

**BEFORE THE NEW PLYMOUTH DISTRICT COUNCIL  
Independent Hearing Commissioner**

**IN THE MATTER** of the Resource Management Act 1991

**AND**

**IN THE MATTER** In the Matter of an application by Bryan  
and Kim Roach & South Taranaki  
Trustees Limited for construction of a  
new dwelling and associated fencing  
and retaining walls (retrospective) at  
24/26 Woolcombe Terrace, New  
Plymouth

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**STATEMENT OF EVIDENCE OF KATHRYN HOOPER**

**PLANNING**

19 March 2025

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## **Introduction**

1. My name is Kathryn Louise Hooper.
2. I have a Masters in Applied Science (Natural Resource Management) from Massey University and a Graduate Certificate in Environmental Management from Central Queensland University.
3. I am a Principal Planner and Executive Director at Landpro Limited and have been a consulting Planner based in New Plymouth since 2001. Prior to this I worked for Wellington and Taranaki Regional Councils. I have been a full member of the New Zealand Planning Institute since 2012.
4. The majority of my work is here in Taranaki though Landpro operates throughout New Zealand. I grew up in the New Plymouth District.
5. My experience includes consenting subdivision and land use activities under the New Plymouth District Council (NPDC) Plans and other District Plans in New Zealand; private plan changes; feasibility, consultation and land access negotiations.
6. I am authorised to give this evidence on behalf of the submitters, Geoff and Jo Whyte.
7. I was engaged by the submitters in December 2024 to assist them with the preparation of their submission, but was not involved in the previous Environment Court proceedings.
8. My involvement has included the following:
  - a) Review of the application dated 7 June 2024 and associated plans, the amended application dated 14 August 2024 and associated plans, and the most recent version of the plans for consent dated 20 September 2024.
  - b) Review of the notification decision.
  - c) Assisting in the preparation of the submission.
  - d) Review of the s42A Report prepared by Mr Robinson.

- e) Review of the evidence for the applicant, in particular that relating to planning matters.
9. In preparing this evidence, I rely on and refer to the evidence of the following witnesses for the submitters:
- a) Emma McRae, Boffa Miskell (Landscape and Amenity);
  - b) Geoff Whyte – submitter, which I understand will be presented at the hearing.
10. I visited the submitters site at 28 Woolcombe Terrace on 11 November 2024, and viewed the application site and building from both inside and outside the submitters' property, including from the north-facing balconies, the outdoor area at ground level at the south of the site, the Whytes' driveway, and from internal windows on the North, West and Southern sides of the submitters' dwelling. I also viewed the application site from the street and the public reserve opposite. I have not entered the application site.

### **Code of conduct**

11. Although this is a Council level hearing, I confirm that I have read the Code of Conduct for Expert Witnesses as contained in the Environment Court Practice Note 2023, and I agree to comply with it in giving this evidence. I confirm that the issues addressed in this brief of evidence are within my area of expertise.

### **Terms and Acronyms**

12. Throughout my evidence I use the following terms/acronyms:
- a) ODP – Operative New Plymouth District Plan (2005).
  - b) PDP – Proposed New Plymouth District Plan (Appeals Version 7, 23 December 2024).
  - c) RPS – Regional Policy Statement.
  - d) MRZ – Medium Density Residential Zone.
  - e) HIRB – Height in Relation to Boundary.

f) AHIRB – Alternative Height in Relation to Boundary.

### **Background**

13. Geoff and Jo Whyte own the site and dwelling at 28 Woolcombe Terrace, New Plymouth. Their property is located immediately east of the application site.
14. The property, which is their family home, was purchased and their dwelling constructed in 2013-2014.
15. The Whytes were notified on 8 November 2024 as an affected party<sup>1</sup> to this application which is to be heard. They have opposed the application for a retrospective consent to authorise the dwelling that is now located at 24 and 26 Woolcombe Terrace, New Plymouth.

### **The submission**

16. The Whytes oppose, and have submitted against this application for retrospective consent.
17. The Whytes submitted that:
  - a) The proposed density would negatively impact the amenity of their property including shading, building dominance, reduced outlook, reduced privacy and a sense of enclosure.
  - b) They were particularly concerned with the possible shading effects in later after periods on areas of the site which are used as their entertainment space, including at the rear of the property.
  - c) The proposal would block their views of the Taranaki Maunga which contributes to the amenity gained from existing indoor and outdoor spaces on their property.
  - d) The development does not comply with Rule EW-R10 and Effects Standard MRZ-S5 under the Proposed District Plan 2023.

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<sup>1</sup> Identified in the Notification Decision Report prepared by Mr Robinson for the NPDC, dated 30 October 2024, see Appendix 1 to the s42A report.

- e) The mitigation measures to prevent adverse effects from the first-floor balcony adjoining the submitters property have yet to be installed.
- f) Effects would be significant and have not been mitigated.
- g) The proposed front wall would impact westerly facing views from the ground floor private outdoor space.
- h) The fence heights shown on the application drawings are inaccurate.
- i) The proposal would be inconsistent with the purpose, principles, provisions and part 2 of the RMA 1991, the Taranaki Regional Policy Statement 2010 and the Proposed District Plan 2023.

18. The relief sought in the Whytes' submission is that the application for retrospective consent be declined in its entirety.

### **Scope of evidence**

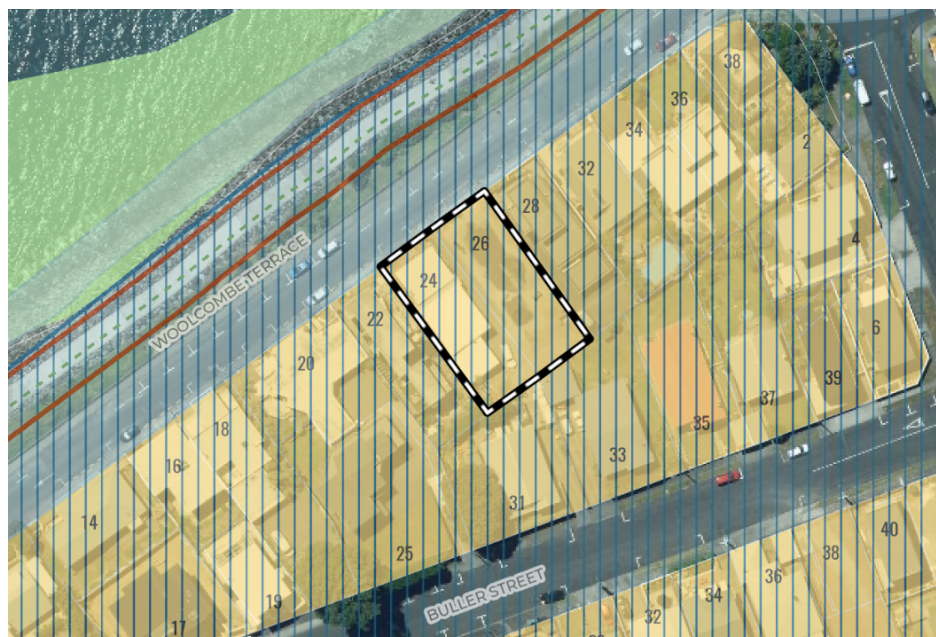
19. In my evidence, I provide a planning assessment for the submitter by:

- a) Providing a statutory planning assessment and setting the planning context.
- b) Providing a full policy assessment that includes assessment of the activity against the relevant statutory documents.
- c) Responding to the s42A report prepared by Mr Robinson.
- d) Responding to the evidence of the applicant, where this is relevant to my field of expertise.
- e) Summarising my conclusions.

### **Introduction to the subject site & planning context**

20. The site is zoned Medium Density Residential (MRZ) and is within the Coastal Environment, as mapped under the PDP. I generally agree with the

site description, summary of the application and description of the environment provided in the s42A report.



**Figure 1. Zoning of subject site – PDP (Appeals Version, sourced March 2025)**

21. There are residential dwellings to the south, east and west of the site, with frontages directly onto Woolcombe Terrace. On the opposite side of Woolcombe Terrace is Open Space zoning, which is public space on the New Plymouth foreshore.
22. The purpose of the Medium Density Residential Zone is to provide areas for medium density residential development up to three stories in height with a mixture of detached, semi-detached and terraced housing and low-rise apartments.
23. Under the ODP, the site was zoned Residential B, it was not located within the Coastal Environment (this bounded the seaward side of Woolcombe Terrace), and the site was within 'Area 3' of the Eliot Street Viewshaft Overlay which has been removed in the PDP.

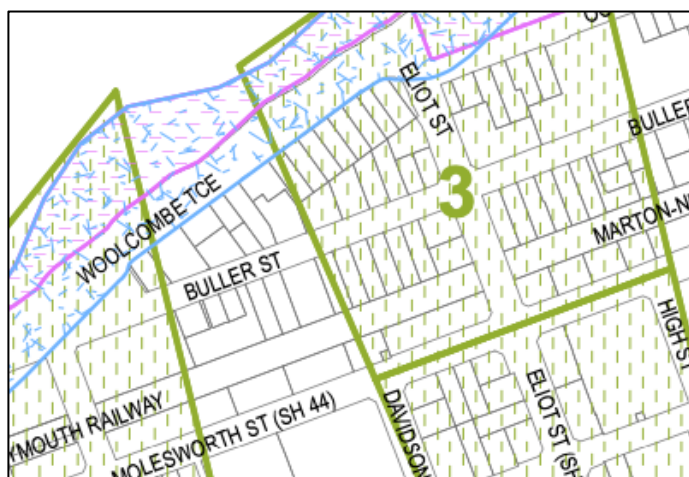


Figure 2. Historic zoning of subject site – ODP (2005)

## Statutory Assessment

### New Plymouth District Plans – the Operative New Plymouth District Plan (ODP) and the Proposed New Plymouth District Plan (PDP)

24. I agree with the s42A report<sup>2</sup>, and with Mr Lawn<sup>3</sup> that given the current status of the PDP, this is the relevant planning document against which this application should be assessed, and that the ODP is now irrelevant. I also note the changes to the rule numbering which has come about via the appeals process and use the numbering in the current appeals version (being version 7, which is current to 23 December 2024, this being the current online version of the NPDC 'E-Plan').

25. I agree with both the s42A report<sup>4</sup> (and note Mr Lawn also agrees<sup>5</sup>), that the activity is discretionary under CE-R5.

### Relevant Rules - PDP

26. The s42A report identifies MRZ-R1 as one of the triggered rules in the PDP. This is incorrect in my opinion. MRZ-R1 specifically excludes Residential Buildings, and I agree with Mr Lawn in this respect.<sup>6</sup>

<sup>2</sup> S42A Report para. 21, page 35

<sup>3</sup> B Lawn para. 8.1 page 4

<sup>4</sup> S42A report, para.20, page 5

<sup>5</sup> B. Lawn, para 8.5, page 7.

<sup>6</sup> B. Lawn, Paragraph 8.5-8.7, page 7 & 8

27. Not identified in the s42A report or by Mr Lawn is that MRZ-R4 is applicable, which provides for up to three residential units per site as a permitted activity, providing the medium density effects standards are met. The subject dwelling will be the second residential dwelling on the site, so the activity complies with MRZ-R4 PER(1), but all MRZ effects standards are not complied with. It is therefore restricted discretionary under MRZ-R4. In terms of the s42A report, this is largely inconsequential, as the framework of the rules and matters of discretion are the same in MRZ-R1 and R4.
28. MRZ-R4 requires that all dwellings comply with the Medium Density Effects standards and does not have a 'carve out for existing dwellings'. In any event, Mr Lawn has assessed both dwellings in his assessment, and finds no non-compliance associated with the existing dwelling, and I have no reason to disagree with him on that matter.
29. MRZ-R31 applies, as this relates to building activities, and the activity is restricted discretionary due to breaches of effects standards.
30. MRZ-R33 is identified in the s42A report and by Mr Lawn as applying in this case, on the basis that the activity does not comply with MRZ-S3, but complies with effects standard MRZ-S4, the alternative height in relation to boundary rule. I disagree that this rule applies for the reasons I detail below.
31. I agree that the activity breaches both MRZ-S3 (height in relation to boundary) and MRZ-S10 maximum fence or wall height.

**The application of MRZ-S3 and MRZ-S4 – Height in relation to boundary and their respective rules.**

32. At Table 2 of the s42A report Mr Robinson states that the building activities do not comply with MRZ-S3 Height in Relation to Boundary (HIRB), but do comply with MRZ-S4 – Alternative Height in Relation to Boundary (AHIRB). I agree that if MRZ-R33 applies, the dwelling complies with MRZ-S4.
33. The position adopted by the applicant and NPDC is that the part of the building that is within 20m of the frontage complies with MRZ-S4 and accordingly rule MRZ-R33 applies (invoking the matters of discretion in MRZ-S33), with rule MRZ-R31 applying for the part of the building that is further than 20m from the frontage due to failure to comply with MRZ-S3.



34. I retain concerns about this approach and set out my reasons for this in the following paragraphs.
35. MRZ-S4 provides that **buildings** within 20m of the site frontage must comply with an alternative daylight angle standard to MRZ-S3 (the 'usual' standard). MRZ-S4 includes a note which says that the standard "*is an alternative to the permitted MRZ-S3 standard and applies to development that is within 20m of the road boundary*". Building activities seeking to use this alternative standard are restricted discretionary under MRZ-R33, and the matters of discretion are narrower and more specific than those for non-compliance with MRZ-S3.
36. The proposed development is contiguous, and reads as one building which is over 30 metres in length, running along a significant proportion of the western boundary between 24-26 Woolcombe Terrace and the submitters property at number 28.
37. In my opinion, the alternative standard in MRZ-S4 does not apply, as the "**building**" does not sit entirely within 20 metres of the site frontage, but extends much further towards the rear of the site. MRZ-S4 does not apply to part of a building (if it did, it should state this), it applies to the building, and building activities as a whole.
38. Mr Lawn discusses this from paragraph 8.16 of his evidence, and I agree with the statements he makes about the evidence at the PDP hearings. The decision<sup>7</sup> on the PDP matches the relief sought by Kāinga Ora and in my opinion, what we are dealing with is a discrepancy between MRZ-S3 and MRZ-S4. MRZ-S3 anticipates that MRZ-S4 will apply to 'parts of' buildings and clearly it was important to note that 'parts of' buildings were a subset of 'buildings' in MRZ-S3. MRZ-S4 simply does not provide for parts of buildings.
39. I note that MRZ-R33 applies to 'building activities'. 'Building Activities' are defined in the PDP as follows;

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<sup>7</sup> <https://proposeddistrictplan.npdc.govt.nz/media/qi5myare/recommendation-report-25-resz.pdf>  
page 52.

*BUILDING ACTIVITIES means undertaking or carrying out any of the following building works:*

- *Erection of a structure - erection of new buildings and structures;*
- *Alterations to a structure - internal and external alterations to existing buildings or structures that do not have the effect of increasing the gross floor area of a building or the height of a building or structure;*
- *Additions to a structure - additions to existing buildings or structures that have the effect of increasing the gross floor area of a building or the height of a building or structure;*
- *Demolition or removal of a structure - total or partial demolition of an existing building or structure or the removal of an existing building or structure from a site; and*
- *Relocation of a structure - relocation of a building or structure onto a new site, and repositioning or relocating a building or structure to a different area within the same site.*

40. Absent from the definition of 'Building activities' is erection of 'part of' a building or structure, so there is no clarification in relation to 'parts of' buildings provided via the definition either.

41. It is my understanding from the submissions and hearings on the PDP that the purpose of the proposed alternative standard is to ensure that development provides well-designed streetscapes and suitable residential amenity for surrounding properties and places. The need for such a standard was addressed in the evidence of Michael Campbell for Kāinga Ora, the party that sought inclusion of an alternative height in relation to boundary standard, where he said that the purpose was:

...to enable a more effective and efficient height in relation to boundary framework that enables greater design flexibility towards the road boundaries (i.e. frontages) of residential sites, to accommodate the **variation in housing typologies, forms, scales and intensities necessary** to achieve the strategic objectives of the PDP in relation to delivering a compact urban form and the objectives of the respective zones [...]

(emphasis added in bold)

42. It is my opinion that the wording of rule MRZ-R33, and the corresponding wording of MRZ-S4, makes the application of the rule and effects standard to only that part of a building that is within 20m of the site frontage problematic because, if we work to the letter of the plan, 'parts of' buildings are not provided for. This can only lead me to the conclusion that a building needs to be considered as a whole.

43. With this in mind, I have identified two scenarios in relation to the application of MRZ-R33 and its corresponding effects standard MRZ-S4. Either:

- a) MRZ-R33 **does not apply** - because the building does not sit entirely within 20m of the frontage. Rule MRZ-R31 applies over the whole building activity and MRZ-R4 applies over the land use activity as a whole; or,
- b) MRZ-R33 **does apply** to this application - meaning the portion of the building activity within 20m of the site frontage is restricted discretionary under MRZ-R33, and the rear portion of the building is restricted discretionary under MRZ-R31. MRZ-R4 applies over the land use activity as a whole.

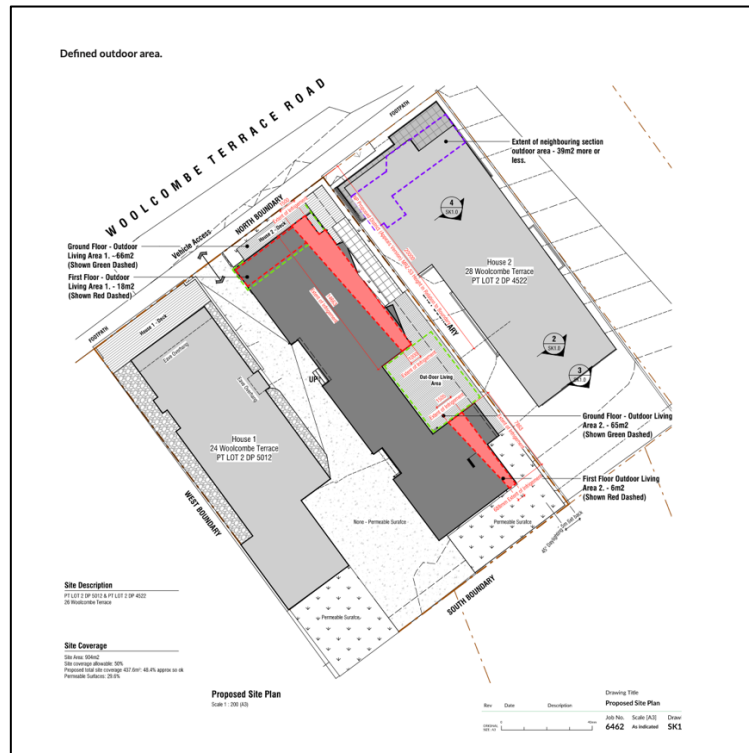
44. My position is, for reasons identified above, that scenario a) above is the correct one and MRZ-R33 does not apply.

45. However, as Mr Lawn has done, I also consider the alternative position of scenario (b) above throughout my evidence. To pre-empt the discussion that follows, in my opinion it does not make much difference whether the proposal is assessed by reference to S3 or S4, as the effects are largely the same. MRZ-R33 provides for a similar "comprehensive framework" (as discussed in the decision attached to the evidence of Mr Lawn) for the assessment of visual dominance, overlooking and privacy-related issues, and requires assessment against the same objectives and policies as MRZ-R31.

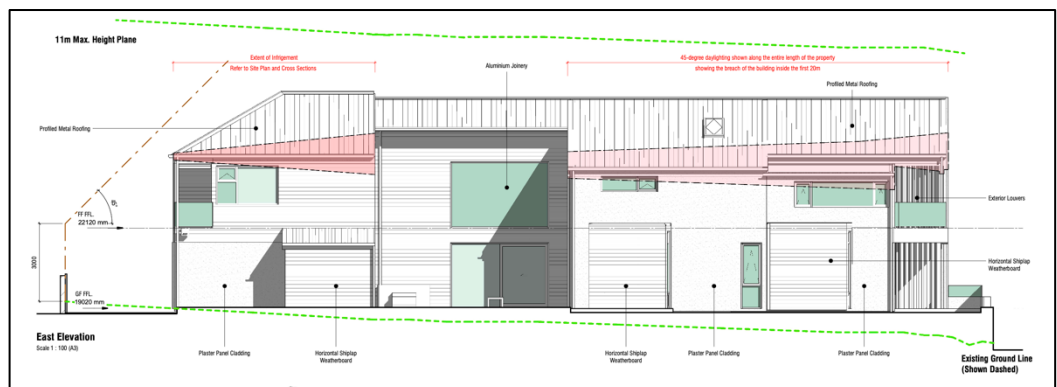
## ENVIRONMENTAL EFFECTS

### The permitted baseline

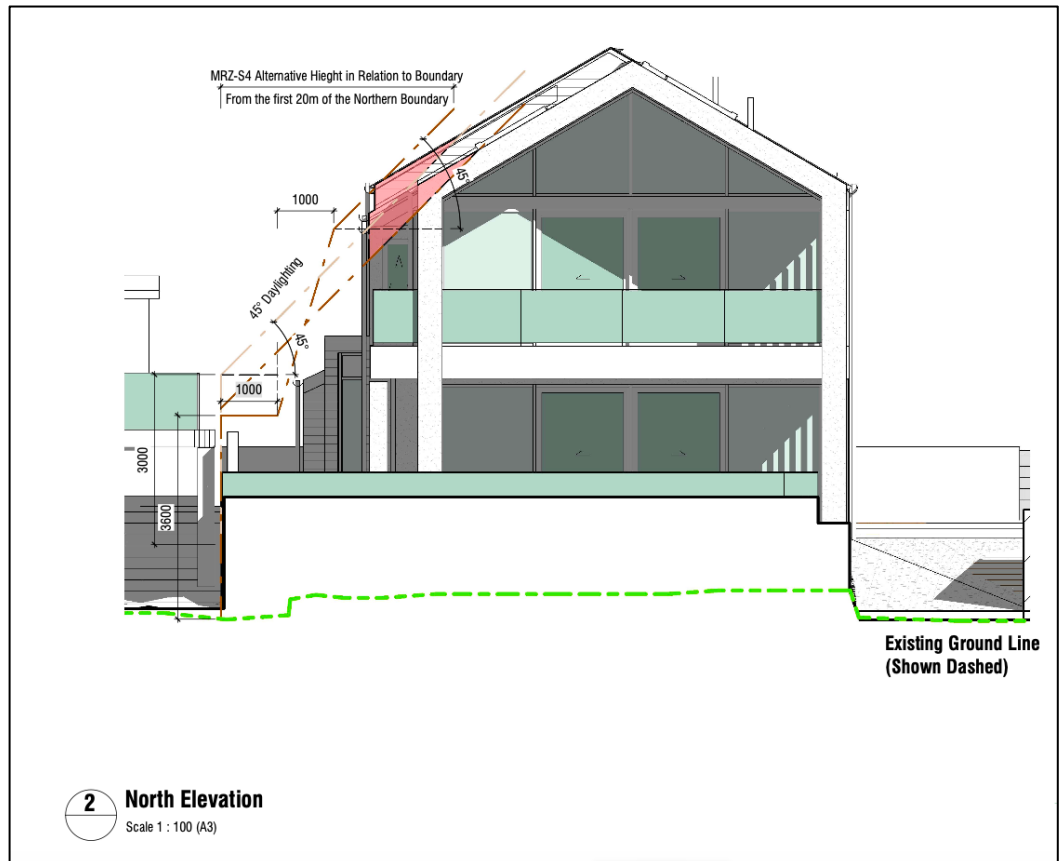
46. To begin with, I note for completeness, in relation to CE-R5, if activities are permitted in the underlying zone, they are also permitted in the Coastal Environment.
47. While MRZ-S3 does not apply to activities that are utilising MRZ-S4, the AHIRB standard does not open up a permitted pathway for activities that breach MRZ-S3, it opens a restricted discretionary pathway. The permitted baseline remains rule MRZ-R31, which relies on the HIRB standard set in MRZ-S3.
48. This is also the approach identified in the s42A report and by Mr Lawn and the respective experts he relies on.
49. The parts of the building that breach the standard (MRZ-S3) are located on the eastern side of the dwelling, which is the shared boundary with 28 Woolcombe Terrace. The breach ranges from 0.56m in vertical height above the permitted height at the northern end of the building through to 0.629m above the permitted height on the southern end of the building. Ms McRae has also pointed out that in terms of vertical height, at the point of the building that steps towards the east this extends 2m above the permitted standard.
50. The breach is 22.56m long and affects the entire eastern side of the building except for the part where the outdoor living area is provided and the building steps away from the boundary. Horizontally, the breach extends 1.5m into the building from the north east corner, widening to approximately 2m where the building steps to the east, then narrowing to 1.0m in horizontal depth at the northern edge of the outdoor living area/deck. At the southern end of the outdoor living area the breach extends 1.505m horizontally into the building, and 0.688m into the building at the south east corner. Figures 1-4 below show the scale of the breach of MRZ-S3, and I also refer to Figures 8 and 9 of Ms McRaes evidence which illustrate the largest extent of the breach.



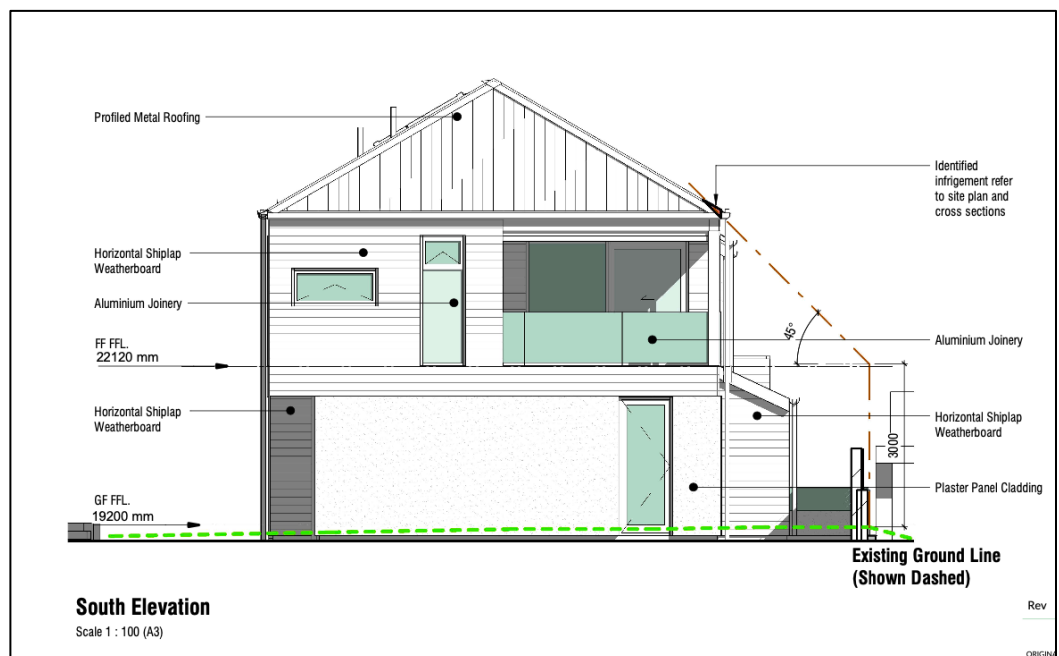
**Figure 3. Horizontal extent of the breach of MRZ-S3 into the dwelling (red area). From D McEwan's Evidence, Appendix B, Sheet 1. (Noting the Boon plans accompanying the application dated 6/8/24 did not identify the part of the breach that extended over the part of the building located within 20m of the site frontage).**



**Figure 4. Vertical extent of the breach of MRZ-S3 on the eastern elevation of the dwelling (red area). From application for consent – Boon drawings dated 6/8/24, drawing SK.03.**



**Figure 5. Extent of the breach of MRZ-S3 at Northern elevation of the dwelling (red area). From application for consent – Boon drawings dated 6/8/24, drawing SK.03.**



**Figure 6. Extent of the breach of MRZ-S3 on the eastern elevation of the dwelling (red area). From application for consent – Boon drawings dated 6/8/24, drawing SK3.1**

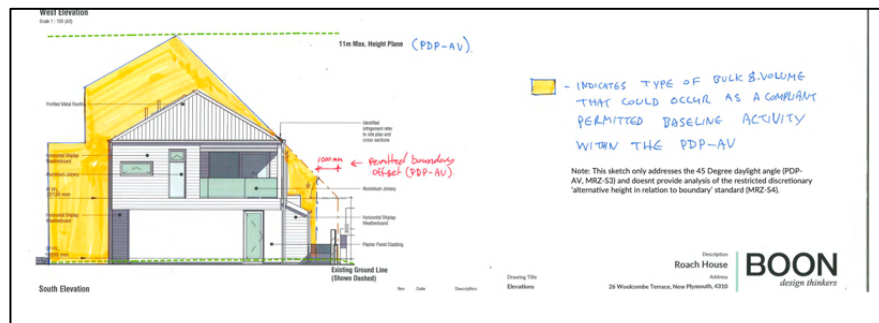
51. The Consent Authority has the discretion of applying the permitted baseline test to any application, and has opted to exercise its discretion in this case.

Section 104(2) provides that when forming an opinion about whether there are any actual or potential effects on the environment of an activity, the consent authority:

*“may disregard an adverse effect of an activity on the environment if a national environment standard or the plan permits an activity with that effect”*

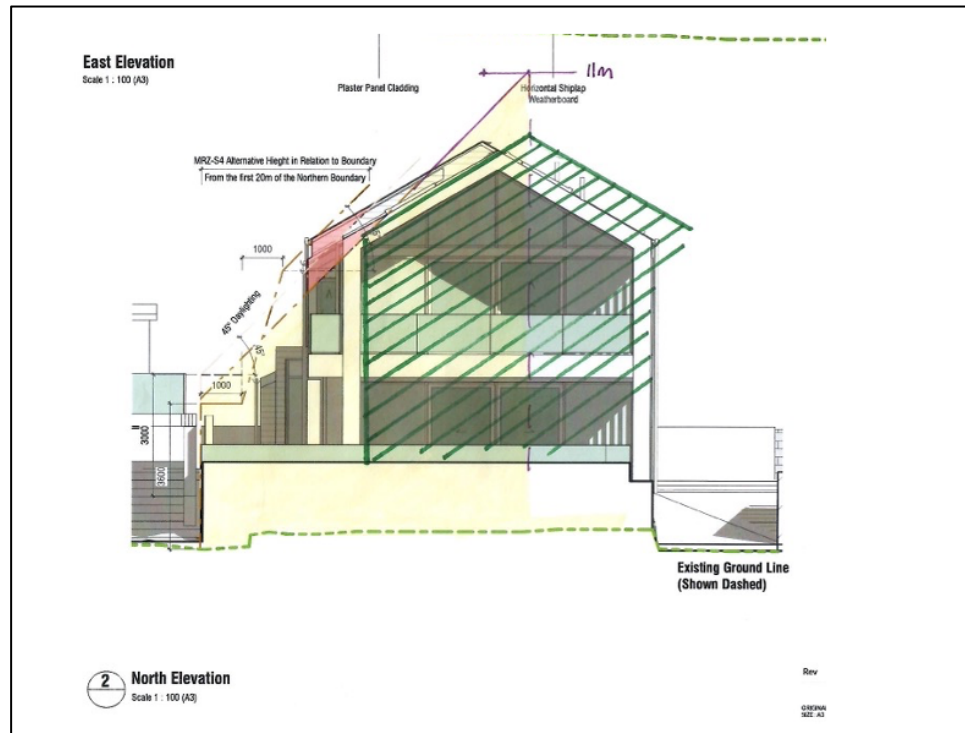
52. I agree with Mr Lawn, that the purpose of the permitted baseline test is to isolate and make effects of activities on the environment that are permitted by the plan irrelevant to any consideration. It includes non-fanciful (i.e. credible) activities that would be permitted as of right by the plan in question.

53. The applicant, and their experts, assess the permitted baseline associated with a dwelling that is built up to the maximum height limit in the MRZ – being 11m from existing ground level – that also complies with the HIRB requirements. This is illustrated by Mr McEwan in his evidence, and referenced by Mr Lawn at paragraph 9.7/Figure 5 of his evidence and I include this also, below.



**Figure 7. Figure 5 from B Lawn Evidence. Permitted ‘Envelope’ on southern elevation/D McEwan Appendix B Sheet 03.**

54. Ms McRae has undertaken the same exercise as Mr McEwan, but on the front elevation of the dwelling, as shown below.



**Figure 8. Permitted ‘Envelope’ on north elevation in yellow, and the same building design moved to fit within the envelope (green hatch) from Figure 10 of Ms McRae’s evidence.**

55. A key to the application of the permitted baseline test is that it must be credible. I agree with Mr Lawn that at some point, it is credible that dwellings up to 11m tall, and 3 stories in height could be established in this area. Doing this within the permitted activity HIRB requirements though is, obviously from the drawings in Figure 7 and Figure 8, significantly constrained, particularly when site coverage restraints, permeable area requirements, the narrow nature of sites in this area (noting 24/26 Woolcombe is ‘double width’) and the standard 3m + 45 degree daylight angle HIRB restraints are factored in.
56. It is important to apply a credible scenario to what the permitted baseline actually is, and I do not consider it credible that someone would ever build a house with the kind of angle shown by Mr McEwan (duplicated in Figure 6 above), as it would result in unusable spaces along the eastern façade.
57. A more credible scenario is that presented by Ms McRae, in Figure 8 above, which pushes the dwelling further west. This would however require rearrangement of site access.
58. While examining the question of what is a credible permitted baseline scenario, I note the modelling undertaken by Jono Murdoch, which has been



relied upon by Mr Lawn<sup>8</sup> in his assessment of shading effects. Mr Murdoch has modelled a 'permitted footprint', illustrated by the purple hatched box on the drawings in Appendix 1 to his evidence. This footprint is 300m<sup>2</sup> in area, which would not be permitted as it would result in exceedance of the permitted site coverage rules. This appears to model more of a 'maximum worst case scenario' than a credible permitted building – a permitted building could occur somewhere within the footprint shown, but would not be able to take up all of it.

59. A 'Permitted' footprint for any building would need to be modified to either be:

- a) narrower than that depicted by Mr Murdoch to the extent necessary to comply with site coverage of 50%. None of the evidence provided by the applicant demonstrates that a building that is on a footprint narrower than that shown would credibly be able to be built to 11m in height, while complying with the daylight angles and site coverage and still extending for 30m along the boundary with 28 Woolcombe Terrace; or
- b) shorter than that depicted by Mr Murdoch, which would potentially facilitate the maximum 11m height, but the trade-off would be a reduction in the overall length of the building adjacent to the boundary, reducing effects on 28 Woolcombe Terrace; or
- c) alternatively, to achieve 11m height while complying with 50% site coverage, the building would need to be moved further from the site boundary (in a manner similar to that depicted by Ms McRae in Figure 8) – this also reducing the effects on 28 Woolcombe Terrace.

60. I agree that an 11m tall building would result in similar shading effects as the area shown by Mr McEwan and Mr Murdoch as being caused by the subject building. However, shading is only one effect caused by the breaches. In my opinion, it is more credible that to achieve 11m in height, a permitted building

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<sup>8</sup> B Lawn, Para 9.16-9.21, page 18-19

would be further from the boundary or shorter in length than the permitted envelope that has been assessed.

61. Parts of this activity clearly extend beyond the permitted envelope, and I agree that, in terms of one effect, being shading, the effects are likely to be similar to the permitted baseline on the front balconies of 28 Woolcombe Terrace.

62. I agree there is a permitted baseline, and it is appropriate to apply it. However when compared against a credible scenario, there are certainly effects that are above and beyond the permitted baseline that cannot be dismissed.

### **ASSESSMENT OF EFFECTS**

63. The potential and actual effects of the activities that are the subject of this consent application and the submission made by the Whytes are discussed in the following paragraphs. Below, I list the effects and discuss:

- a) the effects and the scale of them, including in relation to the permitted baseline where applicable, and
- b) the mitigation measures that are proposed by the applicant.

64. I then make an overall assessment of the significance of that effect.

65. The effects, as detailed by Ms McRae in her evidence can be broadly summarised as follows:

- a) Those that have a low adverse effect and which are acceptable, which are;
  - i. Shading;
  - ii. Effects on the streetscape and planned character of the MRZ.
- b) Those that have a low-moderate adverse effect (in landscape terms) and which, in my opinion, are not acceptable absent mitigation:
  - i. privacy loss

- ii. building dominance and sense of enclosure.

66. I discuss these matters in a planning context below.

### **Shading of the submitters' property**

67. The applicant has provided details on shading, with a focus on the front of the building and the living areas provided on the front decks. I understand that Mr Whyte' will say that they also use the rear courtyard of their property as an outdoor living space because it is sheltered from the prevailing wind, and is able to be closed off so children can use the area safely. Doors from the lower level of the Whytes' dwelling also open onto this area, reinforcing this intended use, and the site has been designed so that it is not reliant on this area for offsite parking, with parking space provided in front of the gate. From a planning perspective, as sites are intensified, the use of ground-level outdoor areas as 'multipurpose' spaces is likely to become more common, and we should not confine our assessment of effects to those on 'traditional' outdoor living areas.

68. For completeness, to pre-empt the conclusion that the space at the rear of the Whyte's dwelling is not an 'Outdoor Living Space' under MRZ-S6 because it is also an area of turning/manoeuvring for vehicles, here I also wish to state my position on matter of discretion 1(a) in MRZ-R33. This matter requires quantifying the degree of shading of an 'outdoor living space'. An 'outdoor living space' is defined as follows in the PDP:

*OUTDOOR LIVING SPACE means an area of open space  
for the use of the occupants of the residential unit or units  
to which the space is allocated.*

69. The matter of discretion refers to the area of the outdoor area identified in MRZ-S6 only. The outdoor living area referenced in MRZ-R33 is not defined by reference to, and therefore does not have to meet the standards for an outdoor living area in MRZ-S6 to be considered under the relevant matter of discretion. Otherwise, those standards would be incorporated into the definition, or the rule would cross-refer to a compliant outdoor living space in accordance with MRZ-S6. I believe that is appropriate, especially as the rules that apply to 'new' outdoor living spaces may not always be the same as 'existing' outdoor living spaces, such as the present.

70. The application proposes no mitigation with respect to shading, and relies on the permitted baseline to justify the level of shading that will occur if the consent is granted.

71. Ms McRae concludes that, taking into account the permitted baseline and the information presented in the application, the shading effects associated with the application are low adverse and experts appear aligned on this matter. The s42A report also reaches this conclusion.

72. Considered in isolation, the shading effects are likely to be within or close to the effects associated with the permitted baseline and are therefore acceptable.

### **Effects on the Streetscape**

73. Effects on the wider streetscape have been considered by the experts they agree that these effects are negligible. I agree that the activity has negligible effect on the streetscape, with the effects of concern being 'internal' between the two dwellings located at 24/26 and 28 Woolcombe Terrace.

### **Building dominance, privacy loss and overbearing nature on the submitters' property**

74. I understand that Mr Whyte will detail the effects of the subject dwelling on the privacy experienced on his property.

75. Ms McRae has presented her differing opinion from the applicants' experts, and is of the opinion that the application fails to address the privacy and overlooking effects of the outdoor spaces of the as-built building, and that the effects on visual dominance and sense of enclosure are understated. The application and the s42A report find these effects acceptable on the basis that a complying building would create effects which have worse outcomes. In my opinion, Ms McRae has carefully explained why, from a landscape and visual perspective, that basis is incorrect. I agree with, and adopt her conclusions in relation to the same.

76. The mitigation offered by the applicant comprises the provision of vertical louvres on the eastern edge of the first floor balcony. This is reflected in the conditions of consent and assessment put forward in the s42A report.

77. This mitigation does nothing to address the privacy effects on the habitable rooms on the western side of the Whytes' dwelling, nor the effect on the outdoor living area at the rear of the property.
78. No mitigation is offered that may mitigate the overbearing effect of the building, with the applicant again relying on the permitted baseline to justify the level of effect.
79. Ms McRae's evidence confirms the application is for a building that is dominant, which has an overbearing effect and which adversely affects the privacy of the adjoining property, and that these effects are above and beyond the permitted baseline, particularly given where a new building would need to be located in order to comply with the permitted daylight angle in MRZ-S3. It is my expert planning opinion that, in the absence of appropriate mitigation, these effects on the owners and occupiers of 28 Woolcombe Terrace are not acceptable.

#### **Reduced outlook from submitters property**

80. The reduced outlook from the submitters' property results from the position of the fence that is the subject of this application, and is a noticeable effect that could have been avoided with consultation and design. Ms McRae concludes that the effects associated with the fence infringement are very low adverse.
81. A further concern raised is the blocking of views of Taranaki Maunga from the rear of the submitters property. I agree that a compliant building could also screen the views of Taranaki Maunga.
82. Compared to the permitted baseline, I consider the effects on the outlook from the submitters' property would be negligible.

#### **Cumulative effects**

83. Cumulative effects are recognised in section (3)(d) of the RMA as an effect on the environment, with the specific wording as follows;

*d) any cumulative effect which arises over time or in combination with other effects— regardless of the scale, intensity, duration, or frequency of the effect.....*

84. The breaches in the HIRB combined with the layout and design of the dwelling have resulted in adverse effects on the privacy of the adjoining dwelling, with the overlook, dominance and overbearing effects, creating a sense of enclosure extending over almost the entire shared boundary between the properties. While reliance is placed by the applicants' witnesses on the relatively "small" degree of infringement in relation to MRZ-S3 at the rear of the property to justify their conclusion on the degree of effects, in my opinion, those effects cannot be viewed separately from the bulk and dominance of the building along the remainder of the boundary.

85. Cumulatively, and in the absence of any mitigation (with the exception of the installation of louvres on the eastern end of the front balcony, which I note were included in the original building consent drawings but not installed), the overall effect on the amenity of the adjoining property associated with the breach of MRZ-S3 and the relevant effects under MRZ-S4, is not acceptable.

#### **Matters of Discretion**

86. It is my opinion that the buildings rule or rules which are triggered in this case is not crucial to, nor does it restrict the consideration of certain effects. Whether it be MRZ-R31 on its own, or a combination of MRZ-R31 and MRZ-R33 over different parts of the building – the matters of discretion are similar and allow the same discretion to be exercised.

87. In summary, the matters of discretion enable full consideration of the effects that are discussed above in particular those relating to amenity, privacy, and enclosure effects on the adjoining property. Further, the coastal environment non-compliance allows all effects to be considered, including visual dominance.

#### **POLICY ASSESSMENT**

##### **NZ Coastal Policy Statement 2010 (NZCPS), the Regional Coastal Plan and the Coastal Environment in the PDP**

88. I agree with both the s42A report and Mr Lawn that the proposed activity is consistent with the NZCPS, and the Coastal Environment objectives and policies in the PDP. For completeness, I also consider that the activity is

consistent with the Regional Coastal Plan for Taranaki (2023) which contains similar objectives and direction.

### **National Policy Statement for Urban Development (NPD-UD)**

89. I agree with the policy assessment provided in the s42A report with respect to the NPS-UD, though note that no additional dwelling is created in this case (paragraph 76 of the s42A Report) as the proposed dwelling replaces an existing one.

### **Regional Policy Statement for Taranaki**

90. The Regional Policy Statement for Taranaki (the RPS) sets the regional level direction for Taranaki, and was made operative in 2010. As such, it pre-dates both the NPS-UD and the PDP and is unlikely to implement them fully. This is identified in the s42A report by Mr Robinson<sup>9</sup>, and I agree with the that the NPS-UD takes precedence over the RPS when there is conflict between the two.

91. It is my opinion that the proposed development is contrary to RPS policy SUD Policy 1, a) which is *to promote sustainable development in urban areas by a) encouraging high quality urban design, including the maintenance and enhancement of amenity values.*

92. The adverse effects of the subject dwelling, as assessed by Ms McRae, on the neighbouring property are not consistent with maintaining or enhancing amenity.

### **PDP STRATEGIC LEVEL OBJECTIVES**

93. UFD-18, 20 and 24 are relevant to this application (see Appendix 2).

94. I consider that this dwelling and site could have been better designed to mitigate effects on the neighbouring property, while still achieving all the benefits detailed by Mr Lawn in his evidence at paragraphs 10.6-10.8.

### **MEDIUM DENSITY RESIDENTIAL ZONE - Objectives and Policies**

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<sup>9</sup> S42A report para 70, page 19/20

95. In the overview of the Medium Density Residential Zone chapter provides high level direction as to the planned character of the zone and the planning expectations within it. It states:

*“The purpose of the Medium Density Residential Zone is to provide areas for medium density residential development up to three stories in height with a mixture of detached, semi-detached and terraced housing and low-rise apartments. The zone applies in areas in New Plymouth City, Bell Block, Waitara, Inglewood and in Ōākura that are located in close proximity to centres and it is intended that by enabling increased densities in these areas, the zone will play a key role in minimising urban sprawl and increasing housing supply and housing options in the district.*

*The zone is generally characterised by a mix of uses, including existing suburban scale residential housing (stand-alone houses) and townhouses/flats. However, it is expected that the character and scale of buildings in this zone will transition over time as the number of medium density residential developments increases (i.e. multi-unit, semi-detached and terraced houses). The Medium Density Residential Zone also contains natural features, landscapes, and waterbodies, and ancestral land and sites and areas of significance to Maori. This land and these features contribute to the character and context of the zone and hold significance to tangata whenua.*

*To ensure a good quality of life and amenity for existing and future residents, the District Plan seeks to ensure that high standards of on-site amenity are achieved, including by controlling the level of noise and light overspill that may be emitted in the zone, and by requiring that residential properties are provided with good access to sunlight and daylight and have a reasonable level of privacy. The provisions also require that site design and layout be considered in order to protect and enhance the amenity of surrounding properties and the wider neighbourhood. The Council also encourages reference to its non-statutory Residential Design Guide, which provides best practice design guidance to achieve a high standard of development in the Medium Density Residential Zone.*

*To provide for residential intensification, diversity in housing choice and affordable housing options, the Medium Density Residential Zone*



*provides for the most infill development potential in the District. The amount of development that can be undertaken as a permitted activity, and the Effects Standards for such development, are the key differences with the Low Density Residential and the General Residential zones”.*

96. Following from the overview, the Objectives and Policies for the MRZ provide specific planning guidance, and I discuss these below.

### **MRZ - Objectives**

97. *MRZ-O4 - Residential buildings provide occupants and neighbours with well-designed living environments.*

The proposed residential building adversely affects the living environment of the neighbouring property, and is therefore inconsistent with this objective for the MRZ.

98. *MRZ-O6 - Changes to the planned character and increased housing capacity do not result in incompatible built form and adverse changes to landform that compromise streetscape amenity and natural features.*

Overall, the built form of the dwelling, while taller than the neighbours and having an apexed roof rather than a flat one, is not so incongruous as to be incompatible and/or to give rise to changes to landform that compromise streetscape amenity and natural features. However, and as noted above, that does not necessarily mean the effects on adjoining owners are appropriate.

99. *MRZ-O7 - Adverse effects of activities are managed to provide residential amenity consistent with the planned character of the Medium Density Residential Zone.*

At a ‘macro-scale’, I consider that the application is compatible with the planned character of the wider MRZ. However, in building beyond the permitted envelope for the MRZ without appropriately designing for, and avoiding, remedying or mitigating the adverse effects associated with this, the result is a level of immediate residential amenity on the neighbouring property that is not consistent with that anticipated in the MRZ. which I discuss below against the relevant policy MRZ-P6. The proposed activity is not consistent with Objective MRZ-O7 because the adverse effects are not

managed to a level of amenity that is consistent with that anticipated within the MRZ.

### **MRZ – Policies**

100. *MRZ-P1 - Allow activities that are compatible with the role, function and planned character of the Medium Density Residential Zone, while ensuring their design, scale and intensity are appropriate, including residential activities.*

The residential activity is compatible with the MRZ, however the design and scale of the proposed dwelling is not appropriate, as it has adverse effects on the neighbouring property that are not avoided, remedied or mitigated.

101. *MRZ-P6 - Allow residential development that is consistent with the role, function and planned residential character of the Medium Density Residential Zone by controlling:*

- 1. the number, design and layout of residential units per site;*
- 2. building height, bulk and location;*
- 3. site coverage and outdoor living space;*
- 4. setbacks from boundaries; and*
- 5. height in relation to boundaries.*

The activity exceeds the permitted standards for height in relation to boundary (5), and the effects of the breaches are not avoided, remedied or mitigated, resulting in adverse effects on the adjoining property. The activity is not consistent with this policy, as the breach in HIRB standards associated with the residential development results in effects that are inconsistent with the planned residential character of the zone. Even where the standards are not infringed (e.g. if MRZ-S4 is found to apply), I still consider that the as-built dwelling has not appropriately avoided, remedied or mitigated adverse effects on neighbouring properties.

102. *MRZ-P8 - Require that development provides well-designed streetscapes, suitable residential amenity for surrounding properties and public places and does not result in overdevelopment of sites by:*

- 1. ensuring that the height, bulk and form of buildings minimise adverse visual amenity effects, including a sense of enclosure or dominance;*
- 2. reducing the visual effects of the scale and bulk of buildings through variations in facades, materials, roof form, building separation and other design elements;*
- 3. orientating buildings to face the street (without compromising solar gain) and limiting the use of unarticulated blank walls and facades to reinforce the visual connection with the street;*
- 4. discouraging the placement of accessory buildings, garages, parking areas and access ways that detract from, dominate or obscure housing as viewed from public places;*
- 5. discouraging access ways and the use of high fences or walls on boundaries that limit opportunities for passive surveillance of the street or public open space and that run between properties and create low amenity or unsafe environments;*
- 6. increasing the opportunities for landscaping and permeable surface areas, by minimising the amount of hard surfacing used, to support the overall visual amenity of sites; and*
- 7. retaining visually prominent trees, indigenous habitat and established landscaping that contribute to the amenity of the site and neighbourhood and ecological connectivity.*

The sense of enclosure and dominance of the building at 24/26 Woolcombe Terrace over the property at 28 Woolcombe Terrace has an adverse effect on the residential amenity of the adjoining property. Accordingly, the activity is not consistent with this policy, as it does not avoid, remedy or mitigate the effects to sufficiently provide suitable residential amenity for the adjoining property.

## **OBJECTIVES AND POLICY - SUMMARY**

103. My overall conclusion with respect to the policies, reading them on a fair appraisal and taken as a whole, is that the proposal is inconsistent with those that relate to providing for amenity of neighbouring properties. It is therefore not consistent with the planned character of the MRZ. I therefore disagree with Mr Robinson's conclusion to the contrary (at paragraph 51 of the s42A report).
104. I agree that density in the MRZ is encouraged and anticipated and this comes with it a change to the level of amenity that residents can expect. However, I will note here that this part of New Plymouth was previously zoned Residential B in the ODP, which already anticipated higher density. The change would not be so noticeable in these areas compared to those parts of New Plymouth that have changed from a 'General Residential (previously 'Residential A')' zoning to the MRZ, and that the focus should be more on the consistency or otherwise between the proposal and the planned built character.
105. In my opinion, the MRZ contains a generous permitted activity envelope that is designed to enable the 'medium density' nature of activities – and in effect, there is a generous 'permitted baseline' available to owners within which to accommodate the intensification, and the associated reduction in amenity.
106. Beyond the permitted activity envelope, restricted discretionary pathways are provided in the PDP, as evidenced by the AHIRB rule, with very clear criteria identified on what is expected of developments that require consent. Exceedance of permitted activity criteria and the need for a land use consent is not intended to be fatal to a development, providing the development is 'done well'. Beyond the permitted baseline, this Restricted Discretionary pathway is the mechanism by which the PDP provides oversight and control, and ensures that the planned character of the zone is retained, along with a well-functioning urban environment.
107. To be 'done well' particularly in higher density zones, potential adverse effects must be identified at the design stage, and design mechanisms need to be adopted that ensure effects are appropriately avoided, remedied and mitigated. Matters like landscaping, outdoor space, fencing and orientation

of living areas all need to be planned for and this is reflected in the PDP. To repeat the wording from the MDRZ overview:

*The provisions also require that site design and layout be considered in order to protect and enhance the amenity of surrounding properties and the wider neighbourhood. The Council also encourages reference to its non-statutory Residential Design Guide, which provides best practice design guidance to achieve a high standard of development in the Medium Density Residential Zone.*

108. While non-statutory, the outcomes of the NPDC's Residential Design Guide are reflected in the issues with this application:

- a) **Outcome 2 - Site Planning:** *Buildings, open spaces and circulation areas that are planned together to deliver good quality open space, optimise the amenity of the development and its neighbours and contribute to the amenity, safety and visual character of the local street.*
- b) **Outcome 3 – Building Design:** *Building design that provides internal living environments that are healthy, attractive, convenient and functional and maintains the privacy between adjacent dwellings while contributing positively to the safety, character and amenity of the local street.*

109. To be 'done well' in a planning sense, the activity has to be able to demonstrate that it is consistent with the objectives and policies of the zone and in my opinion this application (as it is currently framed, and without mitigation) does not achieve this.

### **Response to s42A Report**

110. In addition to the matters pointed out throughout my evidence, I make the following comments in relation to the s42A report.

111. At paragraph 39, the s42A report notes that the submitter has raised concerns that the shading diagrams do not accurately reflect the possible shading effects, and that in the absence of any further technical evidence, there was no clear reason to not accept the accuracy of the offered analysis.

Mr Robinson may have further comment to make on this matter based on the evidence of Ms McRae, and the comparison between a “permitted baseline” approach and the effects of the as-built dwelling.

112. The s42A report (paragraphs 52-56) identifies the difficulties with ‘retrofitting’ mitigation to the subject application. I understand that the proper approach to a retrospective application will be addressed in legal submissions, and do not make any comment on that here. However, I note that Ms McRae has listed the following opportunities for mitigation in her evidence:

- a) Redesign of building’s eastern facade further away from boundary so it does not exceed (or reduces the extent of exceedance of) the HIRB envelope.
- b) Reduction in height/angle of roof plane so it does not exceed HIRB envelope.
- c) Installation of louvres/window tinting in appropriate locations to reduce overlooking/increase privacy.
- d) Introduction of planting/planter boxes to soften the transition between the two properties and reduce overlooking/privacy effects from the eastern deck
- e) Increased permeability in materials of the boundary fence to remove tunnelling effect and allow increased sunlight into undercroft space.

113. At paragraph 56 the s42A report notes that the submitter has not put forward any measures that would address their concerns. I also understand that this is not the duty of the submitter.

114. I agree with Mr Robinson’s assessment of the earthworks activity, and that if it occurred prior to the PDP rules coming into effect, then the ODP rule (RES47) applied. I note that to conclude the excavation and filling activity was permitted, an assessment of the total volume of excavation and filling on the site in the preceding 12 month period is necessary and this has been provided in part by Mr Lawn at paragraph 9.34(b)(iii) of his evidence. Not stated in Mr Lawns evidence is whether this comprises all excavation and fill

over the entire 904m<sup>3</sup> site in the preceding 12 month period. On the basis that this is the case, then I am in agreement on this matter.

### **Response to applicants' evidence**

115. At paragraph 9.30, Mr Lawn is of the opinion that because the AHIRB standard is complied with, dominance effects to be considered are only those associated with the part of the building at the rear that is beyond 20m from the site frontage. I disagree with this position, because compliance with MRZ-S4 only provides a restricted discretionary pathway under Rule MRZ-R33. The matters of discretion include sunlight access, attractiveness and safety of the street and overlooking and privacy.

116. Mr McEwan identifies the 'small aperture tinted windows' on the dwelling at 28 Woolcombe Terrace as a mitigating factor.<sup>10</sup> It is worth noting, in my opinion, that the submitters' windows were designed to be small so that the privacy of the adjoining dwelling (originally the dwelling that was on site when the submitters house was built, and now the subject dwelling) is maintained. This was required when they built the house. I have concerns about this as a mitigating factor, as it effectively penalises the submitter for compliance, and ignores the potential for overlooking and privacy effects associated with the much larger, open windows along the façade, particularly on the upper level.

### **Conclusion**

117. In summary, the application results in a dominant, overbearing building that has adverse effects on privacy and amenity of the property at 28 Woolcombe Terrace that are above and beyond the permitted baseline.

118. The applicant has proposed negligible mitigation.

119. I do not support the granting of this consent in the form proposed by Mr Robinson as the adverse effects are not adequately avoided, remedied or mitigated.

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<sup>10</sup> D McEwan, para 9.4, page 14

A handwritten signature in black ink, reading "K Hooper". The signature is written in a cursive, flowing style.

Kathryn Hooper

MNZPI

19 March 2025

Appendices

1. Matters of Discretion – MRZ-R4, MRZ-R31 and MRZ-R33
2. Strategic Objectives - PDP



**APPENDIX 1 – MATTERS OF DISCRETION – MRZ-S4, MRZ-R31 and MRZ-R33**

**Table 1. Matters of discretion for Rules MRZ-R4, MRZ-R31 and MRZ-R33.**

MRZ-R4	MRZ-R31	MRZ-R33
<p><b>Matters over which discretion is restricted:</b></p> <ol style="list-style-type: none"> <li>1. The effects of non-compliance with any relevant Medium Density Residential Zone Effects Standards and any relevant matters of discretion in the infringed effects standards.</li> <li>2. Where compliance with three or more Medium Density Residential Zone Effects Standards is not achieved: <ol style="list-style-type: none"> <li>a. whether the activity is compatible with the planned character of the surrounding neighbourhood;</li> <li>b. the extent to which the intensity and scale of the activity may adversely impact on the amenity of neighbouring properties and the surrounding neighbourhood;</li> <li>c. whether the activity is appropriately located on-site; and</li> <li>d. whether the adverse effects of the activity can be avoided, remedied or mitigated.</li> </ol> </li> </ol> <p><b><u>Relevant matters of discretion in the infringed effects standards</u></b></p> <p><b>Matters of discretion in MRZ-S3 (HIRB):</b></p> <ol style="list-style-type: none"> <li>1. Effect on the streetscape and planned character of the area.</li> <li>2. The extent to which topography, site orientation and planting can mitigate the effects of the height of the building or structure.</li> </ol>	<p><b>Matters over which discretion is restricted:</b></p> <ol style="list-style-type: none"> <li>1. The effects of non-compliance with any relevant Medium Density Residential Zone Effects Standards and any relevant matters of discretion in the infringed effects standards.</li> </ol> <p><b><u>Relevant matters of discretion in the infringed effects standards</u></b></p> <p><b>Matters of discretion in MRZ-S3 (HIRB):</b></p> <ol style="list-style-type: none"> <li>1. Effect on the streetscape and planned character of the area.</li> <li>2. The extent to which topography, site orientation and planting can mitigate the effects of the height of the building or structure.</li> <li>3. Effect on amenity values of nearby residential properties, including privacy, shading and sense of enclosure.</li> </ol> <p><b>Matters of discretion in MRZ-S10 (fence/wall height):</b></p> <ol style="list-style-type: none"> <li>1. Effect on the streetscape and planned character of the zone, especially visual dominance.</li> <li>6. The extent to which topography, site orientation and planting can mitigate the effects of the additional fence or wall height.</li> <li>7. Effect on amenity values of nearby residential properties, including outlook, privacy, shading and sense of enclosure.</li> </ol>	<p><b>Matters over which discretion is restricted:</b></p> <ol style="list-style-type: none"> <li>1. Sunlight access: <ol style="list-style-type: none"> <li>a. Whether sunlight access to the outdoor living space of an existing residential unit on a neighbouring site satisfies the following criterion: Four hours of sunlight is retained between the hours of 9am to 4pm during the Equinox (22 September): <ol style="list-style-type: none"> <li>i. over 75% of the existing outdoor living space where the area of the space is greater than the minimum required by MRZ-S6; or</li> <li>ii. over 100% of existing outdoor living space where the area of this space is equal to or less than the minimum required by MRZ-S6.</li> </ol> </li> <li>b. In circumstances where sunlight access to the outdoor living space of an existing residential unit on a neighbouring site is less than the outcome referenced in (a): <ol style="list-style-type: none"> <li>i. The extent to which there is any reduction in sunlight access as a consequence of the proposed development, beyond that enabled through compliance with MRZ-S3 Height in relation to boundary control; and</li> <li>ii. The extent to which the building affects the area and duration of sunlight access</li> </ol> </li> </ol> </li> </ol>

MRZ-R4	MRZ-R31	MRZ-R33
<p>3. Effect on amenity values of nearby residential properties, including privacy, shading and sense of enclosure.</p> <p><b>Matters of discretion if compliance not achieved, MRZ-S4 (AHIRB)</b></p> <ol style="list-style-type: none"> <li>1. Effect on the streetscape and planned character of the area;</li> <li>2. Effect on amenity values of nearby residential properties, including privacy, shading and sense of enclosure; and</li> <li>3. The extent to which the proposal is consistent with: <ol style="list-style-type: none"> <li>a. MRZ-P4</li> <li>b. MRZ-P6</li> <li>c. MRZ-P8 and</li> <li>d. MRZ-P9</li> </ol> </li> </ol> <p><b>Matters of discretion in MRZ-S10 (fence/wall height):</b></p> <ol style="list-style-type: none"> <li>1. Effect on the streetscape and planned character of the zone, especially visual dominance.</li> <li>2. The extent to which topography, site orientation and planting can mitigate the effects of the additional fence or wall height.</li> <li>3. Effect on amenity values of nearby residential properties, including outlook, privacy, shading and sense of enclosure.</li> <li>4. The extent to which the additional height is necessary:</li> </ol>	<ol style="list-style-type: none"> <li>8. The extent to which the additional height is necessary: <ol style="list-style-type: none"> <li>a. due to the shape or natural and physical features of the site; or</li> <li>b. to mitigate the effects of noise, including road noise if the site is located adjacent to a noise emitting source.</li> </ol> </li> <li>9. Whether adequate mitigation of adverse effects can be achieved through the use of planting or alternative design.</li> </ol>	<p>to the outdoor living space of an existing dwelling on a neighbouring site, taking into account site orientation, topography, vegetation and existing or consented development.</p> <ol style="list-style-type: none"> <li>2. Attractiveness and safety of the street: The extent to which those parts of the buildings located closest to the front boundary achieve attractive and safe streets by: <ol style="list-style-type: none"> <li>i. providing doors, windows and balconies facing the street;</li> <li>ii. maximising front yard landscaping;</li> <li>iii. providing safe pedestrian access to buildings from the street; and</li> <li>iv. minimising the visual dominance of garage doors as viewed from the street.</li> </ol> </li> <li>3. Overlooking and privacy: The extent to which direct overlooking of a neighbour's habitable room windows and outdoor living space is minimised to maintain a reasonable standard of privacy, including through the design and location of habitable room windows, balconies or terraces, setbacks, or screening.</li> </ol>

MRZ-R4	MRZ-R31	MRZ-R33
<ul style="list-style-type: none"> <li>a. due to the shape or natural and physical features of the site; or</li> <li>b. to mitigate the effects of noise, including road noise if the site is located adjacent to a noise emitting source.</li> </ul> <p>5. Whether adequate mitigation of adverse effects can be achieved through the use of planting or alternative design.</p>		

## APPENDIX 2 – STRATEGIC OBJECTIVES - PDP

UFD-18 The district develops and changes over time in a cohesive, compact and structured way that:

1. delivers a compact, well-functioning urban form that provides for connected, liveable communities;
2. manages impacts on the natural and cultural environment;
3. recognises and provides for the relationship of tangata whenua with their culture, traditions, ancestral lands, waterbodies, sites, areas and landscapes and other taonga of significance;
4. enables greater productivity and economic growth;
5. enables greater social and cultural well-being;
6. takes into account the short, medium and long-term potential impacts of natural hazards, climate change and the associated uncertainty;
7. utilises existing infrastructure and social infrastructure or can be efficiently serviced with new infrastructure and social infrastructure;
8. meets the community's short, medium and long-term housing and industrial needs; and
9. may detract from amenity values appreciated by existing communities but improve such values for new communities by providing increased and varied housing densities and types.

UFD-20 A variety of housing types, sizes and tenures are available across the district in quality living environments to meet the community's diverse social and economic housing needs in the following locations:

1. suburban housing forms in established residential neighbourhoods;
2. a mix of housing densities in and around the city centre, town centres, local centres and key transport routes, including multi-unit housing;
3. opportunities for increased medium and high-density housing in the city centre, town centres and local centres that will assist to contribute to a vibrant, mixed-use environment;
4. a range of densities and housing forms in new subdivisions and areas identified as appropriate for growth; and
5. papakāinga that provides for the ongoing relationship of tangata whenua with their culture and traditions and with their ancestral land and for their cultural, environmental, social and economic well-being.

UFD-24 Urban environments are well-designed, liveable, connected, accessible, and safe spaces for the community to live, work and play, which:

1. integrate and enhance natural features and topography into the design of development to minimise environmental impacts;
2. recognise the local context and planned character of an area;
3. reduce opportunities for crime and perceptions of crime through design solutions;
4. create ease of movement in communities through connected transport networks, a range of transport modes and reduced reliance on private motorised vehicles;
5. incorporate mātauranga Māori in the design, construction and development of the built environment;
6. use low impact design solutions and healthy, accessible, energy efficient buildings; and
7. are adequately serviced by utilising and upgrading existing infrastructure and social infrastructure or with new infrastructure and social infrastructure.