



**Ministry for Cities, Environment,
Regions & Transport**

Report of investigation of New Plymouth District Plan provisions

RMA Sections 360I – 360L



New Zealand Government
Te Kāwanatanga o Aotearoa

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Introduction

Purpose of report

Recent amendments to the Resource Management Act 1991 (RMA) introduced a new power for the Minister for the Environment (now delegated to the Minister Responsible for RMA Reform) to recommend regulations to remove or modify plan and policy statement provisions that are negatively impacting economic growth, development capacity or employment.

The mayor of New Plymouth requested that the new power be used to investigate specific operative provisions in the Part Operative New Plymouth District Plan 2025 (NPDP). Minister Bishop agreed to receive further advice on the request and initiate an investigation in accordance with section 360J(1) of the RMA.

This report has been prepared in accordance with section 360J(2) of the RMA to set out the findings of the investigation. This report makes recommendations on how the NPDP provisions could be modified to lessen negative impacts on economic growth, development capacity and employment while ensuring the requirements of section 360I(2)(c) are met and that any amendments are consistent with Part 2 of the RMA.

A draft set of recommended amendments to the NPDP provisions is attached as Appendix A.

Background of request

Max Bough, the mayor of New Plymouth, wrote a letter to Minister Bishop on 11 November 2025 requesting that the minister consider making various amendments to the NPDP under section 360I (s360I) of the RMA.

Ministry for the Environment (MfE) officials contacted New Plymouth District Council (NPDC) staff to discuss the request and seek further information on the specific amendments sought. NPDC staff provided further information on 28 November 2025, including tracked changes to various NPDP provisions to illustrate the amendments sought.

Additional information was provided by NPDC staff in January to March 2026 to inform this investigation and report.

Scope of investigation

Based on the further information provided by NPDC, the scope of the investigation is limited to a defined set of topics and provisions within the NPDP. Table 1 sets out the topics and provisions that are within scope of the investigation and report. Consequential amendments to the numbering of other provisions and cross references would also be required where rules are proposed to be deleted. This investigation has not considered amending other provisions throughout the NPDP through regulations under s360I.

Table 1: Topics and NPDP provisions in scope of s360I investigation

	Topic	Amendment requested by NPDC	Affected NPDP provisions
1	Eave exemptions in Residential Zones	Amend the effects standards in Residential Zones so eaves up to 600mm are not included when assessing building coverage and height in relation to boundary.	LRZ-S2, LRZ-S3, GRZ-S2, GRZ-S3, MRZ-S2, MRZ-S3 and MRZ-S4
2	Outlook space in Residential Zones	Delete the outlook space requirements in all Residential Zones.	LRZ-S6, LRZ Figure 15, GRZ-S6, GRZ Figure 22, MRZ-S7 and MRZ Figure 30
3	Outdoor living spaces in Residential Zones	Amend the outdoor living space requirements in the Residential Zones to clarify that the larger minimum areas only apply at ground level.	LRZ-S5, GRZ-S5 and MRZ-S6
4	Parking for people with disabilities	Delete effects standards requiring parking spaces for people with disabilities.	TRAN-S7 and TRAN-S13
5	Driveway width requirements	Reduce the minimum formed driveway width from 3.5m to 3.0m in certain circumstances.	TRAN-S19 and TRAN-S20
6	Indicative road transport network definition	Amend the definition of 'indicative road transport network' to exclude indicative roads that have been formed and vested as a road.	Indicative Road Transport Network definition
7	Earthworks cut depth and fill height	Amend the earthworks effects standards to allow for slightly increased cut depths and fill heights near site boundaries in specified zones.	EW-S2 and EW Figure 10
8	Alterations and additions in the City Centre and Town Centre Zones	Amend the activity status for alterations and additions in the City Centre and Town Centre Zones from restricted discretionary to permitted where the zone effects standards are complied with.	CCZ-P5, CCZ-P8, CCZ-P9, CCZ-R16, CCZ-R17, TCZ-P5, TCZ-P7, TCZ-P8, TCZ-R16 and TCZ-R17
9	Living activities in the Mixed Use Zone	Amend the Mixed Use Zone provisions to provide for living activities and residential visitor accommodation as permitted activities and food and beverage retail stores as restricted discretionary activities	MUZ Overview, MUZ-P1, MUZ-P2, MUZ-P3, MUZ-P4, MUZ-R6, MUZ-R7, MUZ-R9, MUZ-S1 and MUZ Figure 49

Approach of investigation

The MfE guidance¹ on s360I regulations provides useful direction on the steps required to make regulations and outlines the safeguards proposed to ensure regulations are made responsibly and only when appropriate. These are:

- evidence first – the minister must investigate and produce a public report that supports their decision that the statutory criterion of a negative impact on economic growth, development capacity or employment is met
- consultation – affected councils and parties must be consulted
- Treaty protections – regulations cannot change provisions in plans or policy statements that have been included in recognition of an obligation or right under a Treaty of Waitangi settlement, the Marine and Coastal Area (Takutai Moana) Act 2011, the Ngā Rohe Moana

¹ Ministry for the Environment. [Regulation-making power to alter local authority plans and policy statements](#). Retrieved 9 February 2026.

o Ngā Hapū o Ngāti Porou Act 2019, or a mana whakahono ā rohe, or joint management agreement under the RMA

- national direction – changes cannot be inconsistent with national direction under the RMA
- all actions must comply with the purpose and principles in Part 2 of the RMA.

The guidance outlines that this approach ensures the minister has sufficient discretion to make an informed judgement about whether the scale and significance of the impact on economic growth, development capacity or employment justifies intervention. There are statutory process steps² that must be followed to make these regulations under the RMA. These are:

- the minister must investigate to determine if the plan or policy statement provisions are having a negative impact on economic growth, development capacity or employment, and that other statutory criteria are met. The minister must produce a report detailing the investigation and making recommendations on whether provisions should be removed or modified by regulations.
- this report must be provided to the council for response and made publicly available
- a consultation process for affected parties follows
- as a final step, the minister considers the feedback from consultation and the council's response, and takes the decision as to whether to make regulations to remove or modify the provisions in the plan or policy statement.

To carry out an investigation into the NPDP provisions and prepare a report for wider consultation, we have taken the following approach:

- Assemble the relevant background material and evidence. This includes:
 - the NPDP and specifically the provisions set out in Table 1
 - documents relating to the NPDP notification and decisions on the provisions set out in Table 1 where relevant
 - resource consents data provided by NPDC related to the provisions set out in Table 1
 - qualitative information related to the provisions set out in Table 1.
- Carry out targeted meetings with NPDC staff. The views of other parties likely to be affected by changes to the provisions will be sought as part of the section 360L consultation process. This will take place after the investigation has been conducted, and the report is released to the public.
- Consider options for amendments to the NPDP based on the above information and the minister's direction to consider provisions that are negatively impacting economic growth, development capacity or employment.
- Prepare this report as the basis for consultation.

² Sections 360K and 360L.

NPDP – Existing context and supporting information

NPDP timeline

The Proposed New Plymouth District Plan was notified in September 2019.

From July 2021, submissions received on the Proposed District Plan were heard by a hearings panel made up of four independent commissioners.

The hearings panel’s recommended decisions were presented to and adopted by NPDC on 2 May 2023. On 13 May 2023, the Proposed District Plan – Decisions Version was notified.

The period for making appeals to the Environment Court closed on 26 June 2023. The Proposed District Plan became the Part Operative District Plan on 29 August 2025. The provisions set out in Table 1 are not subject to appeal and are all treated as operative.

Relevant NPDP reports and decisions

We have reviewed the relevant NPDP section 32 and decision reports for each topic within scope of this investigation. The relevant reports are listed in Table 2.

Table 2: Relevant NPDP section 32 and decision reports

Topic		Relevant NPDP section 32 and decision reports
1	Eave exemptions in Residential Zones	Section 32 Report Residential ³ Recommendation Report 25 – Hearings 15a, 15b and Hearing Part 22 Residential Zones ⁴
2	Outlook space in Residential Zones	
3	Outdoor living spaces in Residential Zones	
4	Parking for people with disabilities	Section 32 Report Transport ⁵ Recommendation Report 6 – Hearing 11 (in part) Transport ⁶
5	Driveway width requirements	
6	Indicative road transport network definition	Recommendation Report 2 – Hearing 2 and Hearing 23a Introduction and General Provisions ⁷
7	Earthworks cut depth and fill height	Section 32 Report Earthworks ⁸

³ New Plymouth District Council. [Section 32 Report – Residential](#). Retrieved 9 February 2026.

⁴ New Plymouth District Council. [Recommendation Report 25 – Hearings 15a, 15b and Hearing Part 22 – Residential Zones](#). Retrieved 9 February 2026.

⁵ New Plymouth District Council. [Section 32 Report – Transport](#) . Retrieved 9 February 2026.

⁶ New Plymouth District Council. [Recommendation Report 6 – Hearing 12 \(in part\) – Transport](#). Retrieved 9 February 2026.

⁷ New Plymouth District Council. [Recommendation Report 2 – Hearing 2 and Hearing 23a – Introduction and General Provisions](#). Retrieved 9 February 2026.

⁸ New Plymouth District Council. [Section 32 Report – Earthworks](#). Retrieved 9 February 2026.

Topic		Relevant NPDP section 32 and decision reports
		Recommendation Report 20 – Hearing 4 Earthworks ⁹
8	Alterations and additions in the City Centre and Town Centre Zones	Section 32 Report Commercial and Mixed Use Zones ¹⁰
9	Living activities in the Mixed Use Zone	Recommendation Report 27 – Hearing 16 and Hearing 22 (in part) Commercial and Mixed Use Zones ¹¹

Further information provided by NPDC

As part of this investigation the following meetings were held between MfE officials and NPDC staff:

- 18 November 2025 – phone call
- 21 November 2025 – Microsoft Teams meeting
- 7 January 2026 – Microsoft Teams meeting
- 27 January 2026 – Microsoft Teams meeting
- 26 February 2026 – Microsoft Teams meeting
- 4 March 2026 – phone call.

Since receiving the original request from Max Bough, the following information was provided to MfE by NPDC staff:

- 28 November 2025 – further explanation of requested amendments and requested tracked changes to NPDP provisions
- 24 December 2025 – response to request for further clarification on some requested amendments
- 6 January 2026 – amended requested tracked changes to NPDP provisions
- 6 and 16 March 2026 – responses to requests for further information to inform investigation and report
- 8 April 2026 – amended requested tracked changes to NPDP provisions.

Section 360J investigation

Section 360J(1) of the RMA requires the minister to carry out an investigation to gather evidence:

- (a) about the effects of the provision on economic growth, development capacity, or employment; and

⁹ New Plymouth District Council. [Recommendation Report 20 – Hearing 4 – Earthworks](#). Retrieved 9 February 2026.

¹⁰ New Plymouth District Council. [Section 32 Report – Commercial and Mixed Use Zones](#). Retrieved 9 February 2026.

¹¹ New Plymouth District Council. [Recommendation Report 27 – Hearing 16 and Hearing 22 \(in part\) – Commercial and Mixed Use Zones](#). Retrieved 9 February 2026.

(b) to assist in determining whether the criteria in section 360I(2)(b) and (c) are met.

The following sections present the findings of the investigation and an assessment of whether the criteria in sections 360I(2)(b) and (c) would be met for the requested amendments set out in Table 1.

Effects on economic growth, development capacity or employment

Appendix B provides a summary of the findings of the effects of the relevant provisions on economic growth, development capacity and employment. An overview of each topic is also included, along with a description of any amendments recommended to the provisions, and potential negative economic or financial effects of those amendments.

Overall, it is considered that, for each topic, the current provisions could be amended to lessen negative impacts on economic growth, development capacity or employment.

Māori rights and interests

Section 360I(2)(c)(i) requires the minister to be satisfied that the relevant provisions have not been included in the NPDP in recognition of an obligation or a right under a Treaty settlement, the Marine and Coastal Area (Takutai Moana) Act 2011, Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019, or a Mana Whakahono ā Rohe, or joint management agreement.

The following eight Treaty settlements are relevant to the New Plymouth District:

- Ngāti Tama Claims Settlement Act 2003
- Ngāti Mutunga Claims Settlement Act 2006
- Te Atiawa Claims Settlement Act 2016
- Taranaki Iwi Claims Settlement Act 2016
- Ngāruahine Claims Settlement Act 2016
- Ngāti Maru (Taranaki) Claims Settlement Act 2022
- Maniapoto Claims Settlement Act 2022
- Te Ture Whakatupua mō Te Kāhui Tupua 2025 / Taranaki Maunga Collective Redress Act 2025.

NPDC advised that the relevant provisions have not been included in the NPDP in recognition of any of the above settlements. Having reviewed the settlements, no information was identified that would indicate otherwise.

The relevant provisions have not been included in the NPDP in recognition of the Marine and Coastal Area (Takutai Moana) Act 2011.

The Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 does not relate to the New Plymouth District.

NPDC advised that there are no completed Mana Whakahono ā Rohe or joint management agreements within New Plymouth as of March 2026.

While not specifically required by section 360I(2)(c)(i), it is noted that there are the following relevant planning documents recognised by an iwi authority and lodged with NPDC:

- Tai Whenua, Tai Tangata, Tai Ao (2019)¹²
- Ngāti Mutunga – Ngāti Mutunga Iwi Environmental Management Plan (2019)¹³
- Taiao, Taiora – An Iwi Environmental Management Plan for the Taranaki Iwi Rohe (2018)¹⁴

There are also the following relevant planning documents recognised by an iwi authority but not yet lodged with NPDC:

- Ko Tā Maniapoto Mahere Taiao – Maniapoto Environmental Management Plan (2018)¹⁵
- Ngāruahine Kaitiaki Plan 2021 – Te Uru Taiao O Ngāruahine (2021)¹⁶

This report has taken into account these documents to the extent that their content has a bearing on the topics in scope of consideration.

National policy statements

Section 360I(2)(c)(ii) requires the minister to be satisfied that the modification or removal of the provisions of the plan does not prevent the plan from giving effect to a national policy statement.

There are 10 national policy statements currently in force. Having reviewed these we are satisfied that the amendments in Appendix A would not prevent the NPDP from giving effect to any national policy statement.

National environmental standards

Section 360I(2)(c)(iii) requires the minister to be satisfied that the modification or removal of the provisions of the plan do not make the plan inconsistent with a national environmental standard.

There are 11 national environmental standards currently in force. Having reviewed these we are satisfied that the amendments set out in Appendix A would not make the NPDP inconsistent with any national environmental standard.

¹² Te Kotahitanga o Te Atiawa Trust. [Tai Whenua, Tai Tangata, Tai Ao](#). Retrieved 3 March 2026.

¹³ Ngati Mutunga. [Iwi Environmental Management Plan](#). Retrieved 3 March 2026.

¹⁴ Taranaki Iwi. [Taiao, Taiora – An Iwi Environmental Management Plan for the Taranaki Iwi Rohe](#). Retrieved 3 March 2026.

¹⁵ Maniapoto Māori Trust Board. [Ko Tā Maniapoto Mahere Taiao – Maniapoto Environmental Management Plan 2018](#). Retrieved 3 March 2026.

¹⁶ Te Korowai o Ngāruahine Trust. [Ngāruahine Kaitiaki Plan 2021 – Te Uru Taiao O Ngāruahine](#). Retrieved 16 March 2026.

Part 2 of the RMA

Part 2 of the RMA sets the overarching purpose and principles for all functions exercised under the RMA, including regulations made under s360I. Part 2 includes sections 5 to 8 which are each discussed below.

Section 5 sets out the purpose of the RMA, which is to promote sustainable management of natural and physical resources. The recommended amendments in Appendix A are considered to be consistent with section 5.

Section 6 sets out matters of national importance and other matters that must be recognised and provided for in achieving the purpose of the RMA. It is considered that the recommended amendments in Appendix A do not compromise the recognition of, or provision for, these matters of national importance.

Section 7 identifies other matters which all persons shall have particular regard to. Those matters which are relevant to the topics considered in this investigation are:

- (b) the efficient use and development of natural and physical resources:
- (c) the maintenance and enhancement of amenity values: ...
- (f) maintenance and enhancement of the quality of the environment.

We consider that the recommended amendments in Appendix A are consistent with section 7.

Section 8 requires all persons exercising functions and powers of the RMA to take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi). This report has been developed having taken into account the principles of the Treaty of Waitangi. Mana whenua will have the opportunity to comment on the amendments as part of the section 360L consultation process.

Other relevant matters

On 9 December 2025, the Planning Bill was introduced to Parliament. The Planning Bill seeks to replace the RMA and is expected to be passed into law around the third quarter of 2026. Once it is passed into law the transition period begins. This also marks the start of the transitional consenting period.

As part of the transitional consenting period, the Planning Bill proposes amendments to section 104 of the RMA which would state that consent authorities must not have regard to the internal and external layout of buildings on a site when assessing an activity.¹⁷ This is relevant for topics 2 and 3 of this report as those rules relate to internal site layout requirements. We consider that amending those provisions as set out in Appendix A aligns with the intent of the Planning Bill and would remove rules that would require consent but would have to be disregarded under an amended section 104.

¹⁷ Schedule 11 Part 1.

No other relevant matters have been identified as part of the investigation. If other matters are raised during consultation they will be considered in accordance with section 360L(2).

Conclusion and recommendations

We recommend that the relevant NPDP provisions can be modified to lessen negative impacts on economic growth, development capacity or employment while ensuring the requirements of section 360I(2)(c) are met, and that any amendments are consistent with Part 2 of the RMA. A draft set of recommended amendments to the provisions is attached as Appendix A.

We recommend that the minister carry out a consultation process based on this investigation and report in accordance with sections 360K and 360L of the RMA.

Appendix A: Draft amendments to the Part Operative New Plymouth District Plan 2025

Additions are marked in red with underlining and the deletions are marked in ~~red with strikethrough~~.

Low Density Residential Zone Chapter

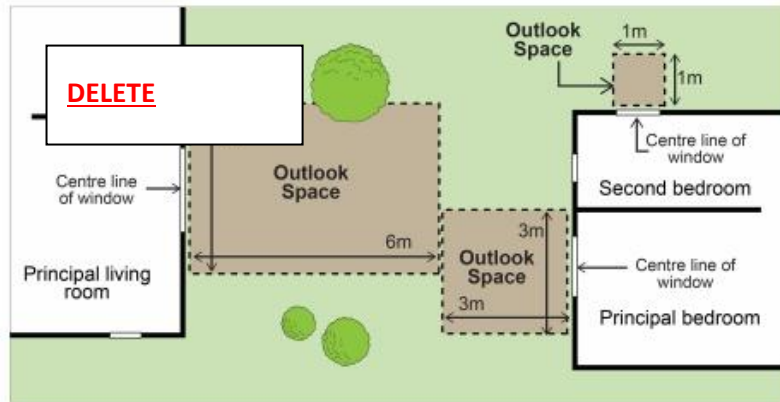
LRZ-S2	Maximum building coverage
1. All activities (except papakāinga): 35% 2. Papakāinga: 60% <u>This standard does not apply to:</u> <u>1. Eaves (up to 600mm) of any roof, balcony, gutter or downpipe.</u>	Matters of discretion if compliance not achieved: 1. Effect on streetscape and low density character of the area. 2. Effect on amenity values of nearby residential properties, especially privacy and outlook of adjoining sites. 3. The ability to provide adequate outdoor living space on site. 4. Whether adequate mitigation of adverse effects can be achieved through the imposition of conditions, such as for landscaping.
LRZ-S3	Height in relation to boundary
No part of any building shall project beyond the height in relation to boundary planes shown in LRZ-Figure 13 from points 3m above ground level at side boundaries. This standard does not apply to: 1. Road boundaries. 2. Buildings on adjoining sites that have a common wall along the boundary (i.e. no recession plane shall be applied along that part of the boundary covered by the wall).	Matters of discretion if compliance not achieved: 1. Effect on streetscape and low density character of the area. 2. The extent to which topography, site orientation and planting can mitigate the effects of the height of the building or structure. 3. Effect on amenity values of nearby residential properties, including privacy, shading and sense of enclosure.

3. Boundaries abutting an access lot or right of way, in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard; 4. Boundaries adjoining sites zoned as Commercial and Mixed Use, General Industrial, Major Facilities or Rural Production. 5. Antennas, aerials, satellite dishes (less than 1m in diameter), chimneys, flues, and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m measured vertically. 6. Solar panels and solar water heaters provided these do not exceed the height in relation to boundary plane by more than 250mm measured vertically. 7. <u>Eaves (up to 600mm) of any roof, balcony, gutter or downpipe.</u>	
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LRZ-S5	Outdoor living space requirements	
The minimum area of outdoor living space <u>requirements</u> per residential unit is 50m² provided that are: 1. where the outdoor living space is at ground level, it <u>the area</u>: a. <u>has a minimum area of 50m²;</u> b. has no dimension less than 3m; c. has a gradient of less than 1:20; d. is directly accessible from any habitable room or kitchen; e. is free of buildings, parking spaces, manoeuvring areas and dedicated utility spaces;or and 2. where any part of the outdoor living space is a deck, balcony or roof terrace located above ground level, the area: a. is directly accessible from any habitable room or kitchen; b. has a minimum area of 10m²; and c. has a minimum depth of 1.8m. This standard does not apply to: 1. Sleep outs. 2. Retirement villages.	Matters of discretion if compliance not achieved: 1. Effect on the streetscape and low density character of the area. 2. Effect on the amenity values of nearby residential properties, especially privacy and outlook of adjoining sites. 3. The ability to provide adequate privacy and outdoor living space on site. 4. Whether adequate mitigation of adverse effects can be achieved through the use of screening, planting or alternative design.	

LRZ-S6	Minimum outlook space
1. An outlook space must be provided from the face of a building containing windows to a habitable room. Where the room has two or more external faces with windows the outlook space must be provided from the face with the largest area of glazing. 2. The minimum dimensions for a required outlook space are as follows:- a. principal living room of a dwelling or main living and dining area within a boarding house or supported residential care must have an outlook space with a minimum dimension of 6m in depth and 4m in width; b. a principal bedroom of a dwelling or a bedroom within a boarding house or supported residential care unit must have an outlook space with a minimum dimension of 3m in depth and 3m in width; and c. all other habitable rooms must have an outlook space with a minimum dimension of 1m in depth and 1m in width. 3. The depth of the outlook space is measured at right angles to and horizontal from the building face to which it applies. 4. The width of the outlook space is measured from the centre point of the largest window on the building face to which it applies. 5. Outlook spaces may be within the site, over a public street, or other public open space, or private accessway, right of way, access lot or driveway servicing a rear lot. 6. Outlook spaces required from different rooms within the same building may overlap. 7. Outlook spaces may be under or over a balcony. 8. Outlook spaces must:- a. be clear and unobstructed by buildings; and b. not extend over an outlook space or outdoor living space required by another dwelling.	Matters of discretion if compliance not achieved:- 1. Effect on the streetscape and low density character of the zone. 2. Effect on the amenity values of nearby residential properties, especially privacy and outlook of adjoining sites. 3. The ability to provide adequate outlook space from residential units on site. 4. Whether adequate mitigation of adverse effects can be achieved through the use of screening, planting or alternative design.

~~LRZ~~ **Figure 15** ~~Required outlook space~~



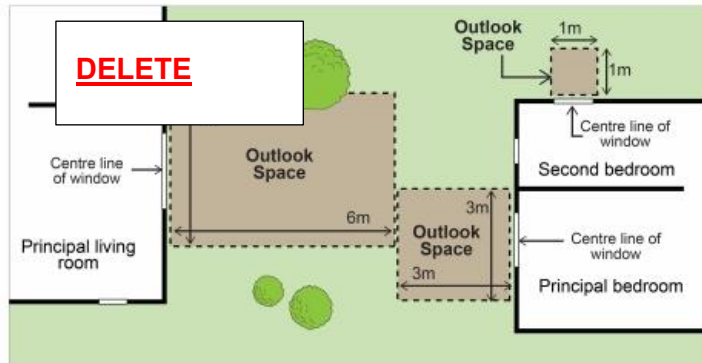
General Residential Zone Chapter

GRZ-S2	Maximum building coverage
1. All activities (except papakāinga): 40%. 2. Papakāinga: 60% <u>This standard does not apply to:</u> <u>1. Eaves (up to 600mm) of any roof, balcony, gutter or downpipe.</u>	Matters of discretion if compliance not achieved: 1. Effect on the streetscape and planned character of the area. 2. Effect on amenity values of nearby residential properties, especially privacy and outlook of adjoining sites. 3. The ability to provide adequate outdoor living space on site. 4. Whether adequate mitigation of adverse effects can be achieved through the imposition of conditions, such as for landscaping.
GRZ-S3	Height in relation to boundary
Buildings must not project beyond 45 degree recession plane measured from a point 3m vertically above ground level along each of the side boundaries of the site, as shown in GRZ - Figure 19 below. This standard does not apply to: 1. Road boundaries. 2. Adjoining sites that have a common wall along the boundary (i.e. no plane shall be applied along that part of the boundary covered by the wall). 3. Boundaries abutting an access lot or right of way, in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard. 4. Boundaries adjoining sites zoned as Commercial and Mixed Use, General Industrial, Major Facilities or Rural Production. 5. Boundaries adjoining sites zoned Open Space and Recreation that are greater than 2,000m² in area, provided that such sites are greater than 20m in width when measured perpendicular to the shared boundary.	Matters of discretion if compliance not achieved: 1. Effect on the streetscape and planned character of the area. 2. The extent to which topography, site orientation and planting can mitigate the effects of the height of the building or structure. 3. Effect on amenity values of nearby residential properties, including privacy, shading and sense of enclosure.

6. Antennas, aerials, satellite dishes (less than 1m in diameter), chimneys, flues, and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m measured vertically. 7. Solar panels and solar water heaters provided these do not exceed the height in relation to boundary plane by more than 0.25m measured vertically. 8. Existing or proposed internal boundaries within a site. 9. <u>Eaves (up to 600mm) of any roof, balcony, gutter or downpipe.</u> Note: 1. For the purpose of the exclusion in (5) above, where the Open Space and Recreation Zone comprises multiple sites that share common boundaries, the entire zoned area will be treated as a single site for the purpose of applying the exclusion.	
GRZ-S5 Outdoor living space requirements	
The minimum area of outdoor living space <u>requirements</u> per residential unit is are 30m² provided that: 1. where the outdoor living space is at ground level, <u>the area is:</u> <u>has a minimum area of 30m²;</u> - has no dimension less than 3m; - has a gradient of less than 1:20; - is directly accessible from any habitable room or kitchen; and - is free of buildings, parking spaces, manoeuvring areas and dedicated utility spaces; and 2. Where any part of the outdoor living space is a deck, balcony or roof terrace located above ground level, the area: - is directly accessible from any habitable room or kitchen; - has a minimum area of 10m²; and - has a minimum depth of 1.8m. This standard does not apply to: - Sleep outs. - Retirement villages.	Matters of discretion if compliance not achieved: - Effect on the streetscape and planned character of the area. - Effect on the amenity values of nearby residential properties, especially privacy and outlook of adjoining sites. - The ability to provide adequate privacy and outdoor living space for all residential units on site. - Whether adequate mitigation of adverse effects can be achieved through the use of screening, planting or alternative design.

GRZ-S6	Minimum outlook space
1. An outlook space must be provided from the face of a building containing windows to a habitable room. Where the room has two or more external faces with windows the outlook space must be provided from the face with the largest area of glazing. 2. The minimum dimensions for a required outlook space are as follows: a. principal living room of a dwelling or main living and dining area within a boarding house or supported residential care must have an outlook space with a minimum dimension of 6m in depth and 4m in width; b. a principal bedroom of a dwelling or a bedroom within a boarding house or supported residential care unit must have an outlook space with a minimum dimension of 3m in depth and 3m in width; and c. all other habitable rooms must have an outlook space with a minimum dimension of 1m in depth and 1m in width. 3. The depth of the outlook space is measured at right angles to and horizontal from the building face to which it applies. 4. The width of the outlook space is measured from the centre point of the largest window on the building face to which it applies. 5. Outlook spaces may be within the site, over a public street, or other public open space. 6. Outlook spaces required from different rooms within the same building may overlap. 7. Outlook spaces may be under or over a balcony. 8. Outlook spaces must: a. be clear and unobstructed by buildings; and b. not extend over an outlook space or outdoor living space required by another dwelling.	Matters of discretion if compliance not achieved:- 1. Effect on the streetscape and planned character of the area. 2. Effect on the amenity values of nearby residential properties, especially privacy and outlook of adjoining sites. 3. The ability to provide adequate outdoor space from residential units on-site. 4. Whether adequate mitigation of adverse effects can be achieved through the use of screening, planting or alternative design.

GRZ – Figure 22 – Required outlook space



Medium Density Residential Zone Chapter

MRZ-S2	Maximum building coverage
1. All activities (except papakāinga) 50%. 2. Papakāinga: 60%. <u>This standard does not apply to:</u> <u>1. Eaves (up to 600mm) of any roof, balcony, gutter or downpipe.</u>	Matters of discretion if compliance not achieved: 1. Effect on the streetscape and planned character of the area. 2. Effect on amenity values of nearby residential properties, especially privacy and outlook of adjoining sites. 3. The ability to provide adequate outdoor living space on site. 4. Whether adequate mitigation of adverse effects can be achieved through the imposition of conditions, such as for landscaping.
MRZ-S3	Height in relation to boundary
Buildings must not project beyond a 45 degree recession plane measured beyond from a point 3m vertically above ground level along each of the side boundaries of the site, as shown in MRZ Figure 26 below. This standard does not apply to: 1. Road boundaries. 2. Buildings on adjoining sites that have a common wall along the boundary (i.e. no plane shall be applied along that part of the boundary covered by the wall). 3. Boundaries abutting an access lot or right of way, in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard. 4. Boundaries adjoining sites zoned as Commercial and Mixed Use, General Industrial, Major Facilities or Rural Production. 5. Boundaries adjoining sites zoned Open Space and Recreation that are greater than 2000m² in area, provided that such sites are greater than 20m in width when measured perpendicular to the shared boundary.	Matters of discretion if compliance not achieved: 1. Effect on the streetscape and planned character of the area. 2. The extent to which topography, site orientation and planting can mitigate the effects of the height of the building or structure. 3. Effect on amenity values of nearby residential properties, including privacy, shading and sense of enclosure.

6. Antennas, aerials, satellite dishes (less than 1m in diameter), chimneys, flues, and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m measured vertically. 7. Solar panels and solar water heaters provided these do not exceed the height in relation to boundary plane by more than 250mm measured vertically. 8. Existing or proposed internal boundaries within a site. 9. Buildings or parts of buildings that utilise MRZ-S4 Alternative Height in Relation to Boundary standard. 10. <u>Eaves (up to 600mm) of any roof, balcony, gutter or downpipe.</u> Note: 1. For the purpose of the exclusion in (5) above, where the Open Space and Recreation Zone comprises multiple sites that share common boundaries, the entire zoned area will be treated as a single site for the purpose of applying the exclusion.	
MRZ-S4	Alternative height in relation to boundary
Buildings within 20m of the site frontage must: 1. not exceed a height of 3.6m measured vertically above ground level at side boundaries and thereafter; 2. must be set back one metre and then 0.3m for every additional metre in height (73.3 degrees) up to 6.9m and then one metre for every additional metre in height (45 degrees) as shown in MRZ Figure 27 below. This standard does not apply to: 1. Road boundaries. 2. Buildings on adjoining sites that have a common wall along the boundary (i.e. no plane shall be applied along that part of the boundary covered by the wall).	Matters of discretion if compliance not achieved: 1. Effect on the streetscape and planned character of the area; 2. Effect on amenity values of nearby residential properties, including privacy, shading and sense of enclosure; and 3. The extent to which the proposal is consistent with: a. MRZ-P4; b. MRZ-P6; c. MRZ-P8; and d. MRZ-P9.

3. Boundaries abutting an access lot or right of way, in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard.
4. Boundaries adjoining sites zoned as Commercial and Mixed Use, General Industrial, Major Facilities or Rural Production.
5. Boundaries adjoining sites zoned Open Space and Recreation that are greater than 2,000m² in area, provided that such sites are greater than 20m in width when measured perpendicular to the shared boundary.
6. Boundaries with sites zoned as Low Density Residential Zone.
7. Antennas, aerials, satellite dishes (less than 1m in diameter), chimneys, flues, and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m measured vertically.
8. Solar panels and solar water heaters provided these do not exceed the height in relation to boundary plane by more than 250mm measured vertically.
9. Existing or proposed internal boundaries within a site.
10. Eaves (up to 600mm) of any roof, balcony, gutter or downpipe.

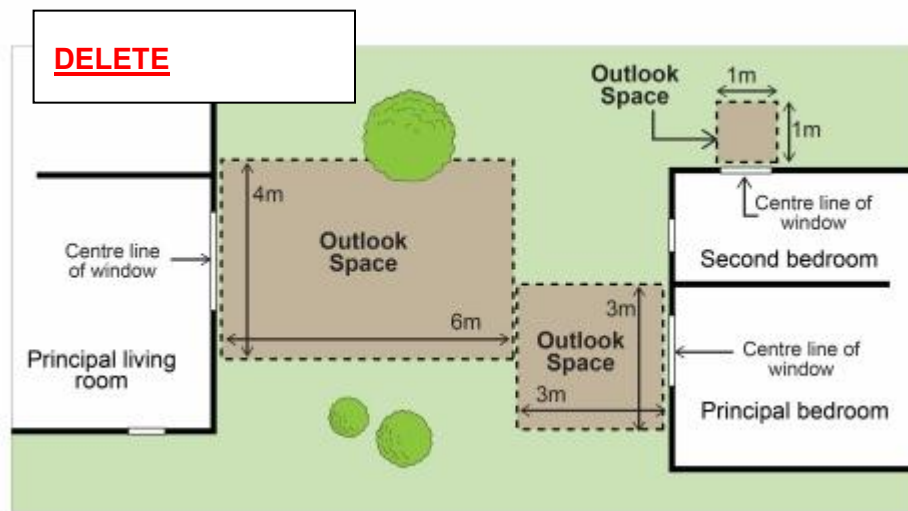
Note:

1. This standard is an alternative to the permitted MRZ-S3 Height in relation to boundary standard and applies to development that is within 20m of the road boundary. Building activities seeking to use this alternative standard are a restricted discretionary activity under MRZ-R32.
2. For the purpose of the exclusion in (5) above, where the Open Space and Recreation Zone comprises multiple sites that share common boundaries, the entire zoned area will be treated as a single site for the purpose of applying the exclusion.

MRZ-S6	Outdoor living space requirements
The minimum area of outdoor living space requirements per residential unit is are 20m²; or 10m² per minor residential unit, provided that: 1. where the outdoor living space is at ground level, the area is: a. has a minimum area of 20m² per residential unit, or 10m² per minor residential unit b. has no dimension less than 3m; c. has a gradient of less than 1:20; d. is directly accessible from any habitable room or kitchen; and e. is free of buildings, parking spaces, manoeuvring areas and dedicated utility spaces; and 2. Where any part of the outdoor living space is a deck, balcony or roof terrace located above ground level, the area: a. is directly accessible from any habitable room or kitchen; b. has a minimum area of 8m²; and c. has a minimum depth of 1.8m. This standard does not apply to: 1. Sleep outs. 2. Retirement villages.	Matters of discretion if compliance not achieved: 1. Effect on streetscape and planned character of the area. 2. Effect on the amenity values of nearby residential properties, especially privacy and outlook of adjoining sites. 3. The ability to provide adequate privacy for occupants and outdoor living space on site. 4. Whether adequate mitigation of adverse effects can be achieved through the use of screening, planting or alternative design.
MRZ-S7	Minimum outlook space
1. An outlook space must be provided from the face of a building containing windows to a habitable room. Where the room has two or more external faces with windows the outlook space must be provided from the face with the largest area of glazing. 2. The minimum dimensions for a required outlook space are as follows: a. principal living room of a dwelling or main living and dining area within a boarding house or supported residential care	Matters of discretion if compliance not achieved:- 1. Effect on the streetscape and planned character of the area. 2. Effect on the amenity values of nearby residential properties, especially privacy and outlook of adjoining sites. 3. The ability to provide adequate outlook space from residential units on site.

must have an outlook space with a minimum dimension of 6m in depth and 4m in width; b. a principal bedroom of a dwelling or a bedroom within a boarding house or supported residential care unit must have an outlook space with a minimum dimension of 3m in depth and 3m in width; and c. all other habitable rooms must have an outlook space with a minimum dimension of 1m in depth and 1m in width. 3. The depth of the outlook space is measured at right angles to and horizontal from the building face to which it applies. 4. The width of the outlook space is measured from the centre point of the largest window on the building face to which it applies. 5. Outlook spaces may be within the site, over a public street, or other public open space, or private accessway, right of way, access lot or driveway servicing a rear lot. 6. Outlook spaces required from different rooms within the same building may overlap. 7. Outlook spaces may be under or over a balcony. 8. Outlook spaces must: a. be clear and unobstructed by buildings; and b. not extend over an outlook space or outdoor living space required by another dwelling.	4. Whether adequate mitigation of adverse effects can be achieved through the use of screening, planting or alternative design.
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MRZ – Figure 30 – Required outlook space



Transport Chapter

Parking		
TRAN-S7	Minimum number of on-site vehicle parking spaces for people with disabilities	
All zones	All activities shall provide parking that complies with the number of provided spaces in TRAN—Table 6.	Matters of discretion if compliance is not achieved: 1. The ability for people with disabilities to safely and effectively park and enter and exit a vehicle. 2. The ability for people with disabilities to safely and effectively manoeuvre around the parked vehicle.
	TRAN—Table 6—Minimum number of on-site vehicle parking spaces for people with disabilities required per site	
	Total number of vehicle parking spaces provided	Number of vehicle parking spaces for people with disabilities (inclusive of total)
	Less than 20	4
	Between 21 and 50	2
	In excess of 50	1 plus 1 additional disability space per 50 vehicle spaces thereafter
TRAN-S13	Requirements for on-site vehicle parking spaces—people with disabilities	
All zones	Where vehicle parking space(s) for people with disabilities are required to be provided by TRAN-S7, the space(s) must be: 1. located on a level surface; and 2. clearly marked, designed and constructed in accordance with NZS 4121: 2001 Design for	Matters of discretion if compliance is not achieved: 1. The potential for adverse effects on the safety and efficiency of the road transport network resulting from the nature, use, location and design of the parking space(s), including cumulative effects. 2. Whether the parking space is as close as practicable to a building entrance.

	Access and Mobility—Buildings and Associated Facilities.	3. The effects of non-compliance with any relevant Transport, Zone or Overlay rule or effects standard and any relevant matters of discretion in the infringed rules or effects standards.
Driveways and Right of Ways		
TRAN-S19 Requirements for driveways - construction and formation		
(1) Residential Zones	All driveways must comply with the following standards: 1. Minimum width of driveway: 3.05m; and 2. Maximum gradient of driveway: 1:5. <u>Except the minimum width of the driveway must be 3.5m where the driveway:</u> <u>(a) does not connect to a road with a fully reticulated water supply; or</u> <u>(b) exceeds 75m in length where connected to a road with a fully reticulated water supply.</u> Note: 1. Passing bays and turning areas are not required.	Matters of discretion if compliance is not achieved: 1. The potential for adverse effects on the safety and efficiency of the site and the road transport network. 2. The ability to contain stormwater within the site and any consequential adverse off-site effects. 3. <u>The safe, efficient, and effective functioning of vehicle access including firefighting access.</u> 4. <u>Site and topographical constraints.</u>
(2) Māori Purpose Zone Rural Zones Future Urban Zone	All driveways must comply with the following standards: 1. Minimum legal width of driveway: 3.5m; and 2. Maximum gradient of driveway: 1:5. Note: 1. Passing bays and turning areas are not required.	Matters of discretion if compliance is not achieved: 1. The potential for adverse effects on the safety and efficiency of the site and the road transport network. 2. The ability to contain stormwater within the site and any consequential adverse off-site effects.

(2) (3) Commercial and Mixed Use Zones General Industrial Zone Open Space and Recreation Zones Airport Zone Hospital Zone Port Zone Major Facility Zone	All driveways must comply with the following standards: 1. Minimum width of the driveway: 3.5m; and 2. Maximum gradient of the driveway: 1:5; and 3. A passing bay(s) must be provided in compliance with Council's Land Development and Subdivision Infrastructure Standard Local Amendments where the driveway length is 50m or longer and is spaced at no more than 50m intervals; and 4. A turning area(s) must be provided in compliance with TRAN-S22 where the driveway length is 50m or longer.	Matters of discretion if compliance is not achieved: 1. The potential for adverse effects on the safety and efficiency of the site and the road transport network. 2. The ability to contain stormwater within the site and any consequential adverse off-site effects.
TRAN-S20	Requirements for right of ways - construction and formation	
All Zones	All right of ways shall comply with the standards in TRAN-Table 8 and shall be formed in accordance with part 3.3.16 of Council's Land Development and Subdivision Infrastructure Standard Local Amendments.	Matters of discretion if compliance is not achieved: 1. The potential for adverse effects on the safety and efficiency of the site and the road transport network. 2. The ability to contain stormwater within the site and any consequential adverse off-site effects.
	TRAN - Table 8 - Requirements for rights of way	
	<u>Parameter</u>	<u>Residential Zones, Rural Zones, Māori Purpose Zone and Future Urban Zone</u> <u>Commercial and Mixed Use Zones, General Industrial Zone, Open Space and Recreation Zones, Airport</u>

		<u>Zone, Hospital Zone, Port Zone and Major Facility Zone</u>
Maximum number of allotments served	6	6
Minimum legal width	1. Residential Zones: a. 2 allotments: 4.0m b. 3-6 allotments: 4.5m 2. Rural Zones, Māori Purpose Zone, Future Urban Zone: 6.0m	1. Commercial and Mixed Use Zones: a. 2 allotments: 4.0m b. 3-6 allotments: 6.0m 2. General Industrial Zone, Open Space and Recreation Zones, Airport Zone, Hospital Zone, Port Zone, Major Facility Zone: a. 2 allotments: 7.0m b. 3-6 allotments: 10.0m
Minimum formed width	1. 2 – <u>6</u> allotments: 3.0m 2. 3-6 allotments: 4.0m	1. 2 allotments: 3.5m 2. 3-6 allotments: 4.5m
Maximum gradient	1:5	1:5
Requirement for passing bay(s)	Where a right of way serves 3 or more allotments, one passing bay for every 50m of length shall be provided.	Where a right of way is 50m or more in length, passing bays shall be provided for every 50m of length, spaced at no more than 50m intervals.
Requirement for turning area	Where a right of way serves 3 or more allotments and is 50m or more in length, a turning head shall be provided in accordance with part 3.3.16.1 and Figure 3.3b of Council's Land Development and Subdivision Infrastructure Standard Local Amendments.	
Construction Standard	In accordance with parts 3.3.16.2 and 3.3.16.3 of Council's Land Development and Subdivision Infrastructure Standard Local Amendments: 1. Residential Zones: shall be formed and sealed with stormwater control.	The right of way shall be formed and sealed with stormwater control in accordance with parts 3.3.16.2 and 3.3.16.3 of Council's Land Development and Subdivision Infrastructure Standard Local Amendments.

		2. Rural Zones, Future Urban Zone and Māori Purpose Zone: a. Where a right of way is 40m or less from a residential unit on a separate allotment, it shall be formed and sealed with stormwater control. b. Where a right of way is greater than 40m from a residential unit it shall be: i. formed and sealed with stormwater control where the gradient is 1:10 or greater; or ii. formed to an all weather standard with stormwater control where the gradient is less than 1:10	
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Definitions Chapter

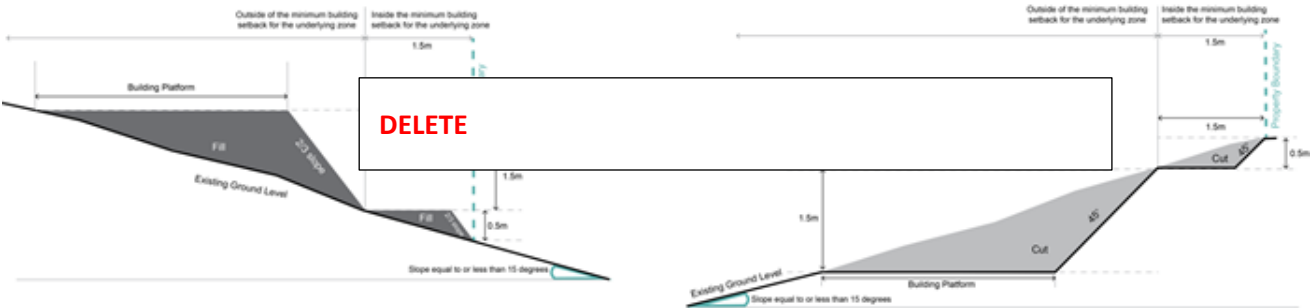
Definitions

INDICATIVE ROAD TRANSPORT NETWORK	means the preferred locations and types of roads and pathway connections required for future subdivision and development as identified on planning maps and in structure plans. <u>An indicative road does not include any area identified on the planning maps as an indicative road where a subdivision approved by the Council has been given effect to which has resulted in the vesting of the road as legal road.</u>
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Earthworks Chapter

EW-S2	Maximum cut depth or fill height
The cut depth or fill height (measured vertically) shall not exceed: 1. outside the minimum <u>building setback</u> for the underlying zone: 1.5m; and 2. inside the minimum <u>building setback</u> for the underlying zone: 0.5m. Where no minimum <u>building setback</u> applies (e.g. in the <u>road reserve</u>), the cut depth or fill height shall not exceed 1.5m measured vertically. 1. 0.5m within 1.0m from a site boundary in the following locations: a. <u>Residential Zones</u>; b. <u>Rural Zones</u>; c. <u>Commercial Zone</u>; d. <u>Hospital Zone</u>; e. <u>Māori Purpose Zone</u>; and f. <u>Any other zone relative to boundaries adjoining a residential zone.</u> 2. 1.5m in all other locations, including the road reserve.	
Matters over which discretion is restricted where compliance not achieved: 1. Effects on the stability of land or structures, and potential to create new or exacerbate existing natural hazards, impact natural drainage patterns, redirect overland flow paths or flood flows or create instability, erosion or scarring. 2. Impacts on character and amenity values, natural landforms and features, including whether the cut face and any retaining structures can be concealed behind development or effectively landscaped.	

~~EW – Figure 10 – Maximum cut depth or fill height~~



City Centre Zone Chapter

CCZ-P5	Enable the role, function and planned character of the City Centre Zone by controlling the effects of: 1. inactive frontages; 2. total or partial demolition of structures; 3. the erection of structures; 4. alterations to exteriors of structures; 5. additions to structures; 6. structure height; 7. noise and light; and 8. signage.
CCZ-P8	Require structures, or additions and alterations to the exterior of structures, to be compatible with the planned character and amenity of the relevant area by: 1. having an interesting and engaging frontage with variations in form, materials and colour; 2. providing clearly visible and accessible entranceways and connections to pedestrian networks, including safe and practicable access for people with limited mobility; 3. locating utilities and service areas so they are not visible from public areas and are screened or incorporated into the overall structure form; 4. using sustainable design methods, where practical, to minimise the use of energy and water resources and to create healthy living and working environments; 5. having regard to the expert cultural advice provided by tangata whenua on incorporating mātauranga Māori into the design and construction of the structure and, where appropriate, art works or unique and recognisable features that reflect cultural, spiritual or historic values of importance to tangata whenua; 6. maintaining similarity of frontage alignment, height and overall bulk, form and scale for structures adjoining a heritage building or within the heritage character area; and 7. providing residential units that are functional and of a sufficient size for the day to day needs of residents.
CCZ-P9	In addition to CCZ-P8, require structures, or alterations to the exterior of or additions to structures, that adjoin a public place to: 1. maximise opportunities for the public to use and access that place; 2. maintain and enhance the city centre's historic and cultural heritage; 3. minimise any adverse shading effects on the public place; and 4. minimise the adverse impacts on the openness, historical and cultural values of the Huatoki Stream.

<u>CCZ-RX</u>	<u>Alterations to the exterior of a structure</u>
<u>CCZ-RX</u>	<u>Additions to a structure</u>
<u>Activity status: PER</u> <u>Where:</u> 1. <u>all City Centre Zone Effects Standards are complied with.</u>	<u>Activity status where compliance not achieved: RDIS</u> <u>Matters over which discretion is restricted:</u> 1. <u>The effects of non-compliance with any relevant City Centre Zone Effects Standards and any relevant matters of discretion in the infringed effects standards.</u>
<u>CCZ-R16</u>	<u>Alterations to the exterior of a structure</u>
<u>CCZ-R17</u>	<u>Additions to a structure</u>
Activity status: RDIS Where: 1. all City Centre Zone Effects Standards are complied with. Matters over which discretion is restricted: 1. Any relevant matters in CCZ-P8, CCZ-P9 and CCZ-P11. 2. Whether the structure's height, bulk, form and scale is appropriate to the surrounding context. 3. The design and appearance of the structure, including; a. effects on the existing and future amenity values of public spaces; b. the contribution that the structure makes to the attractiveness, pleasantness, and enclosure of any public space. c. any measures adopted to manage the adverse visual effects of any blank wall along the frontage of any adjoining public space. 4. The effectiveness of screening of car parking and service areas from the view of people using any adjoining public space.	Activity status where compliance not achieved: DIS

5. The need to ensure an appropriate level of natural light, privacy, outlook and ventilation for any habitable spaces. This rule does not apply to: 1. Coastal frontage sites. Notification Status An application for resource consent under CCZ-R15, CCZ-R16 and CCZ-R17 is precluded from public notification and limited notification under sections 95A and 95B of the RMA unless the Council decides that special circumstances exist under sections 95A(9) or 95B(10) of the RMA.	
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Town Centre Zone Chapter

TCZ-P5	Enable the role, function and planned character of the Town Centre Zone by controlling the effects of: 1. inactive frontages; 2. the erection of structures; 3. alterations to exteriors of structures; 4. additions to structures; 5. structure height; 6. noise and light; 7. signage; and 8. boundary treatments at residential zone interfaces.
TCZ-P7	Require structures, or additions and alterations to the exterior of structures, to be compatible with the planned character and amenity of the relevant town centre by: 1. having an interesting and engaging frontage with variations in form, materials and colour; 2. providing clearly visible and accessible entranceways and connections to pedestrian networks, including safe and practicable access for people with limited mobility; 3. locating utilities and service areas so they are not visible from public areas and are screened or incorporated into the overall structure form; 4. using sustainable design methods, where possible, to minimise the use of energy and water resources and to create healthy living and working environments; 5. having regard to the expert cultural advice provided by tangata whenua on incorporating mātauranga Māori into the design and construction of the structure and, where appropriate, art works or unique and recognisable features that reflect cultural, spiritual or historic values of importance to tangata whenua; 6. maintaining similarity of frontage alignment, height and overall bulk, form and scale for structures adjoining a heritage building; and 7. providing residential units that are functional and of a sufficient size for the day to day needs of residents.
TCZ-P8	In addition to TCZ-P7, require structures or additions and alterations to the exterior of structures that adjoin a public place to: 1. maximise opportunities for the public to use and access that place; 2. maintain and enhance the town centre's historic and cultural heritage; and 3. minimise any adverse shading effects on the public place.

TCZ-RX	<u>Alterations to the exterior of a structure</u>	
TCZ-RX	<u>Additions to a structure</u>	
<u>Activity status: PER</u> <u>Where:</u> 1. <u>all Town Centre Zone Effects Standards are complied with.</u>		<u>Activity status where compliance not achieved: RDIS</u> <u>Matters over which discretion is restricted:</u> 1. <u>The effects of non-compliance with any relevant Town Centre Zone Effects Standards and any relevant matters of discretion in the infringed effects standards.</u>
TCZ-R16	<u>Alterations to the exterior of a structure</u>	
TCZ-R17	<u>Additions to a structure</u>	
Activity status: RDIS Where: 1. all Town Centre Zone Effects Standards are complied with. Matters over which discretion is restricted: 1. Any relevant matters in TCZ-P7, TCZ-P8 and TCZ-P10. 2. Whether the structure's height, bulk, form and scale is appropriate to the surrounding context. 3. The design and appearance of the structure, including: a. effects on the existing and future amenity values of public spaces; b. the contribution that the structure makes to the attractiveness, pleasantness, and enclosure of any public space; and c. any measures adopted to manage the adverse visual effects of any blank wall along the frontage of any adjoining public space. 4. The effectiveness of screening of car parking and service areas from the view of people using any adjoining public space.		Activity status where compliance not achieved: DIS

5. The need to ensure an appropriate level of natural light, privacy, outlook and ventilation for any habitable spaces. Notification Status An application for resource consent under TCZ-R15, TCZ-R16 and TCZ-R17 is precluded from public notification and limited notification under sections 95A and 95B of the RMA unless the Council decides that special circumstances exist under sections 95A(9) or 95B(10) of the RMA.	
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Mixed Use Zone Chapter

Overview

This zone is primarily located in New Plymouth and applies to land adjacent to the one-way road network that wraps around the City Centre Zone. It is also located in parts of Inglewood, Waitara, the Waiwhakaiho Valley and other small urban areas of New Plymouth. The zone provides for a compatible mixture of commercial services, recreational, residential and community activities.

The commercial service activities that are typically located in this zone include trade suppliers, manufacturing/engineering services, and motor vehicle and machinery sales, servicing and repair. They may not be appropriate for, or are unable to locate, in the city centre, town centres and local centres because of the effects they generate, such as noise, smoke, smell, trade waste, vibration, dust, glare and traffic, or because it is not possible to establish in centres due to the unavailability of sites large enough to accommodate store footprint requirements. Drive-through restaurants, building improvement centres, supermarkets and service stations are also present in this zone given its strong connection to transportation links and exposure to customers.

To assist in providing a range of housing densities and forms throughout the district, living activities are also provided for in the most of the zone but will require resource consent due to the potential for reverse sensitivity effects. A-PREC14 - Mixed Use Zone Living Intensification Precinct, generally containing 4-5 storey multi-unit housing developments supported by small scale food and beverage retail stores where appropriate, is identified in the part of the zone that wraps around the City Centre Zone to assist with providing housing choice in the district. Within this precinct, there are likely to be apartments (multiple dwellings that are stacked vertically and/or arranged side by side within a single building with internal shared circulation and one main entrance) or terraced housing (a series of dwellings attached in a linear row, each sharing side walls but having their own entrance). In all other Mixed Use Zone areas (excluding the Waiwhakaiho Specific Control Area) living activities are enabled up to 3 stories. These are likely to be stand alone, where a single dwelling is located on its own site and is surrounded by a private outdoor area. Where appropriate, living activities within the zone are supported by small scale food and beverage retail stores ensuring residents have convenient access to daily food requirements. Due to the variety of uses within the Mixed Use Zone, the level of amenity may not be as high as within the Residential Zones and there may be the potential for reverse sensitivity effects.

The Mixed Use Zone includes provisions for the Waiwhakaiho Specific Control Area, which acknowledge that the state highway network adjacent to this area is operating at or near capacity during peak traffic hours. High traffic generating activities are managed in this area rather than allowed.

A mix of uses on individual sites or within areas is not specifically required. The zone does not anticipate stand alone retail or business service activities unless they are ancillary to another use or are small scale food and beverage retail stores ~~in the PREC14 – Mixed Use Zone Living Precinct~~ supporting living activities, as they can undermine the role, function or viability of the city centre, town centres and local centres.

This zone is predominantly characterised by larger scale, bulky buildings (such as warehouses and wholesale shops) orientated towards the motorised customer, with parking usually provided on-site. Some of these buildings are set back from the road with car parking provided in front of the building, while others are positioned up to the street with parking areas provided at the side or the rear of the building. Generally no verandahs are provided.

Policies

MUZ-P1	Allow activities which are compatible with the role, function and planned character of the Mixed Use Zone, while ensuring their design, scale and intensity is appropriate. Compatible activities include: 1. commercial service activities; 2. supermarkets; 3. community facilities; 4. community corrections activities; 5. living activities within the PREC14 – Mixed Use Zone Living Precinct <u>where not located within the Waiwhakaiho Specific Control Area</u>; 6. sport and recreation activities; and 7. residential visitor accommodation within the PREC14 – Mixed Use Zone Living Precinct <u>where not located within the Waiwhakaiho Specific Control Area</u>. In the Waiwhakaiho Specific Control Area, compatible activities include: 1. vehicle sales and service/repair services; 2. marine industrial activities; 3. marine retail activities; 4. hire services; 5. farming and agriculture suppliers; 6. nurseries and garden centres;
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	7. office furniture, equipment and systems suppliers; 8. community facilities; 9. community corrections activities; and 10. sport and recreation activities.
MUZ-P2	Manage activities which are potentially compatible with the role, function and planned character of the Mixed Use Zone and ensure it is appropriate for such activities to establish in the Mixed Use Zone, having regard to whether: 1. the purpose of the activity assists in providing a range of housing choices in the district; 2. the activity will improve community access to goods, services or community facilities and provide for the community's social or economic needs; 3. the scale, design and layout of the activity is compatible with the planned character and amenity of the surrounding area; 4. there is adequate existing or planned infrastructure to service the activity; and 5. any adverse effects can be internalised and any potential conflict between activities within the zone or at zone interfaces can be avoided. Potentially compatible activities include: 1. living activities where not located within the PREC14—Mixed Use Zone Living Precinct; 2. educational facilities; 3. visitor accommodation (<u>excluding residential visitor accommodation</u>) where not located within the Waiwhakaiho Specific Control Area; 4. residential visitor accommodation where not located within the PREC 14—Mixed Use Zone Living Precinct or the Waiwhakaiho Specific Control Area; 5. major healthcare activities; 6. medical and health services; 7. Māori purpose activities; 8. industrial activities; 9. emergency service facilities; and 10. food and beverage retail stores within the PREC14—Mixed Use Zone Living Precinct <u>where not located within the Waiwhakaiho Specific Control Area.</u> In the Waiwhakaiho Specific Control Area, potentially compatible activities include: 1. building improvement centres (excluding nurseries and garden centres); 2. service stations;

	3. drive-through restaurants; and 4. <u>living activities; and</u> 5. supermarkets.
MUZ-P3	Avoid activities which are incompatible with the role, function and planned character of the Mixed Use Zone or activities that will result in: - the establishment of retail activities (excluding food and beverage retail stores within the PREC14 - Mixed Use Zone Living <u>Intensification</u> Precinct and supermarkets) or business service activities in the Mixed Use Zone if it is more appropriate that they be located in the city centre, a town centre or a local centre to achieve the District Plan's objectives; - reverse sensitivity effects or conflict with permitted activities; or - adverse effects that cannot be avoided, or appropriately remedied or mitigated. Incompatible activities include: - retail activities (except food and beverage retail stores within the PREC14 – Mixed Use Zone Living Precinct <u>where not located within the Waiwhakaiho Specific Control Area</u> and supermarkets); - business service activities; - primary production; - rural industry; and - visitor accommodation within the Waiwhakaiho Specific Control Area.
MUZ-P4	Enable multi-unit housing developments in the PREC14 - Mixed Use Zone Living <u>Intensification</u> Precinct <u>at heights greater than those permitted elsewhere in the zone</u> that <u>will:</u> <u>assist in providing a range of housing densities and forms in the district;</u> <u>be close to the City Centre Zone where residents will benefit from access to employment opportunities, high levels of amenity, and established services and infrastructure; and</u> <u>provide a transition in building scale, intensity and character to the surrounding mixed land uses.</u>

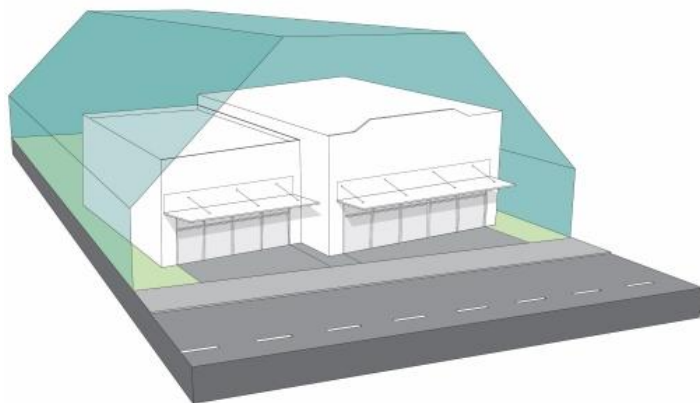
MUZ-R6	Living activities	
(1) PREC14–Mixed Use	Activity status: PER Where:	Activity status where compliance not achieved: RDIS Matters over which discretion is restricted:

<u>Zone-Living Precinct</u> <u>All other Mixed Use Zone areas</u>	1. all Mixed Use Zone Effects Standards are complied with. Note: 1. Living activities must meet the noise insulation standards set out in NOISE-S3.	1. The effects of non-compliance with any Mixed Use Zone Effects Standards and any relevant matters of discretion in the infringed effects standards. 2. The matters set out in MUZ-P1, MUZ-P4 and MUZ-P6.
(2) <u>All other Mixed Use Zone areas</u> <u>Waiwhakaiho Specific Control Area</u>	Activity status: DIS Note: 1. Living activities must meet the noise insulation standards set out in NOISE-S3.	Activity status where compliance not achieved: N/A
MUZ-R7	Residential visitor accommodation	
(1) <u>PREC14-Mixed Use Zone-Living Precinct</u> <u>All other Mixed Use Zone areas</u>	Activity status: PER Where: 1. all Mixed Use Zone Effects Standards are complied with.	Activity status where compliance not achieved: RDIS Matters over which discretion is restricted: 1. The effects of non-compliance with any Mixed Use Zone Effects Standards and any relevant matters of discretion in the infringed effects standards. 2. The matters set out in MUZ-P1, MUZ-P4 and MUZ-P6.
(2) <u>All other Mixed Use Zone areas</u>	Activity status: DIS	Activity status where compliance not achieved: N/A
(3) <u>(2) Waiwhakaiho Specific Control Area</u>	Activity status: NC	Activity status where compliance not achieved: N/A

MUZ-R9	Food and beverage retail stores	
(1) PREC14- Mixed Use Zone-Living Precinct All other Mixed Use Zone areas	Activity status: RDIS Where: 1. the gross floor area of the activity is no more than 100m²; 2. the store is not located within 200m of another food and beverage retail store; and 3. all Mixed Use Zone Effects Standards are complied with. Matters over which discretion is restricted: 1. The effects of non-compliance with any Mixed Use Zone Effects Standards and any relevant matters of discretion in the infringed effects standards. 2. The matters set out in MUZ-P2. 3. The extent to which the activity may adversely impact on the role and function of the Local, Town or City Centre zones. 4. The prevalence of living activities within the area and the degree to which the activity is needed to support those living activities.	Activity status where compliance not achieved: NC
(2) All other Mixed Use Zone areas Waiwhakaiho Specific Control Area	Activity status: NC	Activity status where compliance not achieved: N/A

MUZ-S1	Maximum structure height
1. In the PREC14 - Mixed Use Zone Living <u>Intensification</u> Precinct: - maximum occupiable structure height above ground level: 16m. - maximum overall structure height above ground level: 17.5m. 2. In all other areas: 11m above ground level, except that 50% of a building's roof in elevation, measured vertically from the junction between wall and roof, may exceed this height by 1m, where the entire roof slopes 15 degrees or more. Note: - Occupiable height is the finished internal lining/roofline of the top level of a structure. Any part of a structure greater than the occupiable height is to be used only for roof form, roof terraces, plant and other mechanical and electrical equipment.	Matters of discretion if compliance not achieved: - The extent to which the extra height of the proposed structure will: - adversely affect the planned character and visual amenity of the surrounding area; and - have an overbearing effect any adjacent or adjoining site within a residential zone. - The extent to which site layout, separation distances, topography, planting or setbacks can mitigate the adverse effects of extra height. - Whether the structure is necessary for the operation of an emergency service and what alternative locations are available.

MUZ - Figure 49 - Maximum structure height in the PREC14 - ~~Mixed Use Zone~~ Living Intensification Precinct



Appendix B: Effects on economic growth, development capacity or employment of New Plymouth District Plan provisions

Introduction and approach to assessment

This appendix provides a summary of the findings of the effects of the relevant provisions on economic growth, development capacity and employment. An overview of each topic is also included along with a description of any amendments recommended to the provisions and potential negative economic or financial effects of those amendments.

The requirements of section 360I(2)(b) state that the minister must be satisfied that the provisions have a negative impact on economic growth, development capacity or employment, but do not set a threshold requirement about the extent of negative impact required to justify intervention. This assessment has been undertaken to an extent that is considered proportionate to the nature of the changes being considered and sufficient to determine if there is a negative impact on economic growth, development capacity or employment.

Summary of findings

During the 2024 calendar year, the provisions assessed in this appendix were engaged 91 times for land-use resource consents, with a cumulative council assessment cost of \$487,295. In some cases, these provisions were engaged alongside other plan rules, meaning the full assessment cost cannot be attributed solely to the provisions in scope. For the purposes of this report, we have applied a conservative attribution assumption that 10–15% of the relevant council assessment cost is attributable to the specific infringements associated with these provisions, resulting in an estimated cost of \$49,000 to \$73,000 in 2024 (rounded).

As part of the RMA reform programme, local authorities will prepare combined regional plans. It is considered that the issues identified in the operative rules could be addressed as part of the development of the combined regional plan for Taranaki. It is anticipated that the regional plans will be notified by 2029. On that basis, and assuming similar consenting patterns persist, the estimated attributable council assessment cost would continue for approximately three years, totalling around \$150,000 to \$219,000 in 2024 dollars (rounded).

Removing \$150,000 to \$219,000 in consenting costs would manifest as economic growth through direct cost savings to system users. This supports greater social surplus and effective productivity.¹⁸ Resources not devoted to the resource consent system can be redirected to other more economically productive activities to promote innovation and investment.¹⁹

¹⁸ [Economic benefits of effective resource management](#) (Martin Jenkins, 2025).

¹⁹ [Economic Efficiency Assessment for a new Planning and Environmental Management System](#) (Infometrics and Allen and Clarke, 2025).

In addition to the council consenting costs, it is noted that:

- the relevant rules were also subject of some subdivision consents; however, a conservative approach has been taken to not include these costs in the assessment as these rules would have been a minor part of the subdivision consent process
- these figures do not include costs to prepare the application, which could include professional fees such as the hiring of a planner, urban designer, architect or engineer
- the figures do not include costs incurred from the time associated with the processing of resource consent applications, which delays economic activity from taking place and imposes holding and uncertainty costs on those seeking to undertake development
- the provisions likely incurred additional development costs and opportunity costs where developments were either altered to comply with the rules or did not proceed because of concerns about non-compliance.

These costs could be significant but have not been included in this assessment quantitatively as there are no specific data available in relation to these rules. However, from a qualitative perspective it is considered that the recommended amendments would reduce these costs, which in turn could benefit economic growth by allowing the resources to be reallocated to more productive uses.

Removing consenting requirements and associated costs that do not deliver net benefits, including the requirements discussed in this assessment, is generally expected to result in the following economic impacts:²⁰

- Improved productive efficiency in the relevant sectors, mainly local authorities, professional services (such as architecture and engineering) and the construction sector. This occurs where comparable levels of goods and services are delivered at a lower total cost as a result of reduced compliance and administrative effort.
- Improved allocative efficiency, arising when resources such as time and capital can be directed to their higher-value uses across the economy. For example, time savings achieved through more efficient consenting processes can be reallocated to other projects, reducing delays to additional economic activity, and supporting productivity gains in other sectors.
- Improved dynamic efficiency, where clear, proportionate and non-duplicative consenting requirements provide greater certainty and stronger incentives for investment, including in innovative and sustainable development practices. Over time, this supports improved economy-wide outcomes and economic growth.

These benefits have not been quantified as part of this assessment due to the absence of readily available data specific to the consenting requirements assessed. However, on a qualitative basis, it is considered that the recommended amendments are likely to support economic growth by promoting improvements in productive, allocative and dynamic efficiency, as outlined above.

In terms of impacts on development capacity and employment, the amendments recommended in Topic 9 to make the underlying Mixed Use Zone rules for living activities, residential visitor accommodation and food and beverage retail stores more enabling would

²⁰ [Economic Efficiency Assessment for a new Planning and Environmental Management System](#) (Infometrics and Allen and Clarke, 2025).

provide additional residential development capacity and employment opportunities within approximately 300 sites over an area of approximately 44 hectares.

Based on the above, it is considered that the relevant provisions have a negative impact on economic growth, development capacity or employment compared to the amendments considered in this report.

Topic assessments

Topic 1: Eave exemptions in Residential Zones

Under the previous New Plymouth District Plan, the definition of building excluded 'up to 600mm of overhanging eaves', which meant eaves up to that size were not included when assessing bulk and location requirements such as setbacks and building coverage.

The NPDP definition of building is derived from the National Planning Standards 2019 and does not include an exemption for eaves. Instead, the NPDP effects standards specifically exclude eaves up to 600mm from the minimum building setback effects standards in Residential Zones.²¹ However, the NPDP fails to exclude eaves from the building coverage and height in relation to boundary effects standards. NPDC advised that this was a drafting error as eaves were intended to be excluded from these effects standards to align with the previous district plan approach.

Feedback from the development community in New Plymouth has identified that, because of this drafting error, houses are either being designed without eaves so they can meet permitted standards, or they are unnecessarily requiring consents for non-compliance with site coverage. Eaves provide protection against the elements, such as rain and sunlight, which can impact the building's durability and energy efficiency. Well-designed eaves can also enhance ventilation and reduce solar heat gain, contributing to the overall thermal performance of the building.

During the calendar year of 2024, the building coverage and height in relation to boundary effects standards²² were the subject of 21 land use resource consent applications. All were granted and the total council assessment costs were \$122,983.

It is recommended that effects standards LRZ-S2, LRZ-S3, GRZ-S2, GRZ-S3, MRZ-S2, MRZ-S3 and MRZ-S4 be amended to exempt eaves from the building coverage and height in relation to boundary standards in the Residential Zones.

These recommended amendments could marginally increase the built form that can be accommodated within permitted standards, which may result in localised increases in shading and sense of enclosure for adjoining properties. To the extent these effects occur, they could have minor negative financial effects by reducing neighbouring amenity (for example, sunlight access and perceived outlook), which can influence property desirability and value.

Overall, these potential negative financial effects are considered minimal because the exemption is narrowly limited to eaves up to 600mm and does not enable additional enclosed floor area or materially change the underlying bulk controls (such as building setbacks and height) that most strongly drive shading and dominance effects. Additionally, the previous

²¹ LRZ-S4, GRZ-S4 and MRZ-S5.

²² LRZ-S2, LRZ-S3, GRZ-S2, GRZ-S3, MRZ-R33, MRZ-S2, MRZ-S3 and MRZ-S4.

district plan excluded eaves from both building coverage and height-in-relation-to-boundary without any reported adverse effects on residential amenity. The recommended amendments reinstate the prior approach so that the change is low risk, and any adverse financial effects on neighbours would be very limited and highly localised.

Topic 2: Outlook space in Residential Zones

The NPDP includes requirements to provide an outlook space from the face of a building containing windows to a habitable room in Residential Zones.²³

Outlook space is intended to provide rooms with a reasonable level of sunlight access, privacy, separation distances and general outlook. However, the NPDP also includes effects standards for building height, height in relation to boundary, boundary setbacks and outdoor living space, which similarly provide sunlight access, privacy, separation distances and outlook. Requiring outlook space duplicates some of the functions of these other effects standards.

Feedback to NPDC from the development community has noted that outlook space rules are requiring too many consents and add unnecessary costs to development. Feedback has highlighted that having to design a development to meet the outlook space requirement is creating inferior architecture and poor design outcomes.

During the calendar year of 2024, the outlook space rules were the subject of 20 land use resource consent applications. All were granted and the total council assessment costs were \$120,266.

It is recommended that effects standards LRZ-S6, GRZ-S6 and MRZ-S7 be amended to delete the outlook space requirements from the Residential Zones. Consequential amendments to the numbering of other provisions are also recommended to reflect the deletions.

The recommended amendments could reduce the level of on-site amenity for some occupants, which may in turn have negative financial implications through reduced desirability and property values. Overall, this potential negative financial effect is considered minimal because other Residential Zone effects standards will still provide for sunlight access, privacy, separation distances and general outlook. Any resulting reduction in amenity would primarily be an internalised cost borne by the development site itself, and amenity outcomes are inherently subjective and influenced by a range of design choices and market preferences.

Topic 3: Outdoor living spaces in Residential Zones

The NPDP includes requirements to provide outdoor living spaces in Residential Zones.²⁴ However, the drafting of the effects standards has led to confusion for plan users and decision-makers.

The intent of the effects standards is to require a larger outdoor living space at the ground floor while a smaller area may be provided for units above the ground floor. However, as drafted the effects standards could be interpreted as requiring the larger area above the ground floor as well.

²³ LRZ-S6, GRZ-S6 and MRZ-S7.

²⁴ LRZ-S5, GRZ-S5 and MRZ-S6.

During the calendar year of 2024, the outdoor living space rules were the subject of five land use resource consent applications. All were granted. The total council assessment costs were \$42,833. None of these consents related to above ground floor outdoor living spaces; however, these costs demonstrate the financial impact that the rules could have if they were unnecessarily engaged.

It is recommended that effects standards LRZ-S5, GRZ-S5 and MRZ-S6 be amended to correct the drafting error of the outdoor living space requirements in the Residential Zones to specify that a smaller outdoor living area may be provided above the ground floor. This will clarify the requirements for developers and may lead to increased confidence to invest in urban housing.

Any potential negative financial effects of the recommended amendments are considered minimal because the amendments are intended to correct a drafting issue that has created ambiguity for plan users and decision-makers. Any reduction in amenity that may occur because of development choices is generally an internalised cost borne by the development site, and amenity outcomes are inherently subjective and influenced by a range of design choices and market preferences.

Topic 4: Parking for people with disabilities

The NPDP requires a minimum number of on-site vehicle parking spaces for people with disabilities, and stipulates their location and design in effects standards TRAN-S7 and TRAN-S13. However, *New Zealand Standard NZS 4121:2001 – Design for access and mobility: buildings and associated facilities* (NZS 4121:2001) regulates the size and number of disability car parking at building consent stage.

During the calendar year of 2024, the disability parking space rules were the subject of four land use resource consent applications. All were granted and the total council assessment costs were \$23,492.

It is recommended that effects standards TRAN-S7 and TRAN-S13 be deleted. This eliminates the overlap between the NPDP and the Building Act 2004 and reduces time, and therefore costs, in assessing resource consent decisions. Consequential amendments to the numbering of other provisions are also recommended to reflect the deletion.

Any potential negative financial effects of the recommended amendments are considered minimal because the deleted standards duplicate the Building Code access requirements and NZS 4121. Removing the NPDP requirements is unlikely to materially change outcomes, while improving efficiency by removing duplication.

Topic 5: Driveway width requirements

In the previous New Plymouth District Plan the minimum formed width of driveways in Residential Zones was 3.0m. In the NPDP the minimum formed width was increased to 3.5m to enable fire fighting vehicles to access all buildings on a site.

Advice to NPDC from the development community and Fire and Emergency New Zealand (FENZ) is that a 3.0m formed width is sufficient for small developments in areas where fire hydrants are available as there is no need for a fire truck to access the driveway. Local planners and surveyors have also advised NPDC that reducing the minimum driveway width would enable more infill development.

During the calendar year of 2024, the driveway width requirement was infringed for one land use resource consent application. The consent was granted and the cost of the council assessment was \$4,206.

It is recommended that effects standards TRAN-S19 and TRAN-S20 be amended so that driveways and rights-of-way for small developments in Residential Zones require a minimum formed width of 3.0m instead of 3.5m. The amendments provide greater flexibility and may allow some infill residential development to occur without a resource consent. This will decrease costs for infill development and may encourage more infill residential development.

A potential negative financial effect of reducing driveway widths is an increased risk of localised safety and efficiency issues on sites where narrower access constrains vehicle movements, potentially leading to higher downstream costs (such as minor redesigns, management controls or operational inconvenience).

Overall, these potential negative financial effects are considered minimal because the reduction in driveway width is targeted and bounded, and the NPDP would continue to manage the key safety and access outcomes through other requirements. In particular, the reduced driveways would be limited to specific circumstances, and the NPDP would retain supporting controls for access and manoeuvring. It is also noted that the minimum driveway width was originally increased to 3.5m to specifically enable fire fighting vehicle access; however, FENZ have confirmed they support the recommended reduction.

Topic 6: Indicative road transport network definition

Rule TRAN-R7 in the Transport Chapter requires structures to be setback from the 'indicative road transport network' which is identified on the planning maps. The intent of these provisions is to ensure that there is sufficient space to construct future roads when required. However, once the road is constructed it is no longer necessary to impose increased setbacks.

In the previous New Plymouth District Plan the definition of 'indicative road transport network' excluded any indicative roads where a subdivision approved by the council had been given effect to which resulted in the road being constructed. The definition in the NPDP has not carried over this exemption. Feedback to NPDC from the development community has identified an issue with this as even after a road has been constructed, the setbacks in TRAN-R7 still apply because the indicative road remains on the planning maps.

During the calendar year of 2024 rule TRAN-R7 was the subject of two land use resource consent applications. Both were granted and the total costs of the council assessment were \$10,269. It is noted that in both instances the indicative road transport network had not yet been vested; however, this demonstrates the potential costs if the rule were to be unnecessarily engaged.

It is recommended to amend the definition of indicative road transport network to exempt indicative roads identified on the planning maps where a subdivision approved by the council has been given effect to which has resulted in the vesting of the road as legal road.

There are no identified negative economic costs associated with the recommended amendments as the setbacks are not necessary once the road is vested. The recommended amendment aligns the plan with the former definition of 'indicative road transport network'.

Topic 7: Earthworks cut depth and fill height

Effects standard EW-S2 in the Earthworks Chapter limits the maximum earthworks cut depth and fill height to 0.5m within the minimum building setback of the underlying zone (and to 1.5m outside the minimum building setback). Feedback to NPDC from the development community has indicated that this effects standard is too restrictive, particularly in zones such as the Rural Production Zone where the minimum building setback can be up to 20m.

During the calendar year of 2024, effects standard EW-S2(2) was the subject of 32 separate land use resource consent applications. All were granted and the total council assessment costs were \$145,694.

It is recommended that effects standard EW-S2 be amended to allow for the larger 1.5m earthworks cut depth and fill height closer to property boundaries within the Residential Zones, Rural Zones, Commercial Zone, Hospital Zone and Māori Purpose Zone.

The recommended amendments may create additional costs for earthworks occurring closer to boundaries for more geotechnical design, retaining structures, drainage control and sediment management. However, the rules do not require earthworks to be near boundaries, so this is an optional cost for developers and property owners.

Earthworks closer to boundaries may also have negative financial impacts on neighbouring property values as larger retaining structures near boundaries may impact amenity values and therefore property values. However, amenity values are inherently subjective and difficult to quantify, and, in many cases, the recommended amendments will not enable discernibly different outcomes.

Topic 8: Alterations and additions in the City Centre and Town Centre Zones

Within the City Centre Zone and Town Centre Zone it is a restricted discretionary activity to undertake alterations to the exterior of a structure and additions to a structure.²⁵ Feedback to NPDC from the development community has indicated that these rules are too restrictive given that these zones are intended to be enabling for development.

During the calendar year of 2024, the addition and alteration rules were the subject of five separate land use resource consent applications. All were granted and the total council assessment costs were \$14,939.

It is recommended to amend the activity status of rules CCZ-R16, CCZ-R17, TCZ-R16 and TCZ-R17 from restricted discretionary to permitted where there is compliance with the relevant zone effects standards. Amendments to some policies are also recommended to align with the changes to the rules. Amending these rules will remove barriers to development in the city centre and town centres, which in turn may stimulate economic development and employment opportunities.

A potential negative economic effect of the recommended amendments is that it may reduce the council's ability to secure site-specific urban design outcomes through consent conditions (for example, controlling the effects of alterations and additions on engaging frontages, public amenity, shading of public places and compatibility with planned character). Over time, if a

²⁵ CCZ-R16, CCZ-R17, TCZ-R16 and TCZ-R17.

high number of alterations and additions proceed without the opportunity for tailored consenting conditions, there is a risk that cumulative small changes could contribute to lower centre amenity and a less attractive public realm.

Overall, it is not likely that the amendments will have significant negative economic effects because the amendments are limited to alterations and additions and the other effects standards that manage key built form and amenity outcomes would continue to apply. In this context, the residual risk is primarily around the loss of some discretionary leverage for bespoke conditions, but that risk is constrained by the continuing application of the effects standards and the typically incremental nature of additions and alterations, meaning any adverse economic effects are likely to be minimal and localised.

Topic 9: Living activities in the Mixed Use Zone

The Mixed Use Living Precinct within the Mixed Use Zone provides for living activities and residential visitor accommodation as permitted activities and food and beverage retail stores as restricted discretionary activities. However, within the underlying Mixed Use Zone living activities and residential visitor accommodation are discretionary activities and food and beverage retail stores are non-complying activities.

During the calendar year of 2024, there was only one land use consent for a residential activity in the Mixed Use Zone outside of the Living Precinct. This was granted and cost \$2,624.02 for the council assessment. In addition, the underlying Mixed Use Zone (without any precinct overlay) applies to 388 sites over an area of approximately 44 hectares. Amending the rules within this zone would provide for additional residential development capacity and employment opportunities within this area.

It is recommended to amend the underlying Mixed Use Zone rules to provide for living activities and residential visitor accommodation as permitted activities and food and beverage retail stores as restricted discretionary activities. Amendments to the Mixed Use Zone Overview and some policies are also recommended to align with the changes to the rules. No changes are proposed to the Waiwhakaiho Specific Control Area within the Mixed Use Zone.

The recommended amendments may result in additional reverse sensitivity effects and land use conflict by allowing more noise-sensitive residents near commercial activities. However, sensitive activities are anticipated within the Mixed Use Zone and other controls (such as the Noise Chapter) will help manage specific matters.

The recommended amendments may also impact the vibrancy and vitality of the Mixed Use Living Precinct by creating residential supply away from the main centre area. However, the Mixed Use Zone applies to a limited area, and the proposed amendments do not seek to amend the spatial extent of the zone.

It is noted that the National Planning Standards 2019 describes the Mixed Use Zone as:

Areas used predominantly for a compatible mixture of residential, commercial, light industrial, recreational and/or community activities.

It is considered that the recommended amendments better align the NPDP Mixed Use Zone with the National Planning Standards 2019 description.