 30.38)
- The District Plan should be tenure neutral and management structures is too broad and vague (Submission 26.32, 29.01)

The full discretionary status gives Council the ability to address what can be complex and sometimes unanticipated issues relating to the unwinding of body corporate structures and property management agreements. Reserving full discretion is prudent. It avoids the risk of unanticipated effects not being addressed particularly around ongoing management and maintenance issues. Creating management structures at the time of subdivision is complex and requires information that is not normally known at the time of subdivision.

The policy gives appropriate guidance that appropriate management structures and legal mechanisms are needed to enable effective ongoing management, maintenance and operation. This is up to the applicant to show what would work for the site on a case by case basis dependant on the layout of the apartments. The management structure would need to cover management of refuse, shared access use and maintenance, building maintenance, insurance of property, operational rules, how issues and decisions will be resolved (those matters otherwise covered by a body corporate). Fee simple subdivision of apartments is more appropriate for terraced type apartments separated by fire walls with direct frontage to the street.

Rule 23.6.4 Cross-lease to Fee-simple Subdivision

One submitter has requested that the relevant zone rules not apply for the conversion from cross-lease to fee-simple (Submission 27.64). In most cases this would have existing use rights except for where the new boundary creates a new infringement e.g yard setback or height in relation to boundary infringement. Whilst the new infringement couldn't be considered to have existing use rights given the increase in scale, there would be no change to the character or amenity of the site and no change to how the site is currently used. It is therefore recommended that this change be accepted. The three waters standards will still apply to ensure that separate servicing is available for each residential unit.

Rule 23.7.3, 23.7.4 and 23.7.5 Private ways

A number of submissions were received in opposition to the amendments to the private way provisions in the General Residential Zone, Large Lot Residential Zone and Residential Intensification zone. The notified changes include requiring that vehicle access with more than 6 fee simple lots be formed and vested as public road with minimum widths of 16m for 7-20 allotments, 20m for more than 20 allotments (Local Road) and 23m for more than 20 allotments (Collector Road). The relevant submissions are as follows:

- Request to align the private way requirements for allotments with the private way requirements for a Unit Title (Submission 10.17, 10.20, 25.22, 26.37, 25.25, 26.39)

- Opposition to vesting of private ways serving over 6 dwellings because:
 - i. it is an inefficient use of land, will result in sprawl and will increase Council’s long-term maintenance costs (Submission 10.17, 10.19, 10.20, 14.13, 17.16, 18.16 and 25.24, 25.25, 26.38, 26.39)
 - ii. it is excessive and will require more land resource to accommodate the subdivided allotments (Submission 27.73).
- Opposition to a minimum 16m public road as it is excessive (Submission 25.22, 27.78).
- Opposition to the 23m width for collector roads as it does not assist with achieving a compact city (Submission 26.38).

No change is proposed to the existing rule for the maximum number of fee simple lots off a private way in General Residential and Large Lot Residential Zone. The requirement to vest vehicle access serving more than 6 fee simple lots reflects the on-going management and maintenance issues with multiple owners; waste collection issues; and aligns with the maximum number of dwellings off a private way.

The standards are consistent with Chapter 25.14 Transportation. A transition in cross-section width at 6 lots and 20 lots is consistent with NZS4404 and allows for the carriage way, footpaths, recessed parking and service berms.

While there are no minimum number of lots off a private way specified in the Residential Intensification Zone, single dwellings are a discretionary activity and not encouraged in this zone. Higher density development such as apartments are encouraged in intensification areas. All apartments require a resource consent with discretion over design and layout. This includes consideration of waste management and how waste will be collected. In addition, a body corporate required under a Unit Title arrangement will manage on-going maintenance and management of any private way.

The minimum local road width for 7-20 units aligns with the Transportation standards in Chapter 25.14. The assessment of these widths is set out under the Chapter 25.14 Transportation below.

See the transportation assessment under Chapter 25.14 for the assessment of road widths in the Large Lot Residential Zone (23.7.4).

Submission Name Further Submission Name	Submission Point Further Submission Point	Topic	Submission Type	Summary	Recommendation
Andrew Watts	06.01	Chapter 23	Support	The submitter supports the amendments to Rule 23.6.4 relating to subdivision of cross lease.	Accept
CKL	10.14	Chapter 23	Support in part	The submitter seeks that Rule 23.3 be amended to make Fee	Reject

				Simple subdivision of apartments a restricted discretionary activity.	The full discretionary status gives Council the ability to address what can be complex and sometimes unanticipated issues relating to the unwinding of body corporate structures and property management agreements. Reserving full discretion is prudent. It avoids the risk of unanticipated effects not being addressed particularly around ongoing management and maintenance issues. Creating management structures at the time of subdivision is complex and requires information that is not normally known at the time of subdivision.
<i>Kainga Ora- Homes and Communities</i>	<i>FS1.07</i>		<i>Supports submission 10.14</i>		<i>Reject</i> <i>See recommendation on submission 10.14.</i>
CKL	10.15	Chapter 23	Support	The submitter supports the proposed deletion of the average minimum net site area requirements in Rule 23.7.1.	Accept
<i>Kainga Ora- Homes and Communities</i>	<i>FS1.08</i>		<i>Supports submission 10.15</i>		<i>Accept</i> <i>See recommendation on submission 10.15</i>
CKL	10.16	Chapter 23	Support	The submitter seeks the retention of the proposed	Accept

				amendments to Rule 23.7.2 – Subdivision Suitability.	
<i>Kainga Ora- Homes and Communities</i>	<i>FS1.09</i>		<i>Supports submission 10.16</i>		<i>Accept</i> <i>See recommendation on submission 10.16</i>
CKL	10.17	Chapter 23	Oppose	The submitter seeks that Rule 23.7.3 e), f) and g) are aligned. If 20 units is suitable for unit titles, this should be suitable for fee simple. The submitter also considers limiting private ways to only 6 fee simple lots and requiring public roads to vest is inefficient and will increase Council's long term maintenance costs.	Reject The requirement to vest vehicle access serving more than 6 fee simple lots reflects the on-going management and maintenance issues with multiple owners; waste collection issues; and aligns with the maximum number of dwellings off a private way. A transition in cross-section width at 6 lots and 20 lots is consistent with NZS4404 and allows for the carriage way, footpaths, recessed parking and service berms.
<i>Kainga Ora- Homes and Communities</i>	<i>FS1.10</i>		<i>Supports submission 10.17</i>		<i>Reject</i> <i>See recommendation on submission 10.17</i>
CKL	10.18	Chapter 23	Support	The submitter supports the amendment to Rule 23.7.3 to increase the private way length and the number of private ways accessing a cul-de-sac.	Accept
CKL	10.19	Chapter 23	Oppose	The submitter considers limiting private ways to only 6 fee simple lots and requiring public	Reject

				<p>roads to vest is inefficient and will increase Council's long term maintenance costs.</p> <p>The submitter seeks clarification for the rationale for requiring roads serving more than 20 lots to be collector standard and have a minimum width of 23 in Rule 23.7.4 – Large Lot Residential Zone.</p> <p>The submitter supports amendments to the number of private ways accessing a cul-de-sac.</p>	<p>The requirement to vest vehicle access serving more than 6 fee simple lots reflects the on-going management and maintenance issues with multiple owners; waste collection issues; and aligns with the maximum number of dwellings off a private way.</p> <p>A transition in cross-section width at 6 lots and 20 lots is consistent with NZS4404 and allows for the carriage way, footpaths, recessed parking and service berms.</p> <p>The road widths in the Large Lot Residential Zone are consistent with the Residential Zone and allow for future urbanisation (see transportation assessment).</p>
CKL	10.20	Chapter 23	Oppose	<p>The submitter seeks that Rule 23.7.5 c), d) and e) are aligned.</p> <p>The submitter considers limiting private ways to only 6 fee simple lots and requiring public roads to vest is inefficient and will increase Council's long term maintenance costs.</p> <p>The submitter seeks clarification for the rationale for requiring roads serving more than 20 lots</p>	<p>Reject in part</p> <p>The requirement to vest vehicle access serving more than 6 fee simple lots reflects the on-going management and maintenance issues with multiple owners; waste collection issues; and aligns with the maximum number of dwellings off a private way.</p> <p>A transition in cross-section width at 6 lots and 20 lots is consistent with NZS4404 and allows for the carriage</p>

				to be collector standard and have a minimum width of 23 in Rule 23.7.5 –Residential Intensification Zone.	<p>way, footpaths, recessed parking and service berms.</p> <p>The standards are consistent with Chapter 25.14 Transportation.</p> <p>A minor correction to 23.7.5c is recommended.</p> <p>The standard provides options for access to >20 lots, either as:</p> <ul style="list-style-type: none"> - Local road through Rule 23.7.5e)ii); - Collector road through Rule 23.7.5e)iii). <p>Collector roads have other infrastructure like bus routes and cycle lanes and provide a connection through a subdivision.</p>
<i>Kainga Ora- Homes and Communities</i>	<i>FS1.11</i>		<i>Supports submission 10.20</i>		<p>Reject in part</p> <p>See recommendation on submission 10.20</p>
Peter Findlay	14.13	Chapter 23	Oppose	The submitter seeks the minimum private ways widths proposed in Rule 23.7.5 d) and e) are reduced.	<p>Reject</p> <p>The transport effects are related to the number of lots and the widths are consistent with Rule 23.7.3 for the General Residential Zone.</p>
Assured Construction	17.09	Chapter 23	Support	The submitter supports the amendments to Rule 23.7.3 e)	Accept

				and i) that allows for 6 allotments to be served by a private way with a width of 3.6m and the increased maximum permitted private way length to 100m (with passing every 50m)	
Assured Construction	17.15	Chapter 23	Oppose	The submitter opposes the change of fee simple subdivision of apartments to a discretionary activity in Rule 23.3 vi.	Reject The full discretionary status gives Council the ability to address what can be complex and sometimes unanticipated issues relating to the unwinding of body corporate structures and property management agreements. Reserving full discretion is prudent. It avoids the risk of unanticipated effects not being addressed particularly around ongoing management and maintenance issues. Creating management structures at the time of subdivision is complex and requires information that is not normally known at the time of subdivision.
<i>Weston Lea Ltd</i>	<i>FS4.08</i>		<i>Supports submission 17.15</i>		<i>Reject</i> <i>See recommendation on submission 17.15</i>
Assured Construction	17.16	Chapter 23	Oppose	The submitter considers the vehicle access widths for more than 6 fee simple lots is	Reject

				excessive in Rules 23.7.3 g) and 23.7.5 e) – Vehicle access widths.	A transition in cross-section width at 6 lots and 20 lots is consistent with NZS4404 and allows for the carriage way, footpaths, recessed parking and service berms (see transportation chapter).
<i>Weston Lea Ltd</i>	<i>FS4.09</i>		<i>Supports submission 17.16</i>		<i>Reject</i> <i>See recommendation on 17.16</i>
Da-Silva Builders	18.09	Chapter 23	Support	The submitter supports the amendments to Rule 23.7.3 e) and i) that allows for 6 allotments to be served by a private way with a width of 3.6m and the increased maximum permitted private way length to 100m (with passing every 50m)	Accept
Da-Silva Builders	18.15	Chapter 23	Oppose	The submitter opposes the change of fee simple subdivision of apartments to a discretionary activity in Rule 23.3 vi.	Reject The full discretionary status gives Council the ability to address what can be complex and sometimes unanticipated issues relating to the unwinding of body corporate structures and property management agreements. Reserving full discretion is prudent. It avoids the risk of unanticipated effects not being addressed particularly around ongoing management and maintenance issues. Creating management structures at the time of subdivision is complex and

					requires information that is not normally known at the time of subdivision.
Da-Silva Builders	18.16	Chapter 23	Oppose	The submitter considers the vehicle access widths for more than 6 fee simple lots is excessive in Rules 23.7.3 g) and 23.7.5 e) – Vehicle access widths.	Reject A transition in cross-section width at 6 lots and 20 lots is consistent with NZS4404 and allows for the carriage way, footpaths, recessed parking and service berms (see transportation chapter).
Blue Wallace	25.17	Chapter 23	Support in part	The submitter seeks clarity for the rationale for the objective 23.2.6 and policy 23.2.6a. the submitter seeks that an amendment should make clear the context in which the objective and policy can be applied.	Reject The policy gives appropriate guidance that appropriate management structures and legal mechanisms are needed to enable effective ongoing management, maintenance and operation. It is up to the applicant to show what would work for the site on a case by case basis.
Blue Wallace	25.18	Chapter 23	Support	The submitter supports the amendments to Rule 23.6.4 Cross-lease to Fee Simple Subdivision and seeks the rule is retained as notified.	Accept in part See recommendation on submission 27.64
Blue Wallace	25.19	Chapter 23	Support in part	The submitter generally supports Rule 23.6.5 - Leasehold Subdivision but seeks an amendment to the wording as follows:	Out of scope This submission point is not 'on' the plan change, as required under the

				<i>"Where an allotment fee simple record of title is subject to an application for subdivision consent by way of..."</i>	principles established in the <i>Motor Machinists</i> case.
Blue Wallace	25.20	Chapter 23	Support in part	The submitter generally supports Rule 23.6.6 – Boundary Adjustments but seeks an amendment to the wording as follows: <i>a) Any boundary adjustment shall not result in the creation of additional allotments records of title, except in circumstances where a boundary adjustment creates an additional allotment record of title or allotments records of title which are required to be held together with another allotment record of title or allotments records of title by way of compulsory amalgamation condition.</i>	Out of scope This submission point is not 'on' the plan change, as required under the principles established in the <i>Motor Machinists</i> case.
Blue Wallace	25.21	Chapter 23	Support	The submitter supports the amendment of Rule 23.7.1 – Allotment Size and Shape and seeks the rule is retained as notified.	Accept
Blue Wallace	25.22	Chapter 23	Oppose	The submitter opposes the requirement for a minimum 16m public road and for 6 lots to	Reject A transition in cross-section width at 6 lots and 20 lots is consistent with

				<p>be the 16m transition point in Rule 23.7.3 g).</p> <p>The submitter suggests that standards also align with the standards in Rule 25.14.4.1 h) where a private way can be 6m wide and service 20 residential units.</p>	<p>NZS4404 and allows for the carriage way, footpaths, recessed parking and service berms (see transportation chapter).</p> <p>The requirement to vest vehicle access serving more than 6 fee simple lots reflects the on-going management and maintenance issues with multiple owners; waste collection issues; and aligns with the maximum number of dwellings off a private way.</p>
Blue Wallace	25.23	Chapter 23	Support	The submitter supports the revised performance standard in Rule 23.7.3 i) which permits a private way length of 100m.	Accept
Blue Wallace	25.24	Chapter 23	Oppose	<p>The submitter opposes the requirement for a minimum 16m public road and for 6 lots to be the 16m transition point in Rule 23.7.4 e).</p> <p>The submitter suggests that standards also align with the standards in Rule 25.14.4.1 h) where a private way can be 6m wide and service 20 residential units.</p>	<p>Reject</p> <p>The road widths in the Large Lot Residential Zone are consistent with the Residential Zone and allow for future urbanisation (see transportation chapter).</p> <p>Also see recommendation on Submission 25.22</p>
Blue Wallace	25.25	Chapter 23	Oppose	The submitter opposes the requirement for a minimum 16m public road and for 6 lots to be the 16m transition point in Rule 23.7.5 e) i).	<p>Reject</p> <p>A transition in cross-section width at 6 lots and 20 lots is consistent with NZS4404 and allows for the carriage</p>

				<p>The submitter suggests that standards also align with the standards in Rule 25.14.4.1 h) where a private way can be 6m wide and service 20 residential units.</p>	<p>way, footpaths, recessed parking and service berms (see transportation chapter).</p> <p>The requirement to vest vehicle access serving more than 6 fee simple lots reflects the on-going management and maintenance issues with multiple owners; waste collection issues; and aligns with the maximum number of dwellings off a private way.</p>
Property Council NZ	26.32	Chapter 23	Oppose	<p>The submitter opposes Objective 23.2.6 as the District Plan should be tenure-neutral and the reference to 'appropriate' tenure and management structures is too broad and vague.</p>	<p>Reject</p> <p>The policy gives appropriate guidance that appropriate management structures and legal mechanisms are needed to enable effective ongoing management, maintenance and operation. This is up to the applicant to show what would work for the site on a case by case basis.</p>
Property Council NZ	26.33	Chapter 23	Support in part	<p>The submitter supports the amendments to Rule 23.3 – Activity Status Table and seeks retention, provided that fee simple subdivision of apartments is listed as a restricted discretionary activity.</p>	<p>Reject</p> <p>The full discretionary status gives Council the ability to address what can be complex and sometimes unanticipated issues relating to the unwinding of body corporate structures and property management agreements. Reserving full discretion is prudent. It avoids the risk of unanticipated effects not being</p>

					addressed particularly around ongoing management and maintenance issues. Creating management structures at the time of subdivision is complex and requires information that is not normally known at the time of subdivision.
Property Council NZ	26.34	Chapter 23	Support	The submitter supports the amendments to Rule 23.6.4 – Cross Lease Subdivision and seeks the amendment is retained.	Accept in part See recommendation on submission 27.64
Property Council NZ	26.35	Chapter 23	Support	The submitter supports the amendments to Rule 23.7.1 – Average Minimum Net site area and seeks the amendment is retained.	Accept
Property Council NZ	26.36	Chapter 23	Support	The submitter supports the amendments to Rule 23.7.2 Subdivision Suitability and seeks the amendment is retained.	Accept

Property Council NZ	26.37	Chapter 23	Oppose in part	<p>The submitter seeks retention of the proposed amendments to Rule 23.7.3, private way length and number of private ways accessing a cul-de-sac and rejects other changes. The submitter seeks that Rule 23.7.3 e, f and g be aligned as it should not matter if an access serves fee simple titles or unit titles.</p>	<p>Reject</p> <p>The requirement to vest vehicle access serving more than 6 fee simple lots reflects the on-going management and maintenance issues with multiple owners; waste collection issues; and aligns with the maximum number of dwellings off a private way.</p> <p>Council considers it important that public roads include footpaths, recessed parking and service berms which increase the width of public road. The rule provides flexibility for narrower road's, but these require a different ownership structure.</p>
Property Council NZ	26.38	Chapter 23	Oppose in part	<p>The submitter supports the proposed amendments to Rule 23.7.4, private way length and number of private ways accessing a cul-de-sac and rejects other changes.</p> <p>Limiting a private way to only 6 lots and requiring public roads to vest can lead to inefficient use of land, sprawl and increase maintenance costs to council.</p> <p>The 23m minimum road width for collector roads does not assist with achieving a compact</p>	<p>Reject</p> <p>The road widths in the Large Lot Residential Zone are consistent with the Residential Zone and allow for future urbanisation (see transportation chapter)</p> <p>Also see recommendation on submission 26.37.</p>

				city and will increase maintenance costs to council.	
<i>Kainga Ora- Homes and Communities</i>	<i>FS1.19</i>		<i>Supports submission 26.38</i>		<i>Reject</i> <i>See recommendation on submission 26.38</i>
Property Council NZ	26.39	Chapter 23	Oppose	<p>The submitter opposes the changes to Rule 23.7.5 as limiting a private way to only 6 lots and requiring public roads to vest can lead to inefficient use of land, sprawl and increase maintenance costs to council; and the 23m minimum road width for collector roads does not assist with achieving a compact city and will increase maintenance costs to council.</p> <p>The submitter seeks that Rule 23.7.5 c, d and e be aligned as it should not matter if an access serves fee simple titles or unit titles.</p>	<p>Reject</p> <p>The requirement to vest vehicle access serving more than 6 fee simple lots reflects the on-going management and maintenance issues with multiple owners; waste collection issues; and aligns with the maximum number of dwellings off a private way.</p> <p>Council considers it important that public roads include footpaths, recessed parking and service berms which increase the width of public road. The rule provide flexibility for narrower road's, but these require a different ownership structure.</p> <p>The standards are consistent with Chapter 25.14 Transportation.</p>
<i>Kainga Ora- Homes and Communities</i>	<i>FS1.20</i>		<i>Supports submission 26.39</i>		<i>Reject</i> <i>See recommendation on submission 26.39</i>
MG Solutions	27.60	Chapter 23	Support	The submitter supports the amendments to Objective and	Accept

				Policy 23.2.6 land tenure for subdivision.	
MG Solutions	27.61	Chapter 23	Support	The submitter supports the inclusion of fee simple subdivision as a discretionary activity under Rule 23.3vi.	Accept
MG Solutions	27.62	Chapter 23	Oppose	Seeks that Council acknowledge an activity status reduction in Rule 23.3 for subdivisions around existing lawfully established dwellings, units or apartments, or sites with subdivision in accordance with an approved land use consent within all hazard areas.	Out of scope for all subdivisions except fee simple subdivision of apartments which is proposed as part of Plan Change 6. Reject As per submissions 10.14, 26.33 and 30.38 the discretionary activity status for fee simple subdivisions of apartments is recommended to be retained.
<i>Kainga Ora- Homes and Communities</i>	<i>FS1.24</i>		<i>Supports submission 27.62</i>		<i>Part of Submission 27.62 in relation to subdivisions (other than fee simple) out of scope</i> <i>Reject</i> <i>See recommendation on 27.62</i>
MG Solutions	27.63	Chapter 23	Support	The submitter supports the amendments to Rule 23.6.4a) and b) – Cross-Lease to Fee Simple Subdivision.	Accept
MG Solutions	27.64	Chapter 23	Support in part	The submitter seeks an amendment to Rule 23.6.4c – Cross-Lease to Fee Simple	Accept in part

				<p>Subdivision to include <u>'... rule and relevant land use rules of the respective zone'</u>. This is because existing use rights would apply to existing failures that existed prior to the cross-lease subdivision. This rule should follow the Auckland Unitary Plan to allow cross-lease subdivisions around existing dwellings to be in accordance with an approved land use consent, building consent, certificate of compliance or certificate of acceptance or for existing development to have existing use rights; and in the worst case then comply the relevant rules of the respective zone and city-wide chapters.</p>	<p>An assessment against the relevant zone rules is not necessary for existing legally established buildings even if the new boundary creates a new infringement because there will be no change to the existing use of the site.</p>
MG Solutions	27.65	Chapter 23	Support in part	<p>The submitter seeks that Rule 23.7b) ii. – Subdivision Design Standards be amended to also include existing lawfully established dwellings as well as duplex dwellings.</p> <p>They also seek clarification on the note which states <i>'provided that all relevant development and performance standards are met in relation to the proposed boundaries around that building</i></p>	<p>Out of scope</p> <p>This submission point is not 'on' the plan change, as required under the principles established in the <i>Motor Machinists</i> case.</p>

				<i>or unless otherwise authorised by resource consent'</i>	
MG Solutions	27.66	Chapter 23	Support	The submitter supports the amendments to Rule 23.7.1b removal of the average and maximum net site areas within the General Residential Zone in the Rototuna Structure Plan Area.	Accept
MG Solutions	27.67	Chapter 23	Support	The submitter supports the amendments to Rule 23.7.2 – Subdivision Suitability.	Accept
MG Solutions	27.68	Chapter 23	Support in part	The submitter seeks that Rule 23.7.3a and b are amended to include <i>'15m or for sites with a transport corridor boundary length less than 15m prior to any subdivision occurring shall not apply to this rule (excluding the requirement for new vehicle access provisions)'</i> . This is because for sites with narrow frontages and cul-de-sac head frontages already fail the rule, prior to the proposed subdivision occurring.	Out of scope This submission point is not 'on' the plan change, as required under the principles established in the <i>Motor Machinists</i> case.
<i>Kainga Ora- Homes and Communities</i>	<i>FS1.25</i>		<i>Supports submission 27.68</i>		<i>Submission 27.68 out of scope</i>
MG Solutions	27.69	Chapter 23	Oppose	The submitter seeks Rule 23.7.3d maximum number of allotments off a private way be	Out of scope This submission point is not 'on' the plan change, as required under the

				deleted and assessed on a case by case basis.	principles established in the <i>Motor Machinists</i> case.
<i>Weston Lea Ltd</i>	<i>FS4.12</i>		<i>Supports submission 27.69 in part.</i>	<i>Requests a more appropriate threshold.</i>	<i>Submission 27.69 out of scope</i>
MG Solutions	27.70	Chapter 23	Support	The submitter supports the amendments to Rule 23.7.3e minimum private way width 1-6 units.	Accept
MG Solutions	27.71	Chapter 23	Support	The submitter supports the amendments to Rule 23.7.3f minimum private way width 7-20 units.	Accept
MG Solutions	27.72	Chapter 23	Support	The submitter supports the deletion of 23.7.3f minimum private way serving 4-6 allotments.	Accept
MG Solutions	27.73	Chapter 23	Oppose	The submitter seeks that Rule 23.7.3g vesting of access serving more than 6 lots be deleted as there have been situations where this has worked in the past. A 16m carriage way for 7-20 users and 20m carriage way for 20 users is excessive. The vesting of access as road will restrict less land resource to accommodate the subdivided allotments and required building platform.	Reject A transition in cross-section width at 6 lots and 20 lots is consistent with NZS4404 and allows for the carriage way, footpaths, recessed parking and service berms (see transportation chapter). Council considers it important that public roads include footpaths, recessed parking and service berms which increase the width of public roads. The rule provides flexibility for narrower roads, but these require a different ownership structure.

<i>Kainga Ora- Homes and Communities</i>	<i>FS1.26</i>		<i>Supports submission 27.73</i>		<i>Reject.</i> <i>See recommendation on submission 27.73.</i>
<i>Weston Lea Ltd</i>	<i>FS4.13</i>		<i>Supports submission 27.73.</i>		<i>Reject.</i> <i>See recommendation on submission 27.73.</i>
MG Solutions	27.74	Chapter 23	Support	The submitter supports the amendments to Rule 23.7.3i, k and o.	Accept
MG Solutions	27.75	Chapter 23	Support in part	The submitter seeks that Rule 23.7.4a is amended to include <u>'40m, or for sites with a transport corridor boundary length less than 40m prior to any subdivision occurring shall not apply to this rule (excluding the requirement for new vehicle access provisions)'</u> . This is because for sites with narrow frontages and cul-de-sac head site frontages already fail the rule, prior to subdivision occurring.	Out of scope This submission point is not 'on' the plan change, as required under the principles established in the <i>Motor Machinists</i> case.
<i>Kainga Ora- Homes and Communities</i>	<i>FS1.27</i>		<i>Supports submission 27.75</i>		<i>Submission 27.75 out of scope.</i>
MG Solutions	27.76	Chapter 23	Oppose	The submitter seeks Rule 23.7.4c maximum number of allotments off a private way be deleted and assessed on a case by case basis.	Out of scope This submission point is not 'on' the plan change, as required under the

					principles established in the <i>Motor Machinists</i> case.
MG Solutions	27.77	Chapter 23	Support	The submitter supports the amendments to Rule 23.7.4d, e, k and o.	Accept
MG Solutions	27.78	Chapter 23	Oppose	The submitter seeks that Rule 23.7.3e, f and g public roads be deleted as a 16m carriage way for 7-20 users and 20m carriage way for 20 users is excessive. The vesting of access as road will restrict less land resource to accommodate the subdivided allotments and required building platform.	Reject A transition in cross-section width at 6 lots and 20 lots is consistent with NZS4404 and allows for the carriage way, footpaths, recessed parking and service berms (see transportation chapter). Council considers it important that public roads include footpaths, recessed parking and service berms which increase the width of public roads. The rule provides flexibility for narrower roads, but these require a different ownership structure.
MG Solutions	27.79	Chapter 23	Support in part	The submitter seeks that Rule 23.7.5a be amended to include <u>'10m, or for sites with a transport corridor boundary length less than 10m prior to any subdivision occurring shall not apply to this rule (excluding the requirement for new vehicle access provisions)'</u> . This is because for sites with narrow frontages and cul-de-sac head	Out of scope This submission point is not 'on' the plan change, as required under the principles established in the <i>Motor Machinists</i> case.

				<p>site frontages already fail the rule, prior to subdivision occurring.</p> <p>The submitter also supports the deletion of the existing Rule 23.7.5 d) but seeks that the new Rule 23.7.5d be amended to '7 or more principal units'.</p>	
<i>Kainga Ora- Homes and Communities</i>	<i>FS1.28</i>		<i>Supports submission 27.79.</i>		<i>Submission 27.79 out of scope</i>
MG Solutions	27.80	Chapter 23	Oppose	<p>The submitter seeks that Rule 23.7.3e vesting of access serving more than 6 lots be deleted as there have been situations where this has worked in the past. A 16m carriage way for 7-20 users and 20m carriage way for 20 users is excessive. The vesting of access as road will restrict less land resource to accommodate the subdivided allotments and required building platform.</p>	<p>Reject</p> <p>A transition in cross-section width at 6 lots and 20 lots is consistent with NZS4404 and allows for the carriage way, footpaths, recessed parking and service berms (see transportation chapter).</p> <p>Council considers it important that public roads include footpaths, recessed parking and service berms which increase the width of public roads. The rule provide flexibility for narrower roads, but these require a different ownership structure.</p>
MG Solutions	27.81	Chapter 23	Support	The submitter supports the amendments to Rule 23.7.5j – Residential Intensification Zone.	Accept

MG Solutions	27.82	Chapter 23	Support	The submitter supports the amendments to Rule 23.7.6k – Residential Intensification Zone.	Accept
Habitat for Humanity <i>(Late submission)</i>	29.01	Chapter 23	Oppose	The submitter opposes Rule 23.2.6 as the District Plan should be tenure-neutral and the reference to ‘appropriate’ tenure and management structures is too broad and vague.	Reject The policy gives appropriate guidance that appropriate management structures and legal mechanisms are needed to enable effective ongoing management, maintenance and operation. This is up to the applicant to show what would work for the site on a case by case basis.
<i>Kainga Ora- Homes and Communities</i>	<i>FS1.30</i>		<i>Supports submission 29.01.</i>		<i>Reject</i> <i>See recommendation on submission 29.01.</i>
Housing NZ (Kainga Ora-Homes and Communities) <i>(Late submission)</i>	30.36	Chapter 23	Support	Supports the amendment to Objective 23.2.6 land tenure within subdivision as notified.	Accept
Housing NZ (Kainga Ora-Homes and Communities) <i>(Late submission)</i>	30.37	Chapter 23	Support	Supports the amendment to Policy 23.2.6a legal mechanisms to support subdivision as notified.	Accept
Housing NZ (Kainga Ora-Homes and Communities) <i>(Late submission)</i>	30.38	Chapter 23	Support in part	The submitter seeks an amendment to Rule 23.3.4iv – Activity Status for fee simple subdivision of apartments in all zones except hazard areas so that it reflects the restricted discretionary activity status of	Reject The discretionary activity status for apartments indicates that they are undesired. This is due to ongoing management and maintenance issues. Creating management structures at the time of subdivision is complex and

				other fee simple subdivision in those zones.	require information that is not normally known at the time of subdivision.
Housing NZ (Kainga Ora-Homes and Communities) <i>(Late submission)</i>	30.39	Chapter 23	Support	Supports the amendment to Rule 23.6.4– Cross Lease to Fee Simple Subdivision as notified.	Accept in part See recommendation on Submission 27.64
Housing NZ (Kainga Ora-Homes and Communities) <i>(Late submission)</i>	30.40	Chapter 23	Support	Supports the amendment to Rule 23.7.1–Allotment Size and Shape as notified.	Accept
Housing NZ (Kainga Ora-Homes and Communities) <i>(Late submission)</i>	30.41	Chapter 23	Support	Supports the amendment to Rule 23.7.2–Subdivision Suitability as notified.	Accept
Housing NZ (Kainga Ora-Homes and Communities) <i>(Late submission)</i>	30.42	Chapter 23	Support	Supports the amendment to Rule 23.7.3 –General Residential Zone and All Special Character Areas as notified.	Accept
Housing NZ (Kainga Ora-Homes and Communities) <i>(Late submission)</i>	30.43	Chapter 23	Support	Supports the amendment to Rule 23.7.5 – Residential Intensification Zone as notified.	Accept

Chapter 25.2 Earthworks and Vegetation Removal
<u>Rule 25.2.4.1f</u> One submitter has requested the deletion of Rule 25.2.4.1 as it is excessive. This rule will ensure stability is maintained which is necessary to achieve the objective to minimise adverse effects on people, property and the environment.
<u>Rule 25.2.4.1g</u>

One submitter has asked that Rule 25.2.4.1g be deleted as it is excessive (Submission 14.14). This is opposed in a further submission with reference to the request under submission 22.02 (Further Submission 3.01).

Under submission 22.02, additional wording to Rule 25.2.4.1 is sought, to capture the technical requirements of the network utility operator and/or any regulation or code applicable to the network utility (Submission 22.02) due to the technical standards on capable depth below ground level. This change would be difficult to implement and monitor through the District Plan. The proposed rule adequately captures any potential malfunction or damage to the network utility and does not impact on the requirement to comply with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP34).

Rule 25.2.4.1h

One submitter has requested that the earthwork volumes be increased to achieve alignment of volumes in residential and other zones (Submission 14.15). No changes are proposed to the earthwork volumes except in the case of subdivision. The request to increase the volume of earthworks associated with subdivision is the only change that would be within scope of this plan change. However, given the higher level of sensitivity to development and earthwork effects in the residential zones compared to other zones, it is recommended not to align the earthwork volumes.

Earthworks within a flood hazard area

One submitter seeks clarification on earthwork volumes inside any Natural Hazard Area (Submission 27.84). Earthworks are a permitted activity in the flood hazard area where ancillary to a permitted activity in Table 22.3 Natural Hazards.

There is an error in the plan where no earthwork volumes are listed for permitted earthworks in the flood hazard area. It is recommended to correct this error by ensuring that the earthwork volumes under Rule 25.2.4 apply where earthworks are a permitted activity. Earthworks in the flood hazard area are also subject to specific controls under Rule 22.5.2 to manage the effects on the flood hazard area.

Submission Name Further Submission Name	Submission Point Further Submission Point	Topic	Submission Type	Summary	Recommendation
Peter Findlay	14.14	Chapter 25.2	Oppose	The submitter seeks that the amendment to earthwork Rules 25.2.4.1 f) and g) are deleted.	Reject Rule 25.2.4.1f and g achieves the objective to minimise adverse effects on people, property and the environment.

WEL Networks	FS3.01		Opposes submission 14.14.		Accept See recommendation on submission 14.14.
Peter Findlay	14.15	Chapter 25.2	Oppose	The submitter seeks that the Earthwork volumes in Rule 25.2.4.1 h) are increased and achieve alignment of volumes in residential and other zones.	Out of scope except where related to the subdivision volumes. Reject in the case of subdivision volumes due to the sensitivity of residential areas.
Transpower	16.02	Chapter 25.2	Support	The submitter supports the retention of Rule 25.2.4.1 g) as proposed on the basis that there are no changes to Rule 25.2.4.2.	Accept
WEL Networks	FS3.02		Supports submission 16.02 in part	Supports submission in part subject to the amendments referenced in submission 22.02 being made.	Reject in part (amendments in submission 22.02) See recommendation on submission 22.02
WEL Networks	22.02	Chapter 25.2	Support in part	The submitter supports the inclusion of Rule 25.2.4.1 g) but seeks additional wording to be added to the Rule as follows: <u>“or non-compliance with the technical requirements of the network utility operator and/or any regulation or code applicable to the network utility”</u>	Reject This change would be difficult to implement and monitor through the District Plan. The proposed rule adequately captures any potential malfunction or damage to the network utility and does not impact on the requirement to comply with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP34).

Blue Wallace	25.26	Chapter 25.2	Support	The submitter supports the amendment of Rule 25.2.4.1 h) – Earthworks in All Zones and seeks the rule is retained as notified.	Accept in part See recommendation on submission 27.84.
MG Solutions	27.83	Chapter 25.2	Support	The submitter supports the amendments to Policy 25.2.21a – Earthworks.	Accept
MG Solutions	27.84	Chapter 25.2	Support	<p>The submitter supports the amendments to Rule 25.2.4.1f-h – Earthworks however they seek clarification on Rule 25.2.4.1h on whether the two x 500m³ volume of earthworks permitted would apply for a combined resource consent application for a residential development that requires building consent (including site works) and subdivision.</p> <p>The submitter also seeks clarification on earthwork volumes located inside any Natural Hazard Area, particularly Flood Hazard Areas, where there are no volumes identified under Rule 25.5.2 of the Operative District Plan (earthworks ancillary to a permitted activity, natural hazards).</p>	<p>Accept</p> <p>Recommend correction to Rule 25.2.4.1h and Table 25.2.3 to ensure that there are maximum earthwork volume standards for where earthworks are a permitted activity in the flood hazard area.</p> <p>A maximum of 500m³ can be undertaken to prepare the site as part of the subdivision and a maximum of 500m³ can be undertaken for any activity that requires building consent.</p>

Housing NZ (Kainga Ora-Homes and Communities) <i>(Late submission)</i>	30.44	Chapter 25.2	Support	Supports the amendment to Policy 25.2.2.1a)j – Earthworks and Vegetation Removal as notified.	Accept
Housing NZ (Kainga Ora-Homes and Communities) <i>(Late submission)</i>	30.45	Chapter 25.2	Support	Supports the amendment to Rule 25.2.4.1 – Earthworks as notified.	Accept

Chapter 25.5 Landscaping and Screening					
<p><u>Rule 25.5.3.1g</u> One submitter opposes the amendments to Rule 25.5.3.1g which requires a planting strip where parking is provided within the front setback as a planting strips are prone to rubbish from passing vehicles, are difficult to maintain and pose an unnecessary burden on rate payers to maintain (Submission 14.17). The planting strips are required within private property and will be the responsibility of the owners/occupiers to maintain. Low maintenance planting varieties can be chosen. There is no evidence that a planting strip increases the amount of littering.</p> <p><u>Rule 25.5.3.1h</u> One submitter opposes the proposed amendments to Rule 25.5.3.1h as the changes may reduce visibility for vehicles entering or leaving the site, particularly those areas of high-density development or which adjoin or connect to major arterials of the sensitive transport network (Submission 14.18). The minor amendments proposed under Plan Change 6 will not reduce the visibility for motorists. Existing Rules 25.5.3.3 and 25.5.4.4 will continue to ensure the visibility for vehicles entering or exiting the site or using the transport corridor, is maintained.</p>					
Submission Name Further Submission Name	Submission Point Further Submission Point	Topic	Submission Type	Summary	Recommendation
Peter Findlay	14.16	Chapter 25.5	Oppose	The submitter opposes the amendments to landscaping Rules 25.5.3.1 a) i. and ii., b) ii.	Reject Rule 25.5.3.1a)i requires a landscaping strip and 25.5.3.1a)ii requires a buffer strip. Buffer strips provide a visual

					<p>screen which is more onerous than a planting strip. Where properties back onto a Major Arterial Road, a buffer strip will ensure that the 'back of house' activities are effectively screened from highly visible corridors.</p> <p>Rule 25.5.3.1b)ii corrects an error in the existing provisions.</p>
Peter Findlay	14.17	Chapter 25.5	Oppose	The submitter opposes the amendments to landscaping Rule 25.5.3.1 g) and seeks that it is deleted.	<p>Reject</p> <p>The planting strips are required within private property and will be the responsibility of the owners/occupiers to maintain. Low maintenance planting varieties can be chosen. There is no evidence that a planting strip increases the amount of littering.</p>
Peter Findlay	14.18	Chapter 25.5	Oppose	The submitter opposes the proposed amendments to landscaping Rule 25.5.3.1 h).	<p>Reject</p> <p>Existing Rules 25.5.3.3 and 25.5.4.4 will continue to ensure the visibility for vehicles entering or exiting the site or using the transport corridor is maintained.</p>
Fonterra Ltd	21.12	Chapter 25.5	Support in part	The submitter seeks the amendment of Rule 25.5.3.1 b) as follows: " <i>Activities in the Industrial Zone (excluding the Te Rapa North Industrial Zone but including...</i> "	<p>Reject</p> <p>The landscaping standards in Rule 12.4.6 do not set landscaping standards for sites adjoining residential, special character or open</p>

					space zones. This is set out in Rule 25.5.3.1b.
Fonterra Ltd	21.13	Chapter 25.5	Support	The submitter supports the retention of Rule 25.5.4.1 – All Fences and Walls as notified.	Accept
Fonterra Ltd	21.14	Chapter 25.5	Support	The submitter supports the amendment of Rule 25.5.4.6 c) – Internal Planting requiring specimen tree planting for each addition 10 spaces rather than 5 and seeks the retention of the Rule as notified.	Accept
MG Solutions	27.85	Chapter 25.5	Oppose	The submitter opposes Rule 25.5.3.1a – Landscaping and seeks that 1 and 2 are combined as both options require 2m wide planting strip along a boundary adjoining a major transport corridor.	Reject Rule 25.5.3.1a)i requires a landscaping strip and 25.5.3.1a)ii requires a buffer strip. Buffer strips provide a visual screen which is more onerous than a planting strip. Where properties back onto a Major Arterial Road, a buffer strip will ensure that the 'back of house' activities are effectively screened from highly visible corridors.
MG Solutions	27.86	Chapter 25.5	Support	The submitter supports Rule 25.5.3.1b and e – Landscaping but seeks clarification on what a 2m wide landscaping strip is trying to achieve other than beautification.	Accept in part (no amendments recommended). The standards minimise visual impacts between zones.
MG Solutions	27.87	Chapter 25.5	Support in part	The submitter supports Rule 25.5.3.1g – Landscaping- ground level parking spaces, however	Accept Minor correction

				seeks that it needs to be split into i. and ii.	
MG Solutions	27.88	Chapter 25.5	Support in part	The submitter supports Rule 25.5.3.1h) i. – Landscaping- external ground level parking spaces in all zones, however seeks clarification on how close to the boundary the parking spaces need to be before fences or parking is required. The submitter also seeks specific detail on whether parking areas include 10 parking spaces within the same notional boundaries, or different notional boundaries.	Accept in part (no amendments recommended). Rule 25.5.3.1h)i applies to all parking areas with more than 10 spaces. This is not proposed to change under Plan Change 6. The planting required applies to the subject site.
<i>Weston Lea Ltd</i>	<i>FS4.14</i>		<i>Supports submission 27.88.</i>		<i>Accept in part.</i> <i>See recommendation on submission 27.88.</i>
MG Solutions	27.89	Chapter 25.5	Support in part	The submitter seeks clarification on the following: <ul style="list-style-type: none"> - Rule 25.5.3.1i) – Landscaping- service areas in all zones, as point ii. contradicts point i. While point ii. specifically mentions residential service areas it is vague and doesn't cover all zones that residential units can exist within. 	Accept in part An amendment is recommended to Rule 25.5.3.1i to avoid the contradiction. The intention of the rule is to make it clear no screening is required between residential units no matter what the zone.

				- Under 25.5.3.1i) ii. are residential units in other non-residential or special character zoned land like the industrial amenity protection area, the central city zone or business zones required to be screened or buffered if not visible from residential zone or character zone.	
MG Solutions	27.90	Chapter 25.5	Support	The submitter supports the amendments to Rule 25.5.4.2 – Permeable Fences.	Accept
MG Solutions	27.91	Chapter 25.5	Support	The submitter supports the amendments to Rule 25.5.4.6 – Internal Planting	Accept

Chapter 25.8 Noise and Vibration
<p>One submitter (Submission 27.92) has opposed the amendment to Rule 25.8.3.10b which lists the transport corridors considered to have high traffic volumes.</p> <p>Where a transport corridor is considered to carry high traffic volumes, specific acoustic design controls apply for dwellings. The District Plan does not currently specify what would be considered a high noise route for existing transport corridors. Hamilton City Council planners currently use the Hamilton City Council Traffic Counting Data as a guide and consider that anything with more than 5000 Annual Average Daily Traffic (ADDT) is a transport corridor carrying high traffic volumes. However, this data is only a guide given the limited counting data used to calculate the estimates.</p> <p>The rule has been amended to make it clear what is determined a transport corridor carrying high traffic volumes. The list has been formulated using the Hamilton City Council Traffic Counting Data for 2017 where there are over 5000 Annual Average Daily Traffic (ADDT). As mentioned above this list should be used as a guide only, however it forms a consistent starting point as a rule. It is clear and easy to interpret for District Plan users.</p>

Given the potential inaccuracy and changes to vehicle volumes over time it is reasonable to give applicants the chance to prove their own AADT to avoid the acoustic treatment standards. Using an ADDT to determine the traffic volumes in every case would require traffic counts by the applicant which is excessive for every application.

I note that the wording from 25.8.3.10 b)ii needs to be amended before it can be applied to Rule 25.8.3.10 b)i as this rule applies to designated transport corridors where the actual vehicle movements are unknown.

Submission Name Further Submission Name	Submission Point Further Submission Point	Topic	Submission Type	Summary	Recommendation
NZ Transport Agency	20.01	Chapter 25.8	Support in part	The submitter seeks amendment to Rule 25.8.3.10 a) iv. – Noise-sensitive Activities as follows: <i>“The Rototuna North East Character Zone, where... in accordance with 23.6.12₂ where...”</i>	Accept Minor correction
NZ Transport Agency	20.02	Chapter 25.8	Support in part	The submitter seeks the amendment of a numbering error in Rule 25.8.3.10 b) iii. as follows: <i>“...Rule 25.8.23.10 (b) (ii)...”</i>	Accept in part See Further Submission 4.16
Blue Wallace	25.27	Chapter 25.8	Support	The submitter supports the addition of iv. to Rule 25.8.3.10 iv – Noise Sensitive Activities.	Accept in part See recommendation on submissions 27.92 and 4.16
Blue Wallace	25.28	Chapter 25.8	Support	The submitter supports the deletion of 25.8.3.10 h) – Noise Sensitive Activities.	Accept
MG Solutions	27.92	Chapter 25.8	Oppose	The submitter seeks that high traffic volumes are defined rather than listing transport corridors with high traffic	Accept in part The list is clear, easy to interpret and corrects an error in the plan.

				volumes under Rule 25.8.3.10b – Noise Sensitive Activities.	
MG Solutions	27.93	Chapter 25.8	Support	The submitter supports the thresholds in Rule 25.8.3.10ii and Rule 25.8.3.10b) iii. –Noise Sensitive Activities.	Accept in part See recommendation on submission 27.92
MG Solutions	27.94	Chapter 25.8	Support	The submitter supports the amendments to Rule 25.8.3.10e – Noise Sensitive Activities	Accept
<i>Weston Lea Ltd</i>	<i>FS4.16</i>		<i>Opposes submission 27.94 in part.</i>	<i>Amend Rule 25.8.3.10b)iii to state 'For 25.8.2.10b the 40m distance shall be measured from the designation boundary if the designation does not define the location of the carriageway or if an alternative carriageway location has not been confirmed in writing by the Requiring Authority.'</i>	Accept in part Amend the rule to capture areas where the carriageway is known.

Chapter 25.13 Three Waters					
<p>One submitter (Submission 23.01 and 23.013) has opposed the use of permeable pavers as a permeable surface as the design and maintenance of permeable pavers need to be carefully considered. Permeable paving is not appropriate in locations with steeper grades and poor subsoil drainage. The submitter has stated that permeable pavers are not considered an equivalent substitute to natural permeable surfaces. As most stormwater modelling, infrastructure design and ICMPs use assumptions recognising the minimum permeable surface areas, allowing permeable paving will mean that the modelling assumptions are no longer appropriate and may under-represent stormwater effects. In addition, compliance with HCC's Comprehensive Discharge consent may not be achieved.</p> <p>Based on the risks associated with the use of permeable pavers as a permeable surface it is recommended to accept the amendments proposed in this submission.</p>					
Submission Name	Sub Point, Further Sub Point	Topic	Submission Type	Summary	Recommendation

Further Submission Name					
Hamilton City Council	23.01	Appendix 1	Oppose	<p>The submitter opposes the amendment of Appendix 1.1.2 – Definition – Permeable Surface and seeks the following wording of the definition:</p> <p>Permeable surface: Means any part of a site which is grassed or planted in trees or shrubs and is capable of absorbing water. It does not include impermeable surfaces or any area which:</p> <ul style="list-style-type: none"> a) Falls within the definition of <u>site building</u> coverage. b) Is covered by decks which do not allow water to drain through to a permeable surface. c) Is occupied by swimming pools. d) Is paved, sealed or formed to create a solid surface. 	<p>Accept</p> <p>Unreasonable risk associated with the use of permeable pavers as a permeable surface.</p>

Hamilton City Council	23.03	Chapter 25.13	Support in part	<p>The submitter seeks an amendment to Rule 25.13.4.5 a) as follows:</p> <p><i>a) In addition to Low Flow Fixtures, at least one water sensitive technique for stormwater shall be incorporated, connected to, achieved or maintained as part of any new development as identified below.</i></p> <table border="1" data-bbox="835 427 1796 943"> <thead> <tr> <th data-bbox="835 427 1077 491"><i>Where required</i></th> <th data-bbox="1077 427 1796 491"><i>Water sensitive techniques</i></th> </tr> </thead> <tbody> <tr> <td data-bbox="835 491 1077 571"><i>i. New residential units</i></td> <td data-bbox="1077 491 1796 571"> <ul style="list-style-type: none"> • <i>Detention of stormwater to 80% of pre-development runoff by an appropriate means</i> </td> </tr> <tr> <td data-bbox="835 571 1077 943"><i>ii. Other new buildings containing a kitchen, laundry or bathroom</i></td> <td data-bbox="1077 571 1796 943"> <ul style="list-style-type: none"> • <i>Permeable surfaces to achieve at least 20% above the minimum standard of the zone. <u>For the purposes of this rule the permeable surfaces may include:</u></i> <ul style="list-style-type: none"> - <u><i>Permeable paving for parking, access and manoeuvring areas associated with residential units (excluding where used for shared vehicle access)</i></u> - <u><i>Uncovered decks which allow water to drain through to a surface which can absorb water.</i></u> • <i>Rainwater tank for non-potable reuse system</i> • <i>Other equivalent feature</i> </td> </tr> </tbody> </table>	<i>Where required</i>	<i>Water sensitive techniques</i>	<i>i. New residential units</i>	<ul style="list-style-type: none"> • <i>Detention of stormwater to 80% of pre-development runoff by an appropriate means</i> 	<i>ii. Other new buildings containing a kitchen, laundry or bathroom</i>	<ul style="list-style-type: none"> • <i>Permeable surfaces to achieve at least 20% above the minimum standard of the zone. <u>For the purposes of this rule the permeable surfaces may include:</u></i> <ul style="list-style-type: none"> - <u><i>Permeable paving for parking, access and manoeuvring areas associated with residential units (excluding where used for shared vehicle access)</i></u> - <u><i>Uncovered decks which allow water to drain through to a surface which can absorb water.</i></u> • <i>Rainwater tank for non-potable reuse system</i> • <i>Other equivalent feature</i> 	<p>Accept</p> <p>Unreasonable risk associated with the use of permeable pavers as a permeable surface.</p>
<i>Where required</i>	<i>Water sensitive techniques</i>										
<i>i. New residential units</i>	<ul style="list-style-type: none"> • <i>Detention of stormwater to 80% of pre-development runoff by an appropriate means</i> 										
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<i>Kainga Ora-Homes and Communities</i>	<i>FS1.16</i>		<i>Oppose submission 25.13 in part</i>	<p><i>A more general review should be undertaken to add additional specificity across the spectrum of Water Sensitive Design measures.</i></p>	<p>Out of scope</p> <p>This submission point is not 'on' the plan change, as required under the principles established in the <i>Motor Machinists</i> case.</p>						

Three submitters question the road widths for the Large Lot Residential Zone (Submission 10.19, 25.24, 26.38). Mr Black has identified that the minimum widths are the same in all residential zones, however the Large Lot Residential Zone has a lower development density which reduces demand for walking and cycling facilities. In addition, due to larger lot size there is likely to be less demand for on-street parking. Mr Black has recommended reducing the road width in the Large Lot Residential Zone to align with NZS4404 for this zone unless this is likely to be urbanised in the future.

As per objective 4.2.11 and the associated policy, the Large Lot Residential Zone in the Percival-Ryburn area is intended to change to a zoning consistent with the adjoining land that serves the operations of the inland port. Until this occurs no change to the road width is recommended.

The Large Lot Residential Zone adjacent to State Highway 26 provides for a lower density residential development, however given the close proximity to the city and likelihood for future urbanisation the notified road widths are recommended to be retained to ensure future development potential is not compromised.

Rule 25.14.4.3 Integrated Transport Assessment

A submitter has requested to delete Rule 25.14.4.3b)i. as they oppose the requirement of a Broad ITA applying to any restricted discretionary activity in the relevant zone (Submission 27.106).

The notified plan change sought to simplify the trip generation triggers for ITA's in Rule 25.14.4.3a. However, this was not continued in Rule 25.14.4.3b relating to triggers at existing vehicle accesses. Mr Black has recommended that Rule 25.14.4.3b)i be amended to remove the reference to activity status and only require a Simple ITA in order to be consistent with 25.14.4.3a. The 100 vehicle per day trigger relates to when an auxiliary lane (e.g right-turn bay) might be triggered and remains the appropriate trigger. Based on Mr Black's expertise it is recommended to accept this submission.

Submission Name Further Submission Name	Submission Point Further Submission Point	Topic	Submission Type	Summary	Recommendation
Leonard Halgryn	02.05	Chapter 25.14	Support in part	The submitter seeks amendment to Rule 25.14.4.1a) i. by increasing the separation distance to 3m. The effect of aligning driveways with garages that meet the side setback of 1.5m, a maximum separation of 2m is not practicable.	Reject This rule is to maintain safety of footpaths, and efficiency in ensuring there is adequate space for parking on the roadside. The garage can be located on the other side of the house.

Leonard Halgryn	02.06	Chapter 25.14	Oppose	The submitter opposes Rule 25.14.4.1 e) and seeks the deletion of the standard for residential subdivisions on local roads as the road layout and devices can be used to slow down traffic making such a standard redundant.	Out of scope This submission point is not 'on' the plan change, as required under the principles established in the <i>Motor Machinists</i> case.
Waikato Farmers Trust	07.14	Chapter 25.14	Oppose	The submitter seeks the deletion of the proposed amendments to Rule 25.14.4.1 h) – Design and Access Widths. Vesting of roads places financial burden on Council for maintenance and in established parts of the city there will be space constraints to establishing a public road.	Reject A transition in cross-section width at 6 lots and 20 lots is consistent with NZS4404 and allows for the carriage way, footpaths, recessed parking and service berms.
<i>Kainga Ora- Homes and Communities</i>	<i>FS1.01</i>		<i>Supports submission 07.14</i>		<i>Reject</i> <i>See recommendation on submission 07.14</i>
CKL	10.21	Chapter 25.14	Oppose	The submitter considers limiting private ways to only 6 fee simple lots and requiring public roads to vest is inefficient and will increase Council's long term maintenance costs. The submitter seeks clarification for the rationale for requiring roads serving more than 20 lots to be collector standard and	Reject A transition in cross-section width at 6 lots and 20 lots is consistent with NZS4404 and allows for the carriage way, footpaths, recessed parking and service berms. The standard provides options for access to >20 lots, either as:

				<p>have a minimum width of 23 in Rule 25.14.4.1 h).</p> <p>The submitter seeks that the requirements should have minimum standards to determine the minimum width required.</p>	<ul style="list-style-type: none"> - Local road through Rule 23.7.5e)ii); - Collector road through Rule 23.7.5e)iii). <p>Collector roads have other infrastructure like bus routes and cycle lanes and provide a connection through a subdivision.</p> <p>Detail on the cross-section and required width is provided at Appendix 15, Table 15-6a.</p>
Chedworth Properties	13.22	Chapter 25.14	Support in part	The submitter seeks the amendment of Rule 25.14.4.1 c) to remove the minimum 15m distance requirement to separate driveways from the intersection of two local roads and ensure that driveways are only required to be separated as far as possible from any intersection.	<p>Reject</p> <p>This is already captured by the proposed wording at the beginning of the rule which states ‘where separation distance cannot be achieved the vehicle crossing shall be located as close as reasonably practicable to the furthest site boundary’.</p>
Chedworth Properties	13.23	Appendix 15	Support in part	The submitter seeks the amendment of the criteria in Appendix 15, Table 15-6 a) ii. to provide more flexibility for the design of Local and Collector Roads by reducing the legal road width and berm requirements.	<p>Out of Scope</p> <p>A reduction of service berm is out of scope with this plan change. This change would need to be re-notified given the potential impact on service authorities.</p>
<i>Weston Lea Ltd</i>	<i>FS4.06</i>		<i>Supports submission 13.23</i>		<i>Submission 13.21 is out of scope</i>

Chedworth Properties	13.24	Appendix 15	Support in part	The submitter seeks the amendment of Table 15-6 a) ii so the criteria for the Legal road width, Carriageway width and Service corridor states ' <u>Specific Design</u> ' instead of the specific widths.	Reject It would be inappropriate to provide for specific design in all circumstances. Standards are required to ensure consistency in design across the local and collector network. Major and minor arterials are typically designated or developed through structure plans and require more flexibility in their design.
<i>Weston Lea Ltd</i>	<i>FS4.07</i>		<i>Supports submission 13.24</i>		<i>Reject</i> <i>See recommendation on submission 13.24</i>
Chedworth Properties	13.25	Appendix 15	Support in part	The submitter seeks the reduction of the service berm on collector roads to 1.5m.	Out of Scope No changes proposed to Collector Road widths. This change would need to be re-notified given the potential impact on service authorities.
Chedworth Properties	13.27	General	Support in part	The submitter seeks any other consequential amendments to give effect to the matters raised in their submission.	No consequential amendments are recommended.
Peter Findlay	14.19	Chapter 25.14	Oppose	The submitter opposes Rule 25.14.4.1 h) Minimum Formation Width and Legal Widths.	Reject One-way movement is only appropriate for low volume accesses. The 3m formation for up to 6 lots is appropriate for one-way movement.

Peter Findlay	14.20	Chapter 25.14	Oppose	The submitter opposes the Internal vehicle access in Rule 25.14.4.1 i).	Reject Minimum parking and manoeuvring areas are required to ensure safe access to the site and manoeuvring within the site.
Peter Findlay	14.21	Chapter 25.14	Oppose	The submitter opposes the proposed Parking and Loading Spaces and Manoeuvring areas in Rule 25.14.4.2 f) i.	Reject The changes do not make the rule more restrictive. Compliance with the tracking curves provides certainty for assessment of manoeuvring space. Alternatively, the rule provides for compliance with AS/NZS2890.2 as per the existing rule.
Peter Findlay	14.22	Chapter 25.14	Support in part	The submitter supports Rule 25.14.4.3 – Integrated Transport Assessments Requirements but seeks an amendment to exclude a simple ITA for trip generation <1499 vpd to ensure ITA requirements align consistently between zones. The submitter also seeks that Council makes available a model to determine trip generation and its impact for development based on a ‘plug-in and play’ model or system.	Reject in part (amendment to exclude ITA) For activities generating 500-1499vpd a Simple ITA is appropriate to assess the transport effects in most zones. No assessment is required for activities in the Central City. Access to the traffic model is available for users through HCC.
Fonterra Ltd	21.15	Chapter 25.14	Support	The submitter supports the amendments to Rule 25.14.4.2 f)	Accept

				Parking spaces, loading spaces and manoeuvring areas as notified as the reference to various AS/NZ Standards is an acceptable means of compliance.	
Fonterra Ltd	21.16	Chapter 25.14	Support	The submitter supports the amendments to Rule 25.14.4.3 a) as notified which reduces the requirement for ITA and consents for small scale development.	Accept
Blue Wallace	25.29	Chapter 25.14	Oppose	The submitter opposes the requirement for a minimum 16m public road and for 6 lots to be the 16m transition point in Rule 25.14.4.1 h) – Design and Access Widths	Reject A transition in cross-section width at 6 lots and 20 lots is consistent with NZS4404 and allows for the carriage way, footpaths, recessed parking and service berms.
<i>Weston Lea Ltd</i>	<i>FS4.10</i>		<i>Supports submission 25.29</i>		<i>Reject</i> <i>See recommendation on submission 25.29.</i>
MG Solutions	27.95	Chapter 25.14	Support	The submitter supports the amendments to Rule 25.14.4.1a, b and c vehicle crossing and internal access and request that Rule 25.14.4.1a) i. is amended from 7.5 to 7.5m as it is missing the appropriate unit measurement.	Accept
MG Solutions	27.96	Chapter 25.14	Oppose in part	The submitter supports Rule 25.14.4.1h) i. design and access	Reject

				widths in relation to the minimum formation and legal width of 1-6 units however seek to amend row 2 of the table from 7-20 units to 7 units or more. The submitter also seeks that rows 3-5 be deleted as they oppose vehicle access for 7-20 units or more than 20 units to be vested as public road.	A transition in cross-section width at 6 lots and 20 lots is consistent with NZS4404 and allows for the carriage way, footpaths, recessed parking and service berms.
MG Solutions	27.97	Chapter 25.14	Support in part	The submitter supports 25.14.4.1h) ii. however seeks clarification on whether the rule includes the use of permeable paving across the right of way in accordance with the new definition of permeable surface.	Reject See recommendation on submission 23.03.
MG Solutions	27.98	Chapter 25.14	Oppose	The submitter seeks that Rule 25.14.4.1h) iii. and Rule 25.14.4.1h) iv. be deleted.	Reject A transition in cross-section width at 6 lots and 20 lots is consistent with NZS4404 and allows for the carriage way, footpaths, recessed parking and service berms.
MG Solutions	27.99	Chapter 25.14	Oppose	The submitter seeks that the amendments to Rule 25.14.4.1(i)i-iv be deleted and the previous rule be retained as this rule is too complicated and restrictive to ensure that internal vehicle access be	Reject The current rule has led to circumstances where the internal access has not been fit for purpose and it is considered necessary to provide more prescriptive requirements within the rule.

				provided with sufficient clearance.	A required free height of 4m is required for Fire Service Emergency vehicles.
MG Solutions	27.100	Chapter 25.14	Oppose	The submitter opposes the dimensions in Rule 25.14.4.4.2f) i. and Appendix 15-1h. Further discussions are required to determine suitable manoeuvring depths for residential developments.	Reject The rule provides for compliance with AS/NZS2890.2. The standard is under review which should provide any necessary updates. Tracking curves and dimensions are required to provide certainty for assessment of manoeuvring space.
MG Solutions	27.101	Chapter 25.14	Support	The submitter supports the Note under 25.14.4.4.2f	Accept
MG Solutions	27.102	Chapter 25.14	Support in part	The submitter supports Rule 25.14.4.2f) ii. however, seeks to clarify whether this rule includes the use of permeable paving for parking spaces in accordance with the new definition of permeable surfaces.	Reject See recommendation on submission 23.03
MG Solutions	27.103	Chapter 25.14	Support	The submitter supports Rule 25.14.4.2j)i in relation to sufficient onsite manoeuvring.	Accept
MG Solutions	27.104	Chapter 25.14	Oppose	The submitter seeks to amend Rule 25.14.4.2j)ii from ' <i>car parking areas</i> ' to ' <i>car parking spaces</i> ' because parking and manoeuvring for residential development with more than 4 private car parks has been	Out of scope This submission point is not 'on' the plan change, as required under the principles established in the <i>Motor Machinists</i> case.

				unnecessarily assessed as equivalent to public parking areas. Where car parking areas provided for multiple dwellings within a site, these should not be deemed ' <i>car parking areas</i> '; unless they are physically grouped side-by-side for multiple users.	
MG Solutions	27.105	Chapter 25.14	Support	The submitter supports the amendments to Rule 25.14.4.3a – Integrated Transport Assessment.	Accept
MG Solutions	27.106	Chapter 25.14	Oppose	The submitter seeks to delete Rule 25.14.4.3b) i. as they oppose for the requirement of a Broad ITA to apply to any restricted discretionary activity in the relevant zone, where vehicle access is merely retaining and upgrading the existing vehicle crossing to serve a few additional users.	Accept An ITA is only required if the activity generates more than 100 vehicles per day. Plan Change 6 simplifies the trip generation triggers in Rule 25.14.4.3a). Rule 25.14.4.3b) is also recommended to be simplified.
MG Solutions	27.107	Chapter 25.14	Support in part	The submitter seeks that Rule 25.14.4.3b) ii. be amended from ' <i>any permitted activity</i> ' to ' <i>any permitted or restricted activity in the relevant zone (including subdivision)</i> '. This is because part Rule b)i) (submission point 27.105) should apply in this rule for both permitted and	Accept in part See recommendation on submission 27.106

				restricted discretionary activities.	
MG Solutions	27.108	Chapter 25.14	Support in part	The submitter seeks clarification for Rule 25.14.4.3g that if an ITA has not been specifically identified/requested under NZTA (or any other road controlling authority), whether this would satisfy the above rule, and further traffic assessments would be required?	Out of scope This submission point is not 'on' the plan change, as required under the principles established in the <i>Motor Machinists</i> case.
Housing NZ (Kainga Ora-Homes and Communities) <i>(Late submission)</i>	30.46	Chapter 25.14	Support in part	The submitter seeks amendments to Rule 25.14.4.1a vehicle crossing standard to add flexibility with respect to separation distances in appropriate circumstances. The submitter supports the amendments Rule 25.14.4.1b and c.	Reject The standard provides flexibility for joint crossings and provides clarification on local roads where separation standard cannot be met.
Housing NZ (Kainga Ora-Homes and Communities) <i>(Late submission)</i>	30.47	Chapter 25.14	Oppose	The submitter seeks an amendment to Rule 25.14.4.1h design and access widths as it is impractical that every vehicle access to multi-unit development of 6 or more dwellings is to be vested as a public road, this would place ongoing operations and maintenance burden on Council.	Reject Access via a public road is only required for more than 20 allotments. Options for a 16m public road or 6m private way are provided for access to 7-20 allotments. A transition in cross-section width at 6 lots and 20 lots is consistent with NZS4404 and allows for the carriage way, footpaths, recessed parking and service berms.

Housing NZ (Kainga Ora-Homes and Communities) <i>(Late submission)</i>	30.48	Chapter 25.14	Oppose	The submitter seeks an amendment to Rule 25.14.4.1i to remove overly prescriptive requirements for internal vehicle access.	Reject See recommendation on submission 27.99
Housing NZ (Kainga Ora-Homes and Communities) <i>(Late submission)</i>	30.49	Chapter 25.14	Support	Supports the amendment to Rule 25.14.4.3a ITA requirements as notified.	Accept

Appendix 1.1 Definitions					
Submission Name Further Submission Name	Submission Point Further Submission Point	Topic	Submission Type	Summary	Recommendation
Assured Construction	17.03	Appendix 1	Support	The submitter supports the amendments to Appendix 1.1.2 - Definition - Net Site Area.	Accept
Assured Construction	17.08	Appendix 1	Support	The submitter supports the amendment to Appendix 1.1.2 – Definition – Integrated Residential Developments so there is no longer a requirement for the provision of shared facilities.	Accept
<i>Kainga Ora- Homes and Communities</i>	<i>FS1.14</i>		<i>Supports submission 17.08</i>		<i>Accept See recommendation on submission 17.08</i>
Da-Silva Builders	18.03	Appendix 1	Support	The submitter supports the amendments to Appendix 1.1.2 - Definition - Net Site Area.	Accept

Da-Silva Builders	18.08	Appendix 1	Support	The submitter supports the amendment to Appendix 1.1.2 – Definition – Integrated Residential Developments so there is no longer a requirement for the provision of shared facilities.	Accept
Hamilton City Council	23.02	Appendix 1	Support	The submitter supports the amendment of Appendix 1.1.2 – Definition – Impermeable Surfaces and seeks that it be retained	Accept
Blue Wallace	25.30	Appendix 1	Support	The submitter supports the revised definition of Integrated Residential Development and seeks it is retained as notified.	Accept
Blue Wallace	25.31	Appendix 1	Support in part	The submitter generally supports the acknowledgement that there is a distinction between covered decks and buildings in the amended definition of Outdoor Living Area in Appendix 1.1.2, but seeks the definition is clarified as to whether elevated decks and balconies can contribute to this area.	Accept Clarify that covered balconies can be considered as outdoor living area.
Blue Wallace	25.32	Appendix 1	Support	The submitter supports the revised definition of Permeable Surface and seeks it is retained as notified.	Reject See recommendation on submission 23.01
Property Council NZ	26.13	Appendix 1.1.2	Support	The submitter supports the amendment to Appendix 1.1.2	Accept

				Integrated Residential Development and seeks the amendment is retained.	
MG Solutions	27.110	Appendix 1.1	Support	The submitter supports the amendments to the definition of Eave.	Accept
MG Solutions	27.111	Appendix 1.1	Support in part	The submitter supports the amendments to the definition of External Outlook Area in Appendix 1 however contend to the relevant rules in Chapter 6, 7 and definition of indoor living area.	Accept See recommendations on submissions 27.54, 27.38 and 27.113.
MG Solutions	27.112	Appendix 1.1	Support	The submitter supports the amendments to the definition of Impermeable Surfaces.	Accept
MG Solutions	27.114	Appendix 1.1	Support	The submitter supports the amendments to the definition of Integrated Residential Development.	Accept
MG Solutions	27.115	Appendix 1.1	Support	The submitter supports the removal of the definition of Interfacing with a Public Place.	Accept
MG Solutions	27.117	Appendix 1.1	Support	The submitter supports the amendments to the definition of Net Site Area.	Accept
MG Solutions	27.118	Appendix 1.1	Support	The submitter supports the amendments to the definition of Net Site Area for Duplex	Accept

				Dwellings in the Residential Intensification Zone.	
MG Solutions	28.119	Appendix 1.1	Support	The submitter supports the changes to the definition of Outdoor Living Area.	Accept in part See recommendation on submission 25.31
MG Solutions	28.120	Appendix 1.1	Support in part	The submitter supports the changes to parking space however, seeks for Rule 25.14.4.2j)ii to be in accordance with the definition of ' <i>parking space</i> ' rather than ' <i>parking area</i> '.	Out of scope This submission point is not 'on' the plan change, as required under the principles established in the <i>Motor Machinists</i> case.
MG Solutions	28.121	Appendix 1.1	Support in part	The submitter supports the changes to the definition of permeable surface however seeks clarification around the definition of 'access' under the inclusion of (a) and ' <i>shared vehicle access</i> ' under the exclusion of (c)? If the use of permeable pavers was implemented within the private right of way area, would this be determined as a permeable surface. In addition, the submitter seeks to include ' <i>rock gardens</i> ' under the definition, where this is clearly permeable in nature.	Reject See recommendation on submission 23.03.
MG Solutions	28.122	Appendix 1.1	Support	The submitter supports the amendments to the definition of Residential Unit.	Accept

MG Solutions	27.124	Appendix 1.1	Support	The submitter supports the amendments to the definition of Service Area.	Accept
MG Solutions	27.125	Appendix 1.1	Support in part	The submitter supports the change to the definition of setback however suggests using 0.5m instead of 500mm.	Accept This is consistent with definitions of eave and site coverage.
MG Solutions	27.126	Appendix 1.1	Oppose	The submitter opposes the definition of Site. The submitter seeks that the District Plan is rectified to acknowledge that internal site areas are created around or within a total site development and the rules should apply in the same matter as if the site is subdivided irrespective of whether a subdivision is completed or not.	Out of scope This submission point is not 'on' the plan change, as required under the principles established in the <i>Motor Machinists</i> case.
MG Solutions	27.127	Appendix 1.1	Support	The submitter supports the amendments to the definition of Site Coverage.	Accept
MG Solutions	27.128	Appendix 1.1	Support	The submitter supports the amendments to the definition of Transport Corridor.	Accept
MG Solutions	27.129	Appendix 1.1	Support	The submitter supports the amendments to the definition of Unit Site Area.	Accept
Housing NZ (Kainga Ora-Homes and Communities) <i>(Late submission)</i>	30.50	Appendix 1.1	Support	Supports the amendment to the definition for External Outlook Area as notified.	Accept

Housing NZ (Kainga Ora-Homes and Communities) <i>(Late submission)</i>	30.51	Appendix 1.1	Support	Supports the amendment to the definition for Impermeable Surfaces as notified.	Accept
Housing NZ (Kainga Ora-Homes and Communities) <i>(Late submission)</i>	30.52	Appendix 1.1	Support	Supports the amendment to the definition for Indoor Living Area as notified.	Accept
Housing NZ (Kainga Ora-Homes and Communities) <i>(Late submission)</i>	30.53	Appendix 1.1	Support	Supports the amendment to the definition for Integrated Residential Development as notified.	Accept
Housing NZ (Kainga Ora-Homes and Communities) <i>(Late submission)</i>	30.54	Appendix 1.1	Oppose	The submitter seeks an amendment to the definition of Net Site Area and requests that it be the same as the National Planning Standards.	Out of scope This submission point is not 'on' the plan change, as required under the principles established in the <i>Motor Machinists</i> case.
Housing NZ (Kainga Ora-Homes and Communities) <i>(Late submission)</i>	30.55	Appendix 1.1	Oppose	The submitter seeks to delete the definition of Net Site Area for Duplex Dwellings in the Residential Intensification Zone as one definition for Net Site Area should be provided to avoid confusion and to be consistent with the National Planning standards.	Out of scope This submission point is not 'on' the plan change, as required under the principles established in the <i>Motor Machinists</i> case. A change to the density would require re-notification.
Housing NZ (Kainga Ora-Homes and Communities)	30.56	Appendix 1.1	Oppose	The submitter seeks an amendment to the definition of Outdoor Living Area to make it	Out of scope

<i>(Late submission)</i>				consistent with the National Planning Standards.	This submission point is not 'on' the plan change, as required under the principles established in the <i>Motor Machinists</i> case.
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Appendix 1.2 Information Requirements					
Submission Name Further Submission Name	Submission Point Further Submission Point	Topic	Submission Type	Summary	Recommendation
Ministry of Social Development <i>(Late submission)</i>	28.03	Appendix 1.2	Support	Supports the removal of the additional information requirement 1.2.2.16 Managed Care Facilities Information Pack.	Accept
<i>Kainga Ora- Homes and Communities</i>	<i>FS1.29</i>		<i>Supports submission 28.03</i>		<i>Accept See recommendation on submission 28.03</i>
Housing NZ (Kainga Ora-Homes and Communities) <i>(Late submission)</i>	30.57	Appendix 1.2	Support	Supports the amendment to the information requirement for engineering plans (1.2.1f and 1.2.2.1c) as notified.	Accept
Housing NZ (Kainga Ora-Homes and Communities) <i>(Late submission)</i>	30.58	Appendix 1.2	Support	Supports the amendment to information requirement 1.2.2.1a General Requirements as notified.	Accept
Housing NZ (Kainga Ora-Homes and Communities) <i>(Late submission)</i>	30.59	Appendix 1.2	Support	Supports the amendment to information requirement 1.2.2.2c Subdivision Site Analysis as notified.	Accept
Housing NZ (Kainga Ora-Homes and Communities)	30.60	Appendix 1.2	Support	Supports the amendment to information requirement	Accept

<i>(Late submission)</i>				1.2.2.2c Subdivision Concept Plan as notified.	
Housing NZ (Kainga Ora-Homes and Communities) <i>(Late submission)</i>	30.61	Appendix 1.2	Support	Supports the amendment to information requirement 1.2.2.4 Landscaping Plan as notified.	Accept
Housing NZ (Kainga Ora-Homes and Communities) <i>(Late submission)</i>	30.62	Appendix 1.2	Support in part	The submitter seeks the provision of additional detail in 1.2.2.5 water impact assessment to clarify the difference between the 'Type 1' and 'Type 2' of water impact assessment processes, and the specific circumstances when each will be required.	Accept Consequential change recommended to make it clear that Type 1 is Residential Activities and Type 2 is other activities.
Housing NZ (Kainga Ora-Homes and Communities) <i>(Late submission)</i>	30.63	Appendix 1.2	Support	Supports the amendment to information requirement 1.2.2.15 Waste Minimisation Plan as notified.	Accept
Housing NZ (Kainga Ora-Homes and Communities) <i>(Late submission)</i>	30.64	Appendix 1.2	Support	Supports the amendment to information requirement 1.2.2.16 Managed Care Facilities information pack as notified.	Accept
Housing NZ (Kainga Ora-Homes and Communities) <i>(Late submission)</i>	30.65	Appendix 1.2	Support	Supports the amendment to 1.4.1.2 how to use the design guide as notified.	Accept

Other					
Submission Name Further Submission Name	Submission Point Further Submission Point	Topic	Submission Type	Summary	Recommendation

Warren Stace	01.01	Planning Map 33A	Support	The submitter supports the rezoning of Lot 2 DP 425316 to Destination Open Space as the current Special Natural Zone places unnecessary restrictions on the planting of indigenous vegetation and is contrary to the establishment of the Natural Heritage Park.	Accept
Warren Stace	01.02	Planning Map 33B	Support in part	Seeks an update to Features Map 33B to show extent of Significant Natural Area No.12	Out of scope This submission point is not 'on' the plan change, as required under the principles established in the <i>Motor Machinists</i> case.
Warren Stace	01.03	Other	Support in part	Seeks that Council prepare a draft Reserve Management Plan to inform the public of the intention for the management of the 5.1ha addition to the Natural Heritage Park.	Out of scope This submission point is not 'on' the plan change, as required under the principles established in the <i>Motor Machinists</i> case. This will occur as part of a separate review under the Reserves Act 1977.
Leonard Halgryn	02.07	Planning Maps	Support in part	The submitter seeks where relevant on planning maps, private allotments that are zoned for a principal purpose such as Residential should be updated so other zones not intended for the principle use	Out of scope This submission point is not 'on' the plan change, as required under the principles established in the <i>Motor Machinists</i> case.

				<p>(e.g Natural Open Space) do not encroach into the boundaries.</p> <p>The submitter also seeks the updating of the Gully Hazard Overlay boundaries in areas that have been developed and changed the geotechnical profile of a site, for example Te Huia Drive vicinity Bosun Place, and Batten Drive.</p> <p>The submitter also seeks a live and updated set of maps rather than that static maps contained in the District Plan.</p>	
Gallagher	08.04	General	Support	The submitter supports the proposed plan change in terms of the change to permitted activity status requiring less Resource Consents, provided that no more complex rules are included once other resource consents are applied for.	<p>Accept in part</p> <p>Additional rules have been included where an activity been made permitted</p>
<i>Kainga Ora- Homes and Communities</i>	<i>FS1.02</i>		<i>Supports submission 08.04</i>		<p><i>Accept in part</i></p> <p><i>See recommendation on submission 08.04.</i></p>
CKL	10.13	Chapter 5	Oppose	The submitter seeks that all consequential amendments to changes in Chapter 4 should be made to Chapter 5.	<p>Out of scope</p> <p>This submission point is not 'on' the plan change, as required under the</p>

					principles established in the <i>Motor Machinists</i> case.
<i>Weston Lea Ltd</i>	<i>FS4.03</i>		<i>Opposes submission 10.13 in part</i>	<i>Review through future plan change.</i>	<i>Submission 10.13 out of scope</i>
CKL	10.22	General	Support in part	The submitter seeks any consequential amendments as a result of the submitters submission points.	No consequential amendments are recommended
Johnnybro Development	11.01	Other	Oppose	The submitter seeks the removal of the Peacocke Master Plan.	Out of scope This submission point is not 'on' the plan change, as required under the principles established in the <i>Motor Machinists</i> case.
<i>Weston Lea Ltd</i>	<i>FS4.04</i>		<i>Opposes submission 11.01 in part</i>		<i>Submission 11.01 out of scope</i>
Johnnybro Development	11.02	Other	Oppose	The submitter seeks the reduction of lot sizes in the Peacocke Gully area to 400m ² .	Out of scope This submission point is not 'on' the plan change, as required under the principles established in the <i>Motor Machinists</i> case.
<i>Weston Lea Ltd</i>	<i>FS4.05</i>		<i>Opposes submission 11.02 in part</i>		<i>Submission 11.02 out of scope</i>
Johnnybro Development	11.03	Other	Oppose	The submitter seeks the reduction of lot sizes in the Rotokauri Ridgeline area to 400m ² and the ability to build duplex type buildings.	Out of scope This submission point is not 'on' the plan change, as required under the

					principles established in the <i>Motor Machinists</i> case.
Johnnybro Development	11.04	Other	Neutral	The submitter seeks the removal of red tape or some complicated, bureaucracy cost procedures.	Noted
Johnnybro Development	11.05	Other	Oppose	The submitter seeks further time to consider a plan change that changes a wide range of rules in the future.	Reject
Chedworth Properties	13.26	Planning Maps	Support in part	The submitter seeks that amendment of Map 29B to remove the Waikato Riverbank and Gully Hazard Area overlay that extends into Greenhill park.	Out of scope This submission point is not 'on' the plan change, as required under the principles established in the <i>Motor Machinists</i> case.
Peter Findlay	14.01	Chapter 2	Support in part	The submitter generally supports the elements of Chapter 2 but seeks that the Chapter is re-framed so it can organically and appropriately respond to growth, National Policy Statement directives, Corridor and Metro and Spatial plans currently under consideration.	Out of scope This submission point is not 'on' the plan change, as required under the principles established in the <i>Motor Machinists</i> case.
Peter Findlay	14.02	Chapter 2, Planning Maps	Oppose	The submitter opposes the extent of the CBD in Figure 2.1a as it does not respond appropriately to the 'Purpose' outlined in sections 2.1 and 4.1.	Out of scope This submission point is not 'on' the plan change, as required under the principles established in the <i>Motor Machinists</i> case.

Peter Findlay	14.23	General	Support in part	The submitter seeks any amendments as necessary to address the matters raised in their submission.	No consequential amendments are recommended
Transpower NZ	16.03	Planning Maps	Support	<p>The submitter supports the retention of Planning Maps 4A & B, 10A & B, 29A & B, 28A & B and 48A & B as notified in respect of the Electricity Transmission Corridors.</p> <p>The submitter also seeks confirmation that the Maps shown in Appendix 8 to the Section 32 Evaluation do not show the full extent of the changes and that the Planning Maps, Appendix 17 of the Proposed Plan Change are correct.</p>	<p>Accept</p> <p>I can confirm that the maps shown in Appendix 8 do not show the full extent of the correction, only where there is an increase in the Transmission Corridor on each property. The planning maps in Appendix 17 are correct.</p>
Assured Construction	17.17	General	Support in part	The submitter seeks any other consequential amendments to give effect to the submitters requested changes.	No consequential amendments are recommended.
Da-Silva Builders	18.17	General	Support in part	The submitter seeks any other consequential amendments to give effect to the submitters requested changes.	No consequential amendments are recommended
Fonterra Ltd	21.11	Chapter 12	Oppose	The submitter seeks the amendment of Rule 12.4.1 iii) to reduce the required building setback to 3m.	<p>Out of scope</p> <p>This submission point is not 'on' the plan change, as required under the</p>

					principles established in the <i>Motor Machinists</i> case.
Fonterra Ltd	21.17	General	Support in part	The submitter seeks all necessary and consequential amendments to the specific provisions submitted on, including any necessary changes to cross references and any further relief considered necessary to give effect to the submissions raised.	Accept in part See recommendation on submission 21.08
WEL Networks	22.01	General	Support in part	The submitter supports the Plan Change as it will improve the effectiveness of the District Plan in enabling development. However, the submitter seeks that Council engages with them early for any future Plan Changes.	Accept in part (improve effectiveness of the District Plan)
David and Barbara Yzendoorn	24.01	Planning Maps, Residential Zone,	Support in part	The submitter seeks that their property 29 Petersburg Drive should be rezoned Residential with an Environmental Protection Overlay; or A new rule included as follows: <i><u>Residential activity (in line with general residential rules) should be a permitted activity on any land that is privately owned</u></i>	Out of scope This submission point is not 'on' the plan change, as required under the principles established in the <i>Motor Machinists</i> case.

				<u>within the Natural Open Space zone;</u> or Council amends the zoning of the property at 29 Petersburg Drive so the Natural Open Space is only covering the actual Gully.	
Property Council NZ	26.14	Chapter 5	Oppose	The submitter seeks that Chapter 5 be amended to align with the development controls where appropriate with those in Chapter 4.	Out of scope This submission point is not 'on' the plan change, as required under the principles established in the <i>Motor Machinists</i> case.
<i>Weston Lea Ltd</i>	<i>FS4.11</i>		<i>Opposes submission 26.14 in part</i>		<i>Submission 26.14 is out of scope</i>
Housing NZ (Kainga Ora-Homes and Communities) <i>(Late submission)</i>	30.01	Chapter 2	Support	Supports the amendment to the explanation in 2.2.7 – Residential Development as notified.	Accept
Housing NZ (Kainga Ora-Homes and Communities) <i>(Late submission)</i>	30.66	General	Support in part	The submitter seeks any such further or other relief, or consequential amendments, as are considered appropriate and necessary to address the concerns raised in their submission.	Accept in part See recommendation on submission 30.62.