

HASTINGS DISTRICT COUNCIL

HEARINGS COMMITTEE
RECOMMENDATIONS

**FROM COUNCIL INITIATED
PLAN CHANGE HEARING ON 25 MARCH 2019**

INNER CITY LIVING (VARIATION 5)

TOPIC 1 – SUPPORT FOR VARIATION 5

- A) That the submissions of *Simon Dunn, Wallace Development Company (1), Alison McMinn (6), Marina Dinsdale (7) and Heritage New Zealand Pouhere Taonga (9)* that are in support of Variation 5 as notified *be accepted in part*, noting that the minimum size of studios is considered under Topic 4 (studio size) and Topic 11 (clarification note to be added to Rule Table 7.3.4.1).
- B) That the further submission of *Ken Wheadon (FS1)* in support of Variation 5 *be accepted*.

REASONS:

- 1) That these submissions are consistent with the findings of the Section 32 evaluation that concluded that the proposed amendments are the most efficient and effective way to achieve the purpose of the Proposal.
- 2) That the submissions result in the sustainable management of the physical resources of the Hastings inner city.

TOPIC 2 – VENTILATION OF BUILDINGS

- A) That the submission point 1 of *Hawke's Bay District Health Board (HBDHB) submission (5) be rejected* in so far as amending the performance standard 25.1.7C(a)(ii) Noise Sensitive Activities, as applies to the Central Commercial Zone.
- B) That the further submission from *Heritage New Zealand Pouhere Taonga (FS2)* in response to the original submission from *Hawke's Bay District Health Board, be accepted*.

REASONS:

- 1) That ventilation of buildings is regulated by the Building Code and Building Act 2004 and therefore the District Plan is not considered the appropriate mechanism to regulate ventilation.
- 2) That the noise provisions in the District Plan are in accordance with best practice and provides for the health and wellbeing of the community; and alteration is not considered necessary.

TOPIC 3 – PROXIMITY OF LICENSED PREMISES TO RESIDENTIAL ACTIVITY – LIQUOR AND/OR GAMBLING

- A) That submission point 2 of *Hawke's Bay District Health Board (HBDHB) (5) be rejected* in so far as requesting that the proximity of new licensed premises (and those with gambling machines) in relation to inner city living be considered in the Proposed District Plan.

REASONS:

- 1) That the concerns about the proximity of licenced premises to residential activity in the Hastings inner city are more appropriately managed with under the jurisdiction of the Sale and Supply of Alcohol Act 2012 and the Class 4 Gambling Venue policy than the Proposed Hastings District Plan.
- 2) That the amenity and good order under the Sale and Supply of Alcohol Act provides the controls and criteria to appropriately manage the effects of licensed premises.
- 3) That consultation with the community is a statutory requirement of any changes to the District Plan, amendments to liquor and/or gambling policy.

TOPIC 4 – THE MINIMUM SIZE OF STUDIOS

- A) That submission point 3 of the *Hawke's Bay District Health Board (5) to Variation 5 **be accepted in part*** in so far as the minimum size for studios be amended as follows:

7.3.6C RESIDENTIAL ACTIVITIES

<ol style="list-style-type: none"> 1. N/A 2. N/A — 3. Above-Ground Floor Residential Activities <ol style="list-style-type: none"> a) The minimum net floor area for Residential Units in the Central Commercial Zone is: <ul style="list-style-type: none"> • Studio – 40m² 35m² • 1 Bedroom - 50m² • 2 Bedroom - 70m² • 3 or more Bedrooms - 90m² <p><i>1) Note: For the purpose of applying this rule, the minimum unit area shall not include car parking, garaging or balconies allocated to each unit.</i></p> 	<p><u><i>Outcome(s)</i></u> <i>To ensure adequate living space for the comfort and amenity the occupants of the above-ground level residential units.</i></p> <p><i>Generous dimensions will allow for a flexible range of uses for the enjoyment of the occupiers and to ensure that and balconies relate well to the internal layout of the residential unit.</i></p>
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- B) That the meaning of “studio” is included in the District Plan list of definitions, as follows:

Studio: means a Residential Unit that consists of a multifunctional room which serves as a living area and bedroom, contains a kitchen but has a separate bathroom.

REASONS:

- 1) That increasing the minimum floor area for studios from 35m² to 40m² will provide more space for occupiers whilst maintaining flexibility and range for the size of above-ground level residential units.
- 2) That the increase in the minimum size will better provide for the social wellbeing of the community and for their health and safety.
- 3) That the meaning of “studio” is clarified.

5.0 TOPIC 5 - RESIDENTIAL ACTIVITY AT GROUND FLOOR LEVEL

- A) That the submission of Ruth Vincent, Landmarks Trust (9) to allow residential and mixed use development at ground floor level as a permitted activity in the back of buildings within the Central Commercial Zone away from the continuous retail/commercial frontage, be rejected.
- B) That the further submission of Heritage New Zealand Pouhere Taonga (FS2) in support of original submission of Ruth Vincent, Landmarks Trust, be rejected.

REASONS:

- 1) That residential activity at ground floor level is provided for as a Discretionary Activity in the Hastings Central Commercial Zone and this is considered the most appropriate and sustainable method of managing the balance between commercial activity and residential activity so that commercial activity remains the principal activity at ground floor level.
- 2) That allowing residential activity at ground-floor level creates a risk, with effects not known, that could change the character and function of the CBD.
- 3) That the vibrancy of the Hastings CBD could be compromised if ground-floor level commercial land is lost to residential activity. This may result in a shortage of commercial land in the heart of Hastings to meet future demands and risk needing to expand the Central Commercial zone which could dissipate the vibrancy of the CBD.

TOPIC 6 – THAT THE PARKING EXEMPTION SHOULD APPLY TO WHOLE CENTRAL COMMERCIAL ZONE

- A) That the submission of Michael Bate (2) seeking to extend the residential parking exemption to the whole Central Commercial zone be rejected.

REASONS:

- 1) That extending the parking exemption to the whole Central Commercial Zone could result in residential activity being widely dispersed which would have less benefit in achieving the goal of a vibrant city centre, which is centred around the 100, 200 and 300 blocks east and west.
- 2) The amendments to performance standard 26.1.6D are assessed as being the most efficient and effective way to improve the vibrancy of the Hastings city centre.

TOPIC 7 – OUTDOOR LIVING SPACE

- A) That the submission of *Rochelle Horne (4)* requesting that Outdoor Living Space should not be limited to north facing orientation, *be rejected*.

REASONS:

- 1) That the operative outdoor living space performance standard for orientation to the sun is appropriate and consistent with best practice urban design.
- 2) That the operative outdoor living space performance standard for orientation to the sun provides for a range of orientations including north-east facing, north facing or north-west facing, so that the balcony can benefit from the morning, all day or afternoon sun.
- 3) That south facing outdoor living space is not aligned with best practice and can be addressed on an individual basis via resource consent.

TOPIC 8 – PARKING FOR RESIDENTS

- A) That the submission of *Rochelle Horne (4)* requesting secure, subsidised parking areas be available to residents, *be rejected* in so far as it is beyond the Scope of what can be addressed in the Variation.

REASONS:

- 1) That the requests sought by this submission point are beyond the scope of the Variation and cannot therefore be addressed as part of this process.
- 2) That if the addition of residential living in the CBD creates a change to parking patterns and demand in future, that Council has the ability to review its parking management.

CARRIED

TOPIC 9 – RECYCLING IN THE CBD

- A) That the submission of *Rochelle Horne (4)* requesting kerbside recycling in the inner city, *be rejected* in so far as the submission is beyond the Scope of what can be addressed in the Variation.

REASONS:

- 1) That the request sought by this submission point is beyond the scope of the Variation and cannot therefore be addressed as part of this process.
- 2) That kerbside recycling is managed under the Hastings District Council/Napier City Council Joint Waste Management and Minimisation Plan 2018-2024 (WMMP).

TOPIC 10 – NOISE CONTROLS

- A) That the submission of *Rochelle Horne (4)* requesting explanation of the noise controls that apply in the Central Commercial zone, *be accepted in part* in so far as the noise controls have been explained.

REASONS:

- 1) That the request sought by this submission point is beyond the Scope of Variation 5.
- 2) That a response to the query raised has been provided to assist with understanding the District Plan noise provisions.

TOPIC 11 – CLARIFICATION

- A) That the submission of *Hastings District Council (3)* requesting consideration be given to either changing the rule or activity table of Section 7.3.4.1 or include a definition of above-ground residential activity or some alternative mechanism to make explicit that above ground residential activities can include a pedestrian entrance at ground level and associated ground level rear lane access or basement garaging and service areas *be accepted in part* in so far as the following note be added to the bottom of Rule Table 7.3.4.1:

Rule CCR3	Residential activities; and / or Comprehensive Residential Development that are above-ground floor level; and / or Mixed use Development	Permitted Activity
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	wherein the residential activity is above ground floor level. ⁴	
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⁴For clarification purposes the Permitted Activity status applying to Rule CCR3 includes a pedestrian entrance at ground floor level and associated ground floor level vehicle access, parking, garaging and service areas.

- B) That the further submission of *Heritage New Zealand Pouhere Taonga (FS2)* in support of *HDC's submission be accepted.*

REASONS:

- 1) That given the upscaling of above-ground level residential activity in the Central Commercial zone it is appropriate to include a clarification around the aspects that can be provided for at ground floor level.
- 2) That adding a note is the most appropriate way to provide clarification of permitted inclusions in Rule CCR3.

That the recommendations from this hearing be forwarded to Council for consideration, adoption and subsequent public notification.

Confirmed:



Chairman: Cr Lyons, Chair of Hearings Committee

Date: 21 May 2019