

# RMA HEARINGS PANEL REPORT



**To:** Independent Hearings Panel

**From:** Damien McGahan, Principal Aurecon and Melissa Needham, Manager,  
Aurecon on behalf of the Waipā District Council

**Subject:** **Addendum (2) to Section 42A Hearing Report on Proposed Plan Change 26**

**Hearing Date:** 26 April to 3 May 2023

## **1. INTRODUCTION**

- 1.1.1. This addendum to the Section 42A report for Plan Change 26, Residential Intensification for the Waipā District Council has been prepared to address changes required to rules in PC26 in response to the *Waikanae Land Company Limited v Kapiti Coast District Council decision*<sup>1</sup> (the Waikanae decision).
- 1.1.2. The Waikanae decision clarifies that an IPI cannot be used to reduce the development rights currently provided in the District Plan; it can only modify the heights and densities provided by the Medium Density Residential Standards.

## **2. IMPLICATIONS**

- 2.1.1. The Waikanae decision has the following implications for PC26.

### **2.2. CHARACTER CLUSTERS**

- 2.2.1. The Waikanae decision means that the character cluster rules that apply to new character cluster sites introduced as part of PC26 (referred to as PC26 character cluster sites) a new qualifying matter overlay will apply only two or more dwellings are proposed.
- 2.2.2. The new rule will be based on current rule 2A.4.1.3(d) but will only apply to construction of a second (or subsequent) dwelling on a site.

#### 2A.4.1.3(d)

Character clusters sites - Construction of new buildings, relocated buildings and demolition or removal or alterations or additions to existing buildings, except where permitted by 2A.4.1.1 (f), (q) and (r).

Discretion will be restricted to the following matters:

- For identified character-defining sites:
  - The extent to which building bulk and design, building materials, and layout maintains a similar style, form, building material and colour to other character defining dwellings within the cluster; and
  - The extent to which buildings maintain and respond to the existing character identified in the cluster as set out in Appendix DG1;
- For identified non-character defining sites:
  - The extent to which building design is sympathetic to the established character within the cluster in form, proportion, layout and materiality; and
  - The extent to which building scale manages the relationship between adjacent character-defining sites and responds to the streetscape context; and
  - The extent to which buildings are sympathetic to and acknowledge the character values identified in the cluster as set out in Appendix DG1.
- The extent to which the demolition or removal of the character building on an identified 'character defining' site detracts from the integrity of the streetscape;

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<sup>1</sup> [2023] NZEnvC 056

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- The visibility of new buildings and/or alterations or additions from public places; and
- Solar access; and
- Where provided, the effects on parking and vehicle manoeuvring; and
- Signs; and
- Landscaping;

These matters will be considered in accordance with the assessment criteria in Section 21.

### 2.3. SIGNIFICANT NATURAL AREAS AND RESERVES

2.3.1. The Waikanae decision means that the SNA and reserve setback rules requires amendment, so they only apply when two or more dwellings are proposed.

2.3.2. The amended rule will reflect the current rule 2A.4.2.6 but will only apply to construction of a second (or subsequent) dwelling on a site.

2A.4.2.6 The minimum building setback depth stated in Rule 2A.4.2.4 is modified in the following locations:

- (c) On sites adjoining a reserve, a setback of 4 metres is required along the boundary adjoining the reserve;
- (f) On sites adjoining a Significant Natural Area (SNA), setback of 20 metres is required along the boundary of the SNA.

### 3. CONCLUSION AND RECOMMENDATION

3.1.1. These changes will be reflected in a comprehensive update to the plan change text which will be made available as soon as possible.

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Report reviewed and approved by:



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