

Attachment 4 Section 32AA Assessment – Inclusion of a Compulsory Notification Provision in the General Residential Zone (GRZ).

Introduction

The amendments recommended to PC5 as part of the consideration and assessment of submissions have resulted in changes to how medium density developments are provided for within the District Plan compared with the as notified version of the plan change. This is to ensure greater clarity and understanding (for both residents and developers) of where these types of developments are best located and considered appropriate (i.e. the MRZ).

The MRZ is recommended within a 400m walkable catchment of the Hastings CBD and town centres of Flaxmere and Havelock North. The spatial extent of the proposed MRZ as recommended has increased significantly and meets central government direction outlined in the NPS-UD.

Medium density development (Comprehensive Residential Development) is only recommended to be provided for in the GRZ within the existing new urban development areas of Howard St, Hastings and Brookvale, Havelock North (subject to a density limit of 1 dwelling per 250m²).

Submissions on the plan change have requested that medium density development outside those areas considered appropriate for this activity be publicly notified. Including a compulsory public notification rule for the GRZ (outside the existing new urban development areas) is considered to have merit in enabling the community to raise concerns in respect of higher density housing in neighbourhoods that are not considered to be the best locations for intensive residential development.

Evaluation

This section 32AA assessment considers whether the inclusion of a compulsory notification provision in the GRZ¹ is the most appropriate way to meet the objectives noting that these include the objectives of PC5 as well as those of the Operative Hastings District Plan (OHDP).

¹ A compulsory notification provision is not recommended within the existing new urban development areas in the GRZ given that the current amenity and character of these areas is expected to change significantly through enabling residential development. In these greenfield areas, higher densities can more easily be integrated given there are less constraints to good design outcomes and greater opportunity for mitigation of the impacts of the intensity of development.

<p>OHDP & PC5 Objectives and Policies</p> <p>RO1 To enable a diverse range of housing that meets the needs of the community while offering protection to the amenity of neighbouring properties and the local environment.</p> <p>RP1 To provide for diversity by zoning areas of the Hastings residential environment to recognise different characters and to appropriately manage different types of residential development.</p> <p>RO2 To ensure the amenity and character of the environment is maintained and enhanced by managing design, layout, intensity and land use activities.</p> <p>HNRO1 New developments will be of a design, scale, layout and intensity that is consistent and compatible with the planned urban built form environment of the relevant Havelock North zone.</p> <p>FRO1 Ensure that growth within the residential environment of Flaxmere is managed in a manner that enables efficient land use management and development where appropriate and suitable for the community.</p>	<p>The rule would only be relevant where a development was assessed as having minor or less than minor effects, and would usually be eligible to be processed without public notification (i.e. if the effects were more than minor, notification would be required regardless). The rule is intended to reflect feedback received as part of PC5 that even where effects are assessed as minor, the community wishes to have the opportunity to comment on amenity as reflected in RO1. Including a compulsory notification provision in the GRZ's of Hastings, Flaxmere and Havelock North where proposals include sites that have an area less than 300m² will enable the community to participate in the assessment process by including the raising of any concerns in relation to the intensity of development and in respect of the amenity and character of the zone and impacts on the planned urban built form environment. It is important to acknowledge that smaller sites will not necessarily be inappropriate, however they are considered more likely to give rise to these types of concerns amongst the relevant community. Including this rule would assist to meet these objectives and policies which seek to ensure that the intensity of development is:</p> <ul style="list-style-type: none"> • appropriate and suitable for the community; • maintains and enhances the amenity and character of the environment; and • protects the amenity of neighbouring properties and the local environment.
<p>Effectiveness and Efficiency</p>	<p>The inclusion of a compulsory notification provision within the GRZ's is an effective way to ensure that the community has an opportunity to comment on, and assist in scrutinising, the intensity of development within the GRZ. It is effective in achieving what is envisaged by the objectives and policies and performance standards which set out what constitutes the planned urban built form environment and amenity outcomes for the zone.</p> <p>Such a provision will assist to provide certainty (for both applicants and residents alike) that developments (that include site sizes below 300m² in the GRZ) will be subject to greater</p>

	<p>scrutiny through notification. It will ensure decisions as to whether to approve development proposals, and potential impacts on the amenity and character of the residential environment, are fully considered with public input, thereby achieving the objectives and policies.</p> <p>Compulsory notification of certain applications is considered an efficient mechanism to create certainty both for the residential community and the development community as to the process that will apply for lower density development within the GRZs, with a view to fully achieving the objectives and policies for the zones.</p> <p>It would also create a clear demarcation between the GRZ and MRZ in terms of dwelling intensity levels encouraging developments that have site sizes under 300m² to locate within the MRZ further promoting the efficient use and development of the MRZ which has been identified as suitable for higher densities.</p> <p>The inclusion of such a provision would assist to promote and encourage medium density developments to locate within proximity of the centres and therefore within the MRZ where they are provided for and can be undertaken through less onerous consenting processes.</p>
<p>Costs</p>	<p>A compulsory notification provision increases the cost and risk for applicants and developers associated with development in the GRZ for proposals that exceed the density limits by more than 50m², that is those that include site sizes of less than 300m². The deposit fee (based on fees set for the 2024-2025 year) for a publicly notified application is \$20,000 (currently \$16,000) compared to \$1,500 – 2,500 for non-notified (depends on the activity status) and \$10,000 for limited notified (currently \$8,000).</p> <p>Note that applications may have needed to be publicly or limited notified in any event, following an assessment of effects. The cost of the rule is therefore the difference between the possibility of needing to go through public notification, versus certainty of that route.</p>

	<p>There is the potential that these notification costs could mean that existing (or amalgamated) large sites within the GRZ that are located close to commercial and community amenities may not be developed as efficiently as they might be if a compulsory notification provision was not imposed.</p>
<p>Benefits</p>	<p>Will provide certainty to the community within GRZ areas that development proposals with site sizes less than 300m² will be notified, enabling public participation and greater scrutiny and assessment of such proposals that do not meet the density standards.</p> <p>Provides certainty to applicants and developers that public notification will be required if sites sizes are less than 300m², (meaning costs and risk increase which in turn encourages the density provision of 1 dwelling per 350m² to be met or alternatively that an alternative, more suitable location within the MRZ is found).</p> <p>Provides a greater degree of certainty for Council as the infrastructure service provider for the funding of the level of services in the GRZ.</p> <p>Creates a distinction between the development levels anticipated in the GRZ and MRZ and efficiently and effectively encourages more intensive developments to locate within the MRZ ensuring this land is used in the most efficient manner and takes advantage of the servicing provision and location of commercial, recreational and community amenities in proximity to this zone.</p>
<p>Risk of Acting or not acting if there is uncertain or insufficient information</p>	<p>The information available is sufficient and certain and therefore it is not necessary to assess this risk.</p>

Most Appropriate Option

The inclusion of a compulsory notification provision within the GRZ for development proposals with site sizes less than 300m² is considered to be appropriate in order to provide an opportunity for community input to achieve the objective and policies of the GRZ regarding meeting the community's needs and protecting amenity.

Such a provision would also assist to clearly distinguish between the outcomes sought in the MRZ and GRZ. It is considered that the inclusion of such a provision would send a clear signal as to the density of development that is appropriate within the GRZ and as such this provision is supported. This provision is considered more appropriate than the s42A recommended provisions which did not include such a rule in the GRZ.