

OFFICER'S REPORT FOR:

Hearing Commissioners

SUBJECT:

**Proposed Waimakariri District Plan: Whitua
Arumoni - Commercial and Mixed Use Zones**

PREPARED BY:

Andrew Willis

REPORT DATED:

6 December 2023

DATE OF HEARING:

Hearing Stream 9 - Beginning 29 January 2024

Executive Summary

1. This report considers submissions received by the Council in relation to the relevant objectives, policies, rules, definitions and appendices of the Proposed Plan as they apply to the Commercial and Mixed Use zones. The report outlines recommendations in response to the issues that have emerged from these submissions.
2. There were over 650 primary submissions on the Commercial and Mixed Use zones. The submissions received were diverse and sought a range of outcomes. The following are considered to be the key issues in contention in the chapter:
 - The status of supermarkets across the commercial and mixed use provisions;
 - How service stations are provided for;
 - Whether and how residential activity is enabled in centres;
 - Height limits; and
 - Boundary landscaping requirements.
3. This report addresses each of these matters, as well as any other issues raised by submissions.
4. I have recommended some changes to the Proposed Plan provisions to address matters raised in submissions as set out in **Appendix A**. Given the extent of changes I will not summarise all of these here. The key changes are:
 - better providing for supermarkets across the commercial and mixed-use zones;
 - increasing height limits to provide more development potential; and
 - including the ability to consider functional and operational requirements and site constraints as matters of discretion.
5. Having considered all the submissions and reviewed all relevant statutory and non-statutory documents, I recommend that the Proposed Plan should be amended as set out in section **Appendix A** of this report.
6. For the reasons set out in the Section 32AA evaluation, I consider that the proposed objectives and provisions, with the recommended amendments, will be the most appropriate means to:
 - a. achieve the purpose of the RMA where it is necessary to revert to Part 2 and otherwise give effect to higher order planning documents, in respect to the proposed objectives, and
 - b. achieve the relevant objectives of the Proposed Plan, in respect to the proposed provisions.

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Interpretation

7. Parts A and B of the Officer's report utilise a number of abbreviations as set out in Table 1 below.

Table 1: Abbreviations

Abbreviation	Means
Council	Waimakariri District Council / territorial authority
CMUZ	Commercial and Mixed Use Zones
CRPS	Operative Canterbury Regional Policy Statement
DIS	Discretionary activity
GFA	Gross Floor Area
Kaiapoi Town Centre Plan	The Kaiapoi Town Centre Plan 2028 and Beyond
KAC	Key Activity Centre
LCZ	Local Centre Zone
LFRZ	Large Format Retail Zone
MDRS	Medium Density Residential Standards
MUZ	Mixed Use Zone
NCZ	Neighbourhood Centre Zone
NPS	National Planning Standards
NPS-UD	National Policy Statement on Urban Development 2020
Operative Plan	Operative Waimakariri District Plan
Proposed Plan	Proposed Waimakariri District Plan
Rangiora Town Centre Strategy	Rangiora Town Centre Strategy Blueprint to 2030+
RDIS	Restricted discretionary activity
RMA	Resource Management Act 1991
SD	Strategic direction(s)
TCZ	Town Centre Zone
UFD	Urban form and development

Table 2: Abbreviations of Submitters' Names

Abbreviation	Means
CIAL	Christchurch International Airport Ltd
Corrections	Ara Poutama Aotearoa the Department of Corrections
Foodstuffs	Foodstuffs South Island Limited & Foodstuffs (South Island) Properties Limited
House Movers	House Movers Section of New Zealand Heavy Haulage Association - Stuart Ryan and; Jonathan Bhana-Thomson
Kāinga Ora	Kāinga Ora - Homes and Communities
KiwiRail	KiwiRail Holdings Limited
MoE	The Ministry of Education
RDL	Ravenswood Developments Ltd
RIDL	Rolleston Industrial Developments Limited

1 Introduction

1.1 Purpose

8. The purpose of this report is to provide the Hearing Panel with a summary and analysis of the submissions received on the Commercial and Mixed Use zones (CMUZs) and to recommend possible amendments to the Proposed Plan in response to those submissions.
9. This report is prepared under section 42A of the RMA. It considers submissions received by the Council in relation to the relevant objectives, objectives, policies, rules, definitions and appendices as they apply to the CMUZs in the Proposed Plan. The report outlines recommendations in response to the key issues that have emerged from these submissions.
10. This report discusses general issues or topics arising from the original and submissions received following notification of the Proposed Plan, makes recommendations as to whether or not those submissions should be accepted or rejected, and concludes with a recommendation for changes to the Proposed Plan provisions based on the preceding assessment in the report.
11. The recommendations are informed by supporting technical evidence as identified below, together with references to the Operative Plan were relevant. In preparing this report the author has had regard to recommendations made in other related s42A reports.
12. This report is provided to assist the Hearings Panel in their role as Independent Commissioners. The Hearings Panel may choose to accept or reject the conclusions and recommendations of this report and may come to different conclusions and make different recommendations, based on the information and evidence provided to them by submitters.
13. This report is intended to be read in conjunction with the Officers' Report: Part A – Overview which contains factual background information, statutory context and administrative matters pertaining to the district plan review and Proposed Plan.

1.2 Author

14. My name is Andrew Willis. My qualifications and experience are set out in **Appendix F** of this report.
15. My role in preparing this report is that of an expert planner.
16. I was involved in the preparation of the Proposed Plan and authored the Commercial and Mixed Use and Industrial zones and the Section 32 Evaluation Report for these chapters.
17. Although this is a District Council Hearing, I have read the Code of Conduct for Expert Witnesses contained in the 2023 Practice Note issued by the Environment Court. I have complied with that Code when preparing my written statement of evidence and I agree to comply with it when I give any oral evidence.
18. The scope of my evidence relates to the CMUZs. I confirm that the issues addressed in this statement of evidence are within my area of expertise as an expert policy planner.

19. Any data, information, facts, and assumptions I have considered in forming my opinions are set out in the part of the evidence in which I express my opinions. Where I have set out opinions in my evidence, I have given reasons for those opinions.
20. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

1.3 Supporting Evidence

21. The expert evidence, literature, legal cases or other material which I have used or relied upon in support of the opinions expressed in this report includes the following:
 - The evidence of Mr Foy (Formative) in relation to market economics (**Appendix D**);
 - The evidence of Mr Nicholson (Urban Shift) in relation to urban design matters (**Appendix E**);
 - The Proposed Waimakariri District Plan Section 32 (Commercial and Industrial);
 - The Rangiora Town Centre Strategy Blueprint to 2030+ (July 2020);
 - The Kaiapoi Town Centre Plan 2028 and Beyond (2018); and
 - The Waimakariri Residential Red Zone Recovery Plan (July 2016).

1.4 Key Issues in Contention

22. The submissions received on the CMUZs were diverse and sought a range of outcomes, ranging from detailed changes to objectives, policies and rules to how the different commercial zones work together.
23. I consider the following to be the key issues in contention in the chapter:
 - The status of supermarkets across the commercial and mixed-use provisions;
 - How service stations are provided for;
 - Where and how residential activity is enabled in centres;
 - Height limits; and
 - Boundary landscaping requirements.
24. These issues are addressed in this report, as well as any other issues raised by submissions.

1.5 Procedural Matters

25. At the time of writing this report there have been no pre-hearing meetings or expert witness conferencing.

26. RDL have made a number of submissions on the commercial provisions given their development at Ravenswood in North Woodend. At the time of drafting the Proposed Plan, PC30, which proposed significant re-zoning and other changes to the Operative Plan, was being heard by an independent hearings panel. As no decision had been released by the Panel, to avoid pre-empting the panel decision, the Operative Plan zoning for Ravenswood was carried over into the Proposed Plan. The hearings panel ultimately declined PC30 (November 2021). The Panel's decision was appealed by RDL. A mediated settlement between the parties was reached via consent order and its provisions were made operative on 26 June 2023.
27. Since the Proposed Plan had already been notified by the time the consent order was agreed, the changes required to the Proposed Plan to apply the consent order needed to be progressed either via submissions, a variation or a plan change. RDL have submitted on various rules in the Proposed Plan and sought re-zonings to provide for the Ravenswood development. In this report, these submission have been assessed on their merit, without specific reference to the consent order and the location and extent of the areas sought to be re-zoned, except where the recommendation is best left to the re-zoning hearings (Hearing Stream 12).
28. I note that PC30 only changed the Operative Plan (under that objective framework). Because of timing and because it was a plan change to the Operative Plan's framework, PC30 has not specifically dictated the Proposed Plan's provisions. The recommendations on RDL submissions seeking rezoning of land have been left to the re-zoning hearings. The relevance and importance of the Proposed Plan provisions to the Ravenswood development is influenced by the location and extent of the re-zoning changes which are not being heard until Hearing Stream 12. I note I have not seen evidence relating to the Proposed Plan rezonings. For this reason, it is anticipated that further s42A recommendations will be made on the appropriateness of the CMUZ provisions (as they apply to the site), with reference to the consent order at Hearing Stream 12, when the full extent of the various requested zonings and their locations from RDL and other submitters are assessed.

1.6 Background information on the commercial and mixed use zones

29. Background on the commercial provisions is set out the Commercial and Industrial s32 report. Of note:
- Table 1 (page 6) sets out the relevant district plan changes to the Operative Plan that have created some of the commercial areas in the District;
 - Section 5.5.1 (page 32) explains the approach taken to applying the National Planning Standard's zone framework to the existing zones in the Operative Plan. Figure 2 in Section 5.5.1 (page 33) sets out the proposed commercial centre hierarchy and how each of the District's existing commercial areas are proposed to be migrated to the National Planning Standards zones;
 - Section 5.5.1.1 covers the Southbrook industrial area and explains why some areas have been proposed to be retained as industrial, whereas other areas are proposed to be re-zoned to LFRZ in the Proposed Plan;
 - Section 5.5.1.2 sets out the rationale for the Proposed Plan's approach to the commercial areas of North Woodend / Ravenswood; and
 - Section 5.5.1.3 sets out the Proposed Plan's approach for the Pegasus commercial area.

2 Statutory Considerations

2.1 Resource Management Act 1991

30. The Proposed Plan has been prepared in accordance with the RMA and in particular, the requirements of:

- section 74 Matters to be considered by territorial authority, and
- section 75 Contents of district plans,

31. There are a number of higher order planning documents and strategic plans that provide direction and guidance for the preparation and content of the Proposed Plan. These documents are discussed in detail within the Section 32 evaluation report for the “Commercial and Mixed Use, Industrial and Special Purpose (Museum and Conference Centre) Zones chapters”.

2.2 Section 32AA

32. I have undertaken an evaluation of the recommended amendments to provisions since the initial section 32 evaluation was undertaken in accordance with s32AA . Section 32AA states:

32AA Requirements for undertaking and publishing further evaluations

(1) A further evaluation required under this Act—

(a) is required only for any changes that have been made to, or are proposed for, the proposal since the evaluation report for the proposal was completed (the changes); and

(b) must be undertaken in accordance with section 32(1) to (4); and

(c) must, despite paragraph (b) and section 32(1)(c), be undertaken at a level of detail that corresponds to the scale and significance of the changes; and

(d) must—

(i) be published in an evaluation report that is made available for public inspection at the same time as the approved proposal (in the case of a national policy statement or a New Zealand coastal policy statement or a national planning standard), or the decision on the proposal, is notified; or

(ii) be referred to in the decision-making record in sufficient detail to demonstrate that the further evaluation was undertaken in accordance with this section.

(2) To avoid doubt, an evaluation report does not have to be prepared if a further evaluation is undertaken in accordance with subsection (1)(d)(ii).

33. The required section 32AA evaluation for changes proposed as a result of consideration of submissions with respect to the CMUZs is appended to this report as **Appendix C**.

2.3 Trade Competition

34. There are no identified trade competition issues raised within the submissions. However, it should be noted that the proposed provisions seek to manage commercial activities across a

hierarchy of commercial centres in order to support a centres hierarchy and as such, recommendations on the provisions may have consequences which influence business competitiveness.

3 Consideration of Submissions and Further Submissions

3.1 Overview

35. There were over 650 primary submissions on the CMUZs.

3.1.1 Report Structure

36. The submissions on the CMUZs raised some general issues and some consistent themes, but were principally applied to particular provisions, often with requested detailed changes. I consider that while there is some similarity in the submissions (and accordingly the recommendations) on a topic-by-topic basis, that the different characteristics of the commercial environments should be considered when making recommendations on the submissions. I have therefore structured this report principally on a provision-by-provision basis (as opposed to a topic basis), following the layout of the Commercial and Mixed-Use zones, beginning with general submissions and noting where an issue has already been assessed.

37. I have not separately identified submitters in support, nor have I addressed further submissions in the body of this report as my recommendations in relation to further submissions reflect the recommendations on the relevant primary submission. Further submissions are however covered in **Appendix B**.

38. The following evaluation should be read in conjunction with the summaries of submissions and the submissions themselves. Where I agree with the relief sought and the rationale for that relief, I have noted my agreement, and my recommendation is provided in the summary of submissions table in **Appendix B**. Where I have undertaken further evaluation of the relief sought in a submission(s), the evaluation and recommendations are set out in the body of this report. I have provided a marked-up version of the chapters with recommended amendments in response to submissions as **Appendix A**.

39. This report only addresses definitions that are specific to the CMUZs. Definitions that relate to more than one topic have been addressed in Hearing Stream 1. There are also submissions on industrial definitions which are more appropriate to address in the Industrial s42A report.

3.1.2 Format for Consideration of Submissions

40. I have considered the submissions that are seeking changes to the Proposed Plan in the following format:

- Matters raised by submitters;
- Assessment;
- Summary of recommendations; and
- Recommended changes to the Proposed Plan, including a reference to the relevant s32AA evaluation table.

41. The recommended amendments to the relevant chapters are also set out in **Appendix A** of this report where all text changes are shown in a consolidated manner.

42. I have undertaken a s32AA evaluation in respect to all the recommended amendments in my assessment as contained in **Appendix C**.

3.2 General and repeated submissions on the Commercial and Mixed-Use zones

3.2.1 Matters raised by submitters

43. There was one submission characterised as 'general' on all the CMUZs from Foodstuffs [267.21]. Foodstuffs considers that the Proposed Plan needs to acknowledge the specific operational and functional requirements that are unique to supermarkets and the practical realities of site-specific constraints that influence the siting, design and expansion of supermarkets. They seek to amend the provisions to support supermarkets (and their associated functional and operational aspects) in appropriate zones and to reflect the issues raised in the submission.
44. House Movers made a submission on CMUZ seeking the inclusion of a permitted rule relating to moveable buildings.¹ They sought the following be added to each zone:
- "1. The activity complies with all built form standards (as applicable)*
- 2. A building is moved:*
- a. It shall be fixed to permanent foundations within 2 months (unless being stored as a temporary activity); and*
- b. Reinstatement works to the exterior of the building shall be completed within 12 months, including connection to services, and closing in of the foundations.*
- c. A building pre-inspection report to accompany the application for a building consent for the destination site which identifies all reinstatement works that are to be completed to the exterior of the building and a certification by the property owner that the reinstatement works shall be completed within the specified [12] month period."*
45. CIAL sought that the rules relating to the 50 dBA Ldn Air Noise Contour be relocated to each relevant chapter, or cross references are made in the relevant zone chapters to ensure plan users are directed to the additional rules applying to land within the 50 dBA Ldn Air Noise Contour.² They also sought to insert provisions for the regulation of bird strike risk activities within 8km and 13km of the airport runways in relevant zone chapters, or alternatively, in District-Wide rules with cross-references in all relevant zone chapters to ensure plan users are aware of the rules.³
46. Clampett Investments Ltd [284.1] and RIDL [326.2] and [326.3] seek that all controlled and restricted discretionary activities are amended to preclude them from limited or public notification.
47. RIDL [326.1] seeks that all provisions in the Proposed Plan are amended to delete the use of absolutes such as 'avoid', 'maximise' and 'minimise' (except where such direction is appropriate) to provide scope to consider proposals on their merits.

¹ House Movers Submission numbers: [221.11], [221.12], [221.13], [212.14], [221.15]

² CIAL Submission numbers: [254.120], [254.121], [254.122], [254.123], [254.124]

³ CIAL Submission numbers: [254.135], [254.136] [254.137]

48. KiwiRail made a number of submissions (one on each zone) seeking to increase the relevant rail corridor setback rules in each zone from 4m to 5m, considering that this would provide for vehicular access to the backs of buildings and allows for safe operations to take place. The submitter considers this in turn fosters visual amenity, as lineside properties can be regularly maintained.⁴
49. Kāinga Ora made a number of submissions (one on each zone) seeking to decrease the relevant rail corridor setback rules in each zone from 4m to 2.5m. No rationale was provided for the request.⁵
50. Kāinga Ora submitted on a number of zones generally in support of minimum residential unit standards such as TCZ-BFS10, but sought to amend the minimum net floor area requirements for residential units to enable a variety of housing typologies.⁶ They seek the following amendments to each of the relevant zone BFS:
- "1. The minimum net floor area (excluding garages, balconies, and any communal lobbies stairwells and plant rooms) per residential unit shall be:
- ...
- b. one or more bedrooms 45m²;
- ~~c. two bedrooms 60m²;~~
- ~~d. three or more bedrooms 90m²~~
- ..."
51. Kāinga Ora made a number of submissions⁷ generally supporting height in relation to boundary controls, however they sought amendments to each zone to improve clarity as follows:
- "1. Where an internal boundary adjoins Residential Zones, Rural Zones, or Open Space and Recreation Zones, the height in relation to boundary for the adjoining zone shall apply, ~~and where specified, structures shall not project beyond a building envelope defined by recession planes measuring 2.5m from ground level above any site boundary in accordance with the diagrams in Appendix APP3.~~"*
52. Foodstuffs submitted on two zones seeking changes to the prescribed waste management areas, such as under TCZ-BFS11.⁸ Foodstuffs opposes these rules as supermarkets require waste management areas greater than 5m², which would be a restricted discretionary activity. Foodstuffs seeks to amend these rules to provide for waste management areas of a minimum area of 5m².

⁴ KiwiRail Submission numbers: [373.87], [373.85], [373.84], [373.86]

⁵ Kāinga Ora submission numbers: [325.306], [325.334], [325.296]

⁶ Kāinga Ora submission numbers: [325.335], [325.307], [325.297], [325.322]

⁷ Kāinga Ora submission numbers: [325.333], [325.305], [325.289], [325.320]

⁸ Foodstuffs submission numbers: [267.10], [267.17]

3.2.2 Assessment

Operational and functional requirements for supermarkets

53. Regarding the submission from Foodstuffs [267.21] on operational and functional requirements, I note Foodstuffs has made separate submissions on specific provisions seeking similar outcomes. Woolworths has also made similar submissions for each zone and I have assessed their submissions separately for each zone. In summary, I have recommended better providing for supermarkets in the NCZ, LCZ and LFRZ zones (they are already permitted in the MUZ and TCZ) and recommended amending various matters of discretion to consider functional and operation requirements and site constraints. I therefore recommend that this submission is accepted in part.

Moveable buildings

54. Regarding the House Movers submissions on moveable buildings, the CMUZ zone rules do not differentiate between new or relocated buildings. Noting that the submitter proposed rule requires all built form standards to be complied with (consistent with the rules for new buildings), this additional rule achieves nothing. I therefore recommend that the repeated submissions seeking this amendment are rejected.

Airport noise and bird strike

55. Regarding the CIAL submissions on the noise contour and bird strike, I understand that these will be covered in a CIAL specific hearing (Hearing Stream 10A).⁹ As such, I have not covered these submissions in this report. This is set out in **Appendix B**.

Limited and public notification

56. Regarding Clampett Investments Ltd [284.1] and RIDL [326.2 and 326.3] seeking that all controlled and restricted discretionary activities are amended to preclude them from limited or public notification, I consider that it may sometimes be appropriate for breaches of some standards to be notified, especially limited notification. I consider that each rule should have a specific assessment and statement on notification, rather than applying a blanket statement, and I note that many built form standards in the commercial and mixed use zone provisions do include these statements (e.g. NCZ-BFS3). I therefore recommend that these submissions are rejected.

Avoid, maximise and minimise

57. Regarding RIDL [326.1] submission to delete the use of absolutes such as 'avoid', 'maximise' and 'minimise', I consider that sometimes these words are appropriate and that the wording needs to be considered in the context of the specific provision. I therefore recommend that this submission is rejected.

Rail corridor setbacks

58. Regarding the KiwiRail and Kāinga Ora submissions on rail corridor setbacks, I consider 4m still provides for vehicular access behind buildings and note this is the setback from the rail corridor,

⁹ As set out in the memorandum to the Hearing Panel by CIAL dated 14 August 2023

not the rail line itself which would be a greater setback distance. I do not favour a 2.5m setback as sought by Kāinga Ora given the vibration and noise associated with rail lines and the need for building and corridor access. I understand that similar submissions have been made across the Proposed Plan and that a 4m setback has generally been supported by the other s42A authors. However, I also note that under Variation 1 the setback for this standard is proposed to be increased to 5m. In the absence of evidence on this matter, I am comfortable with retaining the 4m required setback. I therefore recommend that the submissions from Kāinga Ora and KiwiRail are rejected.

Minimum residential unit standards

59. Regarding the submissions from Kāinga Ora on unit sizes, the standard as drafted does not disenable a variety of housing typologies - one, two, three or larger bedroom housing typologies can still be built. The standard merely sets the minimum floor area, going beyond which requires a resource consent. This approach and the minimum floor areas proposed are consistent with the Christchurch District Plan which has significantly more apartment and higher density development occurring. I note that these minimums were included in the Christchurch Central Recovery Plan and were retested (and ultimately retained) as part of the Replacement Christchurch District Plan. Cognisant of Policy 3 of the NPS-UD, the City Council has proposed to retain these minimums in the city centre zone.
60. In his evidence (section 6) Mr Nicholson assesses the merits of Kāinga Ora's submission¹⁰ on this matter with reference to the Auckland, Wellington and Christchurch District plans. He considers that the risk of deleting the minimum net floor areas is that units may be constructed that are not fit for the intended number of occupants which would result in lower-levels of amenity for residents. He notes that the proposed built form standard provides for a range of unit sizes and types and that it is possible to build liveable units with good amenity that are smaller than the recommended minimum net floor areas. In his opinion the restricted discretionary activity status for this standard together with the matters of discretion listed in CMUZ-MD11 provides an appropriate pathway to assess these exceptions. Overall, Mr Nicholson recommends that the Kāinga Ora submissions are rejected. I consider that the minimums are useful and do not disenable housing choice or indeed housing provision. I therefore recommend that these submissions are rejected.

Height in relation to boundary

61. Regarding the Kāinga Ora submissions on height in relation to boundary, I consider that the deleted text is consistent with the text from comparable height in relation to boundary rules such as MRZ-BFS7. I consider this consistency is helpful and that the rule is not unclear as suggested by Kāinga Ora. I therefore recommend that this submission point is rejected.

Waste management

62. Regarding the various Foodstuffs submissions on waste management, Foodstuffs has identified a mistake in the rule – the 5m² waste management area is supposed to be a minimum rather than a specified area. I therefore recommend that these submissions are accepted and the

¹⁰ Mr Nicholson only refers to submission [352.335], but this submission is consistent with Kāinga Ora's related submissions.

relevant BFSs in each zone (e.g. TCZ-BFS11, LCZ-BFS10, NCZ-BFS10 and LFRZ-BFS8) are amended as set out below and in **Appendix B**.

3.2.3 Summary of recommendations

63. I recommend that the submission from Foodstuffs [267.21] is **accepted in part**.
64. I recommend that the submissions from House Movers [221.11], [221.12], [221.13], [212.14] and [221.15] are **rejected**.
65. I recommend that the submission from RIDL [326.2] and [326.3] and Clampett [284.1] on notification are **rejected**.
66. I recommend that the submission from RIDL [326.1] on absolute language is **rejected**.
67. I recommend that the submissions from Kāinga Ora [325.306], [325.334], [325.296] and KiwiRail [373.87], [373.85], [373.84], [373.86] on rail corridor setbacks are **rejected**.
68. I recommend that the submission from Kāinga Ora [325.335], [325.307] [325.297], [325.322] on minimum residential unit sizes are **rejected**.
69. I recommend that the submissions from Kāinga Ora [325.333], [325.305], [325.289], [325.320] on height in relation to boundary controls are **rejected**.
70. I recommend that the submission from Foodstuffs [267.10] and [267.17] on waste storage are **accepted**.

3.2.4 Recommended Changes to the Proposed Plan

71. Amend TCZ-BFS11, LCZ-BFS10, NCZ-BFS10 and LFRZ-BFS8 as follows:

All commercial activities shall provide:

- a. a waste management area for the storage of rubbish and recycling of at least 5m² with a minimum dimension of 1.5m.

[...]

72. S32AA evaluation table reference: C3.

3.3 Definitions

73. There were 13 submissions in support of various definitions and three submissions seeking changes as set out below.

3.3.1 Definition of 'Key Activity Centre'

3.3.1.1 Matters raised by submitters

74. RDL [347.2] oppose the definition of 'Key Activity Centre' to give effect to the CRPS. They seek that it is amended to add "Ravenswood" after "Kaiapoi".

3.3.1.2 Assessment

75. As tested and decided through the PC30 hearing, the CRPS identifies the general area of Woodend/Pegasus for a KAC – it does not identify a KAC at Ravenswood specifically, which at

the time Chapter 6 of the CRPS was gazetted did not exist as a commercial centre. Certainly there should be a KAC in the general area, but it does not necessarily have to be located at Ravenswood. As discussed earlier, PC30 which created the commercial and industrial areas at Ravenswood was agreed via consent order after the Proposed Plan was notified. RDL have sought the relevant area to be re-zoned through the Proposed Plan. I consider that the request by RDL [347.2] is tied in with the re-zoning requests and should therefore be considered as part of Hearing Stream 12. If the area is not re-zoned it will not be of sufficient significance to merit KAC status.

3.3.1.3 Summary of recommendations

76. I recommend that the submission of RDL [347.2] is considered as part of Hearing Stream 12.

3.3.1.4 Recommended Changes to the Proposed Plan

77. No changes are recommended.

3.3.2 Definition of 'Principal shopping street'

3.3.2.1 Matters raised by submitters

78. RDL [347.3] seek the amendment of the 'Principal Shopping Street' definition to include Ravenswood after Kaiapoi. RDL considers this is required to implement the proposed Outline Development Plan for Ravenswood and ensure appropriate application of the Town Centre Zone provisions to the town centre/Key Activity Centre development at Ravenswood.

3.3.2.2 Assessment

79. As discussed earlier, PC30 which created the commercial and industrial areas at Ravenswood, was agreed via consent order after the Proposed Plan was notified. RDL have sought the relevant area to be re-zoned through Proposed Plan submissions. I consider that the request by RDL [347.2] is tied in with the re-zoning requests and should therefore be considered as part of Hearing Stream 12. If the area is not re-zoned it will not be of sufficient significance to merit containing a principal shopping street.

3.3.2.3 Summary of recommendations

80. I recommend that the submission of RDL [347.2] is considered as part of Hearing Stream 12.

3.3.2.4 Recommended Changes to the Proposed Plan

81. No changes are recommended.

3.3.3 Definitions of 'Hotel' and 'Visitor Accommodation'

3.3.3.1 Matters raised by submitters

82. Templeton Group [412.1] and [412.2] seek clarification of the definitions of 'hotel' and 'visitor accommodation'. The submitter assumes that visitor accommodation can be subject to an alcohol licence and hence a hotel is a subset of the wider 'visitor accommodation' definition. They seek to amend/clarify the definitions of 'hotel' and 'visitor accommodation' so

that it is clear that a hotel is included within the wider definition of 'visitor accommodation'. They also seek to replace the words 'guest' in the definition of 'hotel' with the word 'visitor'.

3.3.3.2 Assessment

83. The definition of 'visitor accommodation' is a National Planning Standards definition and cannot be amended as requested. The definition of 'hotel' is not a National Planning Standards definition and can be amended. I note that the definition of 'visitor accommodation' refers to accommodating 'visitors', as opposed to accommodate 'guests'. I consider changing 'guest' to 'visitor' within the 'hotel' definition will improve clarity as this provides a direct link to the related 'visitor accommodation' definition, which is a component of hotel activities. I therefore recommend that this submission is accepted in part and the definition is amended as set out below and in **Appendix A**.

3.3.3.3 Summary of recommendations

84. I recommend that the submissions from Templeton Group [412.1] and [412.2] are **accepted in part**.

3.3.3.4 Recommended Changes to the Proposed Plan

85. Amend the definition of 'hotel' as follows:

means any building and associated land where ~~guest~~ visitor accommodation is provided, is not self catering, and which is the subject of an alcohol licence. It may include restaurants, bars, bottle stores, conference and other ancillary facilities as part of an integrated complex.

86. 32AA evaluation table reference: not undertaken as the change is de minimis.

3.4 General Commercial and Mixed-Use Objectives and Policies Submissions

3.4.1.1 Matters raised by submitters

87. There were two submissions received in support and five submission points seeking amendments in general against the CMUZ objectives and policies. The five submission points were all from Woolworths as set out below.
88. Woolworths [282.93] opposes specific centre zone provisions which further restrict activities, namely supermarkets, which they consider ought to be recognised as appropriate centre activities which facilitate and enable self-sufficient centres, including at all levels of the centre hierarchy. They consider that non-complying activity status for supermarkets in Light Industrial, General Industrial and all Residential Zones mean there is no feasibly zoned land for supermarket development to support growth of centres. It is overly restrictive to require resource consent, which can be an onerous process, for supermarkets anywhere in the district. They seek that supermarkets are permitted activities in most CMUZs, with recognition that a smaller permitted threshold (450m²) for Gross Floor Area may be appropriate in the NCZ, to reflect its form and function. They seek that any supermarket exceeding the smaller permitted threshold for Gross Floor Area for the NCZ should be assessed as a restricted discretionary activity given the key effects would relate to character and amenity, zone outcomes, and the potential for adverse effects on centres higher up the hierarchy.
89. Woolworths [282.96] considers while the CMUZs provide a broad framework of interrelated commercially focused areas that contribute to the growth of the District's business activity in

defined and complementary ways, the Proposed Plan does not effectively utilise this approach to enable each of the zones to deliver on different aspects of business development. No specific relief is sought in this submission point.

90. Woolworths [282.98] considers the LFRZ should be amended to recognise the zone supports centre zones to deliver a broad, robust, and appropriately diverse economic strategy that provides areas for main street retail and large format retail.
91. Woolworths [282.101] considers that the CMUZs can respond and adapt to developing market drivers by playing a supportive role to a potentially more commercial or civic focus of Centres zones. They consider the current approach does not enable business activity to adapt to anticipated growth. They seek the consideration of more aspirational zoning provisions for growth, utilising the strategic process of a plan review to comprehensively and sustainably plan for and enable growth.
92. Woolworths [282.118] opposes the activity status for supermarkets in CMUZs. They state that while they are permitted activities within TCZs and MUZs, resource consent would typically be required due to the 450m² building gross floor area limit and that this approach goes against the role that supermarkets play as anchor tenants, as catalysts for investment in centres of all scales, and as critical infrastructure or an essential service that is convenient and efficient to access. No specific relief was requested.

3.4.1.2 Assessment

93. Regarding the Woolworths [282.93], [282.96], [282.98] and [282.101] submissions, Woolworths has made similar submissions against specific provisions for each zone and I have assessed these under those provisions later in this report. In summary, I have recommended more enabling provisions for supermarkets in the NCZ, LCZ and LFRZ (they are already permitted in the TCZ and MUZ) and recommended amending various matters of discretion to consider functional and operational requirements and site constraints. I therefore recommend that these submissions are accepted in part.
94. Regarding the Woolworths [282.118] submission, the 450m² is not a building limit per se but an urban design threshold trigger. I recommend that this is clarified via an advice note as set out below and in Appendix A, and accordingly that this submission is accepted in part.

3.4.1.3 Summary of recommendations

95. I recommend that the submissions from Woolworths [282.93], [282.96], [282.98], [282.101] and [282.118] are **accepted in part**.
96. Given the various changes I am recommending to the CMUZ provisions, I recommend that the general submissions received in support as set out in **Appendix B** are **accepted in part**.

3.4.2 Recommended Changes to the Proposed Plan

97. Add the following advice note to TCZ-R1, LCZ-R1, MUZ-R1 and LFRZ-R1:

Advice note: the building area GFA standard is a threshold for when an urban design assessment is required, rather than a limit on building size.

98. 32AA evaluation table reference: not undertaken as the change is guidance only and is de minimis.

3.5 CMUZ Objectives

99. A number of submissions were received on the objectives as set out below.

3.5.1 Objective CMUZ-O2 – Urban form, scale and design

3.5.1.1 Matters raised by submitters

100. Seven submissions were received in support of CMUZ-O2, while one submission from Kāinga Ora [325.274] sought amendments to clause 4 as follows:

"A scale, form and design of development in all Commercial and Mixed Use Zones that:

...

4. manages adverse amenity effects on the surrounding adjoining residential environment zones."

3.5.1.2 Assessment

101. I disagree with adding in the word 'amenity' effects as the adverse effects from development can include non-amenity effects such as transport network effects. With regard to limiting the assessment to impacts on residential zones, as opposed to the surrounding area generally, while adverse impacts on residential zones is part of the consideration, this objective also considers adverse effects on other zones such as open space, rural and recreation zones, as evidenced by the policies (such as CMUZ-P6 Design and layout at clause 9) and rules (such as TCZ-BFS3 Height in relation to boundary when adjoining Residential Zones, Rural Zones or Open Space and Recreation Zones). I therefore consider this narrowing is inappropriate and is not supported by the policies or rules. I therefore recommend that this submission is rejected.

3.5.1.3 Summary of recommendations

102. That the submission by Kāinga Ora [325.274] is **rejected**.

103. I recommend that the submissions in support of CMUZ-O2 as set out in **Appendix B** are **accepted**.

3.5.2 Recommended Changes to the Proposed Plan

104. No changes are proposed.

3.6 CMUZ - Policies

3.6.1 Policy CMUZ-P1 – Centre function, role and hierarchy

3.6.1.1 Matters raised by submitters

105. Seven submissions were received in support of CMUZ-P1 while two submissions were received seeking amendments.

106. Woolworths [282.8] considers that CMUZ-P1 undermines the ability to deliver well-functioning urban environments, and at a scale and intensity to satisfy future demand. They seek amendments to better respond to the Strategic Directions and Urban Form and Development provisions, and incorporate the potential for out of-centre activity, namely supermarkets,

where managed in respect of the centres hierarchy. They consider this would implement the flexibility required by the strategic and urban form and development directions and recognise the currently constrained extent of CMUZ land in and around main centres. They seek CMUZ-P1 is amended as follows:

"Ensure commercial growth and activities are focused within a hierarchy of commercial centres to support a compact urban form, consistent with their role and function that supports and maintains:

...

5. the potential for other locations, including but not limited to the Mixed Use zone and Large Format Retail zone, to provide a complementary role in relation to the centres hierarchy, subject to assessment that confirms significant adverse effects on the centres hierarchy are avoided.

107. RDL [347.61] considers it is unclear why the commercial centre within Belfast/Northwood in Christchurch requires "protection" and that this is not supported by any Section 32 analysis. They seek that clause 4 is deleted.

3.6.1.2 Assessment

108. Regarding the Woolworths [282.8] submission, in his evidence (section 4) Mr Foy agrees that the MUZ and LFRZ can complement the wider functioning of the higher order commercial zones. However, Mr Foy considers the potential movement of activities from town and local centres to other commercial zones, while intended to have a complementary role can, over time, result in a slow, insidious decline in the focal point of those town and local centres, particularly because "significant adverse effects" are difficult to establish for any single proposed commercial/retail activity. Ultimately Mr Foy supports the proposed addition to CMUZ-P1 because it is consistent with well-established case law on retail distribution effects, and in his opinion other objectives and policies in the LFRZ and MUZ chapters make it clear that those zones are intended to be complementary and to not compromise the role and function of Town Centres, or undermine investment in the TCZ and LCZ (LFRZ-O1). That framework should be adequate to avoid the possibility of long-term cumulative effects arising as a result of enabling the gradual establishment of individual activities in the MUZ and LFRZ.
109. I accept Mr Foy's advice, but I note that it is limited to the MUZ and LFRZ and predicated on the planning provisions in those zones (as recommended to be amended in this s42A report). I consider that the proposed new clause 5 should be limited to the MUZ and LFRZ, rather than applying anywhere, which could include residential, rural and industrial zones. I also consider other wording tweaks would be beneficial to improve clarity. While I accept the general thrust of the submission, CMUZ-P1 is focussed on centres, while CMUZ-P2 covers other commercial zones such as the MUZ and LFRZ. I therefore recommend that CMUZ-P1 is not amended, but CMUZ-P2 is amended in accordance with the submission as set out under my assessment of CMUZ-P2 and in **Appendix A** and that accordingly this submission is accepted in part.
110. Regarding the RDL [347.61] submission, in his evidence (section 7), Mr Foy states that in his opinion the inclusion of Belfast/Northwood is not required, and the rest of the policy (relating to supporting and maintaining town, local, and neighbourhood centres) would ensure that Belfast/Northwood is by default protected in the same way. He considers that it is difficult to conceive how a new development might not be inconsistent with CMUZ-P1(1-3) and yet still

not support and maintain the role of the Belfast/Northwood centre. That is, for there to be more than minor adverse distributional effects on Belfast/Northwood from a new development in Waimakariri, there would also be similar such effects on Waimakariri centres, because Waimakariri centres will be closer to the Waimakariri development, and they are smaller centres than Belfast/Northwood. Mr Foy supports the requested removal of the Belfast/Northwood clause from CMUZ-P1. I accept Mr Foy's advice on this matter, noting that clause 4 of Policy CMUZ-P1 does not seek to "protect" Belfast/Northwood as stated in the submission, but only seeks to "support and maintain" the centre. However, I recommend that CMUZ-P1 is amended by deleting clause 4 as set out below and in **Appendix A** and that accordingly this submission is accepted.

3.6.1.3 Summary of recommendations

111. That the submission from Woolworths [282.8] is **accepted in part**
112. That the submission from RDL [347.61] is **accepted**.
113. Given the changes I am recommending to CMUZ-P1, I recommend that the submissions in support of this policy as set out in **Appendix B** are **accepted in part**.

3.6.1.4 Recommended Changes to the Proposed Plan

114. Amend CMUZ-P1 as follows:

Ensure commercial growth and activities are focused within a hierarchy of commercial centres to support a compact urban form, consistent with their role and function that supports and maintains:

[...]

3. neighbourhood centres which provide for a range of small scale activities to meet the mainly convenience needs of immediate residential neighbourhoods, while protecting the role and function of the town and local centres, ~~and~~

4. ~~the existing commercial centre within Belfast/Northwood in the Christchurch District.~~

115. S32AA evaluation table reference: C3.

3.6.2 Policy CMUZ-P2 – Other commercial zones function and role

3.6.2.1 Matters raised by submitters

116. There were four submissions in support of CMUZ-P2 and two submissions which sought amendments.
117. Woolworths [282.9] consider the limitation on commercial activities within LFRZ or MUZ where they do not adversely affect the role and function of Town Centres is unnecessarily restrictive, and needs qualification and flexibility to enable appropriate commercial activities to occur within CMUZs. The submitter considers that CMUZ-P2, together with CMUZ-P1 and CMUZ-P5, undermines the ability to deliver well-functioning urban environments and at scale and intensity that satisfies future demand. They seek the following amendment:

Amend CMUZ-P2:

"Only provide for other commercial activities in other Commercial and Mixed Use Zones where significant adverse effects arise on ~~these do not adversely affect~~ the role and function of Town Centres, and the investment in public amenities and facilities in the Town and Local Centre Zones."

118. RDL [347.62] seeks that CMUZ-P2 is amended such that Town Centres are not capitalised as they are not defined.

3.6.2.2 Assessment

119. Regarding the submission by Woolworths [282.9], I anticipate that the relief sought is incorrectly worded and that it should instead read "...significant adverse effects do not arise..." I anticipate Woolworths will confirm this or otherwise through their evidence. With regard to the merits of adding in 'significant adverse effects', I agree that this is appropriate as the policy framework is not attempting to capture every adverse effect. As per my assessment under CMUZ-P1, I recommend that CMUZ-P2 is amended to recognise that the MUZ and LFRZ can provide a complementary role in relation to the centres hierarchy, subject to assessment that confirms significant adverse effects on the centres hierarchy are avoided. I therefore recommend that this submission is accepted in part and CMUZ-P2 is amended as set out below and in **Appendix A**.

120. Regarding the submission by RDL [347.62], I agree with the suggested amendment and therefore recommend that this submission is accepted and CMUZ-P2 is amended as set out below and in **Appendix A**.

3.6.2.3 Summary of recommendations

121. I recommend that the submission by Woolworths [282.9] **is accepted in part**.
122. I recommend that the submission from RDL [347.62] is **accepted**.
123. Given the changes I am recommending to CMUZ-P2, I recommend that the submissions in support of this policy are **accepted in part** as set out in **Appendix B**.

3.6.2.4 Recommended Changes to the Proposed Plan

124. Amend CMUZ-P2 as follows:

Recognise the potential for the Mixed Use zone and Large Format Retail zone to provide a complementary role to the centres, but ~~Only provide for other commercial activities in other~~ these Commercial and Mixed Use Zones where significant adverse effects do not arise on ~~these do not adversely affect~~ the centres hierarchy, and the role and function of tTown cCentres, and the investment in public amenities and facilities in the Town and Local Centre zones.

125. S32AA evaluation table reference: C2.

3.6.3 Policy CMUZ-P3 – New Local and Neighbourhood Centres

3.6.3.1 Matters raised by submitters

126. There were four submissions in support of CMUZ-P3 and one submission from Templeton Group [412.11] which generally supported CMUZ-P3 as proposed but considered the wording could be interpreted to mean that an Outline Development Plan (ODP) for the extended LCZ

is required. They consider that an ODP for the extension to the LCZ as requested by Pegasus should not be required and that CMUZ-P3 should be amended so that it does not apply to the proposed extended LCZ at Pegasus.

3.6.3.2 Assessment

127. CMUZ-P3 relates to new local and neighbourhood centres included within development areas. These are either future greenfield development areas or existing development areas that already have ODPs applying. Pegasus has an existing ODP (DEV-PEG-APP Pegasus ODP) but it does not include commercial areas. It therefore does not apply to the Pegasus town centre. I therefore agree that an ODP for the Pegasus LCZ would not be required. No amendment is required to CMUZ-P3 and I therefore recommend that this submission is rejected.

3.6.3.3 Summary of recommendations

128. That the submission from Templeton Group is [412.11] **rejected**.

129. I recommend that the submissions in support of CMUZ-P3 as set out in **Appendix B** are **accepted**.

3.6.3.4 Recommended Changes to the Proposed Plan

130. No changes are recommended.

3.6.4 Policy CMUZ-P4 - Centre expansion

3.6.4.1 Matters raised by submitters

131. There were four submissions in support of CMUZ-P4 and one submission by RDL [347.63] which supported CMUZ-P4 for the reasons in the Council's Section 32 report, but sought the following amendments to improve and clarify the policy:

Amend CMUZ-P4 (5) to:

"maintains, or otherwise appropriately mitigates adverse effects on, the amenity values of adjoining Residential Zones at the interface; and"

3.6.4.2 Assessment

132. I agree that the requested changes clarify the clause and I therefore recommend that the submission is accepted, with the changes set out below and in **Appendix A**.

3.6.4.3 Summary of recommendations

133. I recommend that the submission from RDL [347.63] is **accepted**.

134. Given the changes I am recommending to CMUZ-P4, I recommend that the submissions in support of this policy as set out in **Appendix B** are **accepted in part**.

3.6.4.4 Recommended Changes to the Proposed Plan

135. Amend CMUZ-P4 as follows:

Enable the expansion of the Town Centre Zone, Local Centre Zone and Neighbourhood Centre Zone only where the expansion:

[...]

5. maintains, or otherwise appropriately mitigates adverse effects on, the amenity values of adjoining Residential Zones at the interface; and

[...]

136. 32AA evaluation table reference: C3.

3.6.5 Policy CMUZ-P5 - Scale and form of development in all Commercial and Mixed Use Zones

3.6.5.1 Matters raised by submitters

137. There were five submissions in support of CMUZ-P5 and one submission from Woolworths [282.10] stating that CMUZ-P5 does not adequately provide for the necessary larger scale of supermarkets, nor does it recognise their functional and operational requirements as an essential service to co-locate within new and existing catchments. They consider that CMUZ-P5 directs the largest scale of development to the TCZ, anticipates smaller scale development down the centre hierarchy (excluding the LFRZ) and fails to identify a clear relationship between the LFRZs and TCZs. They consider that CMUZ-P5 is contradictory to LFRZ-P1 in terms of how LFRZs contribute to urban design outcomes and the centre hierarchy approach. Woolworths considers that CMUZ-P5, together with CMUZ-P1 and CMUZ-P2, undermines the ability to deliver well-functioning urban environments and at scale and intensity to satisfy future demand. They seek amendments that provide for supermarkets in a cascading urban form approach, differentiate supermarkets from other large format retail activities given their distinctly different functions, and aligns with Strategic Directions and Urban Form and Development provisions. They seek the following changes to CMUZ-P5:

"Support the function, role and character of all Commercial and Mixed Use Zones by enabling:

...

5. supermarkets to be conveniently located in relation to the catchments they serve."

3.6.5.2 Assessment

138. Regarding the submission from Woolworths [282.10], CMUZ-P5 is about scale and form of development rather than activities. I therefore consider that the suggested addition does not fit within CMUZ-P5. In terms of content, I note that the suggested wording does not contain any qualifiers around the scale needing to be commensurate with the centre / zone, nor not undermining the centres hierarchy. I also consider that proposed clause 5 is very subjective and it is difficult to define what is 'convenient'. In his evidence (section 4) Mr Foy agrees that convenient access to supermarkets is important but he does not think that there is any need for the District Plan to state that supermarkets need to be conveniently located in relation to the catchments they serve, because that is recognised through the centres hierarchy, and the activity status of supermarkets in each centre zone. He notes that no other specific activities are recognised in the manner that Woolworths seek supermarkets to be, and in his opinion it is not necessary to specifically refer in the Proposed Plan how supermarkets need to be located.

139. I note that Woolworths have made similar submissions seeking better outcomes for supermarkets in relation to specific zones. In response to these I have recommended a number of changes to better accommodate supermarkets as a specific activity within and outside the centres hierarchy whilst still reinforcing the hierarchy, such as providing a different GFA scale for supermarkets in the LCZ and NCZ, changing the status of supermarkets in the LFRZ from discretionary to restricted discretionary (they are already permitted in the MUZ and TCZ) and recognising the potential for the MUZ and LFRZ to support the centres. Given that the proposed wording is wrongly located and incomplete I do not agree with amending CMUZ-P5 as proposed. However, given the changes I am recommending, to the chapters which are consistent with the submission, I consider that supermarkets are provided for in a cascading urban form approach, and are differentiated from other large format retail activities. I therefore recommend that this submission is accepted in part.

3.6.5.3 Summary of recommendations

140. I recommend that the submission from Woolworths [282.10] is **accepted in part**.

141. I recommend that the submissions in support of CMUZ-P5 as set out in **Appendix B** are **accepted**.

3.6.5.4 Recommended Changes to the Proposed Plan

142. No changes are recommended.

3.6.6 Policy CMUZ-P7 - Residential activities

3.6.6.1 Matters raised by submitters

143. Three submissions were received in support of CMUZ-P7, while two submissions sought amendments.

144. Templeton Group [412.14] sought amendments to CMUZ-P7 to enable residential units to be permitted at ground level in the Pegasus LCZ which they consider is consistent with providing greater flexibility and mixed use activity and encouraging more people to live in and around local centres, and would achieve a better design led outcome. Accordingly, they seek the following amendments:

"Residential activities are:

1. ~~Encouraged to locate above ground floor in all centres;...~~"

145. Kāinga Ora [325.282] supported CMUZ-P7, subject to amendments to provide flexibility for residential use in appropriate circumstances, and to reflect assessment matters in CMUZ-MD11 and the restricted discretionary status in the rule framework. They seek to amend CMUZ-P7 as follows:

"Residential activities are:

1. Encouraged to locate above ground floor in all centres unless: ~~Avoided on ground floors fronting or adjoining the street in Town Centres to maintain commercial activity at ground level~~

a. the site is not required to meet long-term needs for commercial floorspace; and/or

b. the building containing the residential activity is designed and constructed to facilitate straightforward conversion to commercial floorspace so as to not foreclose future options; and..."

3.6.6.2 Assessment

146. Regarding the Templeton Group [412.14] and Kāinga Ora [325.282] submissions, in my opinion, ground floor residential activity interspersed within a commercial frontage is often discordant and can result in a dead area with no active frontage. This can undermine the vibrancy of the area. I therefore consider it is important to retain the ground floor of buildings for commercial activities to support commercial activities and character in centres. For neighbourhood and local centres, these are usually well defined and contained (except for the still developing Pegasus town centre). Residential activity on ground floors will displace commercial activity, and given the importance of neighbourhood and local centres in providing for the day to day needs of their catchments, I consider this displacement should require a consent. For the town centres of Rangiora and Kaiapoi, while there is sufficiency of commercial land overall in the district, these town centres can only expand by converting surrounding activities (such as residential) to commercial. Because of this, in Rangiora the additional commercial activity has been enabled to 'bleed' out of the Rangiora TCZ into the surrounding MRZ via the proposed Residential Commercial Precinct and rule MRZ-R10, while in Kaiapoi the MUZ provides expansion opportunities. In my opinion permitting ground floor residential activity will further reduce the area available for commercial activity.
147. However, I note that the TCZ contains some large land parcels where it may be appropriate to locate residential on the ground floor behind shops fronting the streets (LCZs and NCZs generally have smaller land parcels and as such this opportunity would be rarer). Clause 2 of CMUZ-P7 as notified recognises this in the TCZ, but seeks to avoid ground floor retail in all other circumstances because of the identified commercial and urban design impacts.
148. In his evidence (sections 6 and 9) Mr Foy states that enabling residential activity on ground floors would likely result in less floorspace being available for retail, food and beverage, and other tenancies that need to be located on ground floors and that encouraging or enabling residential activity on the ground floor may crowd out both existing and new commercial activity which could harm the role and function of the centres. My Foy considers that while there is sufficient land supply in the commercial zones to meet expected demand, that sufficiency could change if residential activity were enabled on the ground floor. For these reasons, he does not consider that this request should be accepted.
149. Mr Foy has considered the criteria proposed by Kāinga Ora for CMUZ-P7 and acknowledges that the changes requested would allow conversions only if land is not required to meet demand or can be readily converted back to commercial use. However, in his opinion the first of those exceptions (land not required to meet demand) would enable applications to claim a lack of demand based on site-specific reasons that could be difficult to counter, might result in a proliferation of residential activity in the centre zones, and would introduce uncertainty in processing applications. The second exception (where space can be converted to commercial use in the future) has some merit, but he is concerned that inertia may make it difficult to dislodge residential activity once it is established in centres. He also considers that there will be ample opportunity for residential activity to locate above ground floor in centres, and considers that at-ground residential activity is not required to improve in-centre vibrancy or people activity, and may be counter-productive through constraining the ability of people-generating

activities to locate in parts of centres on the ground floor. For those reasons he does not consider that the request to enable residential activity on the ground floor should be accepted. I consider that Kāinga Ora's proposed clauses would be appropriate matters to be assessed as part of a resource consent. However, additional clauses would be required to also refer to principal shopping streets and retail frontage generally to make it more comprehensive.

150. In his evidence (section 5) Mr Nicholson states that successful centres concentrate commercial and community activities into a focused area, and provide open 'shop' frontages which enable the public / customers to access these activities. Effectively the ground floor frontages onto streets or public spaces are the 'interface' which enables commercial transactions to take place in a centre. Generally ground floor frontages with a high degree of visual interest, windows into the interior and more entranceways are perceived as being more attractive and encourage people to stay for longer periods. In his opinion the submission by the Templeton Group [412.140] to enable residential units on the ground floor of centres (or specifically in the Pegasus Town Centre) would potentially dilute the commercial and community activities in the centre and reduce the floorspace available for commercial uses. Residential units on the ground floor would undermine investment in pedestrian amenities and streetscape, and reduce the level of visual interest and the coherence of the centre.
151. Regarding the Kāinga Ora submission [352.282], Mr Nicholson states that the suggested amendment does not address the potential adverse effects on character and streetscape of the centre, or on the commercial activities of nearby businesses including hospitality and that once residential activity is established on the ground floor it will be difficult to reclaim this space if commercial demand increases in the future
152. I agree with the advice of Mr Foy and Mr Nicholson and recommend that the submissions from Kāinga Ora and the Templeton Group are rejected.

3.6.6.3 *Summary of recommendations*

153. I recommend that the submission from the Templeton Group [412.14] and Kāinga Ora [325.282] are **rejected**.
154. I recommend that the submissions in support of CMUZ-P7 as set out in **Appendix B** are **accepted**.

3.6.6.4 *Recommended Changes to the Proposed Plan*

155. No changes are recommended.

3.7 TCZ – Town Centre Zone

3.7.1 *General submissions*

3.7.1.1 *Matters raised by submitters*

156. There were four submissions in general support of the TCZ and three submission which sought amendments as set out below.
157. The Woodend-Sefton Community Board [155.12] commented on the proposed Ravenswood commercial development at North Woodend stating that TCZ-P1 states that "*North Woodend is a new emerging centre that will provide opportunities over time for town centre activities in*

the Woodend/Pegasus commercial catchment”, however there is no timeframe and the size of the zone is not commensurate with population growth. The submitter seeks a process where the Council works with the developer and seeks input from the Board to provide a reasonable sized TCZ to serve the needs of the local area and SH1 as indicated in the District Development Strategy.

158. Regarding the CIAL [254.124] submission, as set out under general submissions I understand that this will be covered in a CIAL specific Hearing Stream 10A. As such, I have not assessed this submission in this report (this is set out in **Appendix B**).
159. Woolworths [282.144] considers permitted activity status is appropriate for supermarkets, as essential services and catalysts for well-functioning urban environments, within all CMUZs as this acknowledges the operational and functional need for supermarkets to co-locate within the catchments they serve. They state that this approach would align with the higher order enabling framework set out in the Proposed Plan and the National Policy Statement on Urban Development. Woolworths considers restricted discretionary activity status would provide sufficient assessment to address effects of any built form and site layout standard infringements in a targeted manner. This is particularly relevant in terms of frontage controls in the centre zones. They seek to amend the activity status for supermarkets within TCZs to permitted, and restricted discretionary if standards are breached.

3.7.1.2 Assessment

160. Regarding the Woodend-Sefton Community Board [155.12] submission, as explained in the Commercial and Industrial s32 and earlier in this report, the Proposed Plan carried over the Operative Plan zoning (rather than amend the zoning) as PC30 was before a hearings panel seeking a plan change to the Operative Plan, including zoning and this had not yet been decided on. This re-zoning is scheduled to be covered as part of the re-zoning hearings later in 2024 (Hearing Stream 12). As such I have not dealt with this submission in this report.
161. Regarding the submission by Woolworths [282.144], supermarkets are permitted within TCZs under TCZ-R2 and restricted discretionary if standards are breached consistent with the submitter's submission. Regarding the more general comments in relation to other zones, Woolworths has made similar submissions against specific provisions for each zone and I have assessed these under those provisions. In summary, I have recommended better providing for supermarkets in the NCZ, LCZ and LFRZ zones (they are already permitted in the TCZ and MUZ) and recommended amending various matters of discretion to consider functional and operation requirements and site constraints. I therefore recommend that this submission is accepted in part.

3.7.1.3 Summary of recommendations

162. I recommend that the submission from Woolworths [282.144] is **accepted in part**.
163. Given I am not recommending any changes in response to these general submissions, I recommend that the general submissions in support of the TCZ are accepted in part as set out in **Appendix B** noting the changes proposed in response to more detailed submissions on the TCZ.

3.7.1.4 Recommended Changes to the Proposed Plan

164. No changes are recommended.

3.7.2 Objective TCZ-O1 – Town centre zone activities and function

3.7.2.1 Matters raised by submitters

165. Four submissions were received in support of TCZ-O1 while one submission from Woolworths [282.17] sought an amendment to enable large format development, such as supermarkets, within both the TCZ and LFRZ. The submitter seeks the following change to TCZ-O1:

"Town Centres:

- 1. are the District's principal focal point for a wide range of commercial and community activities, supported by recreation, residential and service activities;*
- 2. provide the primary retail destination for comparison and convenience shopping in the district with the greatest mix and concentration of activities;*
- 3. predominantly provide the greatest scale of built form of all zones; and*
- 4. are accessible by a range of modes of transport including public transport."*

3.7.2.2 Assessment

166. Regarding the Woolworths [282.17] submission, I note that supermarkets and large format development are already permitted in the TCZ (under TCZ-R2). I accept that LFR zones also provide for large scale development which could be larger than many town centre developments due to the often larger site sizes in the LFRZ and the types of buildings developed. However, the policy is correct as written as it provides the basis for all the BFSs which in the TCZ provide for such things as greater height and building to the front boundary. I therefore consider that the TCZ does provide for the greatest scale of built form of the zones. That is entirely different to saying there might be bigger developments due to the larger sites in the LFR. On balance, I recommend that this submission is rejected.

3.7.2.3 Summary of recommendations

167. I recommend that the submission from Woolworths [282.17] is **rejected**.

168. I recommend that the submissions in support of TCZ-O1 as set out in **Appendix B** are **accepted**.

3.7.2.4 Recommended Changes to the Proposed Plan

169. No changes are recommended.

3.7.3 Objective TCZ-P1 – Town Centre Zone Hierarchy

3.7.3.1 Matters raised by submitters

170. Four submissions were received in support of TCZ-P1, while one submission from RDL [347.77] sought the deletion of TCZ-P1 as the submitter considers it is not necessary or appropriate to create a hierarchy within the top tier of the centres hierarchy.

3.7.3.2 Assessment

171. The new centre at North Woodend (Ravenswood) is emerging, with most of it not yet built. In my opinion, the Key Activity Centre hierarchy established under Chapter 6 of the CRPS recognised the important role of KACs to provide for their community's needs. Going beyond trade competition, this recognition was cognisant of the Council and community expenditure in public facilities (such as libraries) and infrastructure (such as street furniture and public transport) in these locations, as well as services that benefit the community beyond retailing (such as health facilities and commercial services). In my opinion, unlike all the other KACs, the level of community facilities and activities, public infrastructure and other beneficial services and the extent to which it acts or will act as a town centre is not yet known for North Woodend as it is an emerging centre.
172. I also note that in the evidence provided on declined PC30 which sought to establish a new town centre at North Woodend, and in the subsequent Environment Court consent order, it was agreed by all parties (i.e. including RDL) that the new North Woodend town centre needed to be limited in size in order to protect the role and function of the established Kaiapoi and Rangiora town centres. There is no such limitation on Rangiora and Kaiapoi. The CMUZ planning framework replicates these limitations for the same reasons and TCZ-P1 supports this approach. I therefore consider it inappropriate to put this centre on the same level as the established centres that clearly provide community services for their catchments, which overlap with the north Woodend catchment, and contain significant levels of public expenditure. I also note the findings of the Commissioners on PC30¹¹ in regard to a town centre hierarchy where they said (paragraphs 493 and 494):

It seems to be an assumption by the planners and legal counsel for RDL that if a Centre is defined as a Key Activity Centre then it automatically has equal status with other KAC's and is exempt from the requirements of the CRPS and the Operative District Plan to not adversely affect existing KAC's. This was particularly apparent in the supplementary submissions and evidence on the Waimakariri Junction development where the notion of "equitable distribution" of growth opportunities amongst KAC's was introduced.

We do not accept that assumption. It is not explicitly or even implicitly contained in the relevant provisions. We note that in the list of KAC's in the CRPS there are some which are quite small, e.g. Lincoln and Spreydon. Although KAC's, these centres provide services primarily in their local catchments. If Ravenswood is an existing KAC under the CRPS definition (which we do not accept) then it is currently a very small one, but would have the potential for extensive and rapid growth. If the intention of the CRPS is to protect existing KAC's from adverse distributional effects from lower order centres, then it makes no sense to exclude that protection from the potentially much greater effects that would from a large, new, and developing KAC.

173. Consistent with the commissioner's findings and the consent order agreed to by RDL and the Council, the amended Operative Plan policy framework contains a tiered approach for KACs.

¹¹ Waimakariri District Plan Private Plan Change 30, Ravenswood Development Limited, North Woodend, Decision, November 2021

Objective 15.1.2 sets out the role of Key Activity Centres and refers to an emerging centre in North Woodend (Ravenswood). It seeks to recognise KACs in a way that:

- a. *strengthens the Business 1 Zones of Rangiora and Kaiapoi, as the primary employment and civic destinations;*
- b. *recognises the emerging Key Activity Centre at North Woodend (Ravenswood) that provides opportunities for Key Activity Centre activities and avoids significant retail distribution effects on existing Key Activity Centres in Rangiora, Kaiapoi and Belfast/Northwood;*

[...]

174. In his evidence (section 7) Mr Foy disagrees with the submitter. He notes that PC30, which applied a Business 1 zoning to Ravenswood, and confirmed KAC status for the centre, applied a maximum limit of the amount of permitted retail floorspace for the Ravenswood Business 1 zone, in order to distinguish Ravenswood, as an emerging KAC and new town centre zone. In his opinion it remains appropriate to retain that distinction in some way, so as to enable the existing Rangiora and Kaiapoi TCZs to continue to function as commercial focal points, and to avoid erosion of that role by the creation of the new Ravenswood centre.
175. Mr Foy considers that the distinction now included in the Operative Plan recognises the extant strategic value of the Rangiora and Kaiapoi town centres, and their potential vulnerability to significant retail distribution effects that might arise from a significant, short-term increase of retail space being established elsewhere in Waimakariri in competition to them. Those effects could include the departure of many established businesses from the Rangiora and Kaiapoi TCZs, and a decrease in vitality and vibrancy of those centres as a result of reduced patronage. The indirect (flow-on) effects of those direct effects might include a reduced ability of the TCZs to adequately supply their community's needs and function as the principal focal points for commercial and other activities, contrary to objectives in the Proposed Plan (TCZ-O1).
176. Based on the above assessment I recommend that the submission from RDL is rejected.

3.7.3.3 Summary of recommendations

177. I recommend that the submission from RDL [347.77] is **rejected**.
178. I recommend that the submissions in support of TCZ-P1 as set out in Appendix B are **accepted**.

3.7.3.4 Recommended Changes to the Proposed Plan

179. There are no recommended changes.

3.7.4 Objective TCZ-P2 – Town centre zone activities and form

3.7.4.1 Matters raised by submitters

180. Four submissions were received in support of TCZ-P2 while three submissions sought amendments as set out below.
181. Woolworths [282.18] seeks to amend TCZ-P2 to create flexibility for development within TCZs so the threshold for avoiding adverse effects or specific activities does not fully preclude

development where consenting processes can enable acceptable urban form and centre design outcomes. They seek the following amendments:

"Within Town Centres:

...

3. provide for other activities only where these do not significantly adversely affect amenity and streetscape values, or compromise the function and capacity of the zone to provide for primarily commercial and community activities;

...

9. avoid, or where appropriate manage, activities that are incompatible with the zone."

182. Z Energy Ltd [286.2] opposes the lack of recognition in TCZ-P2 that existing service stations have functional and / or operational design requirements that preclude them from meeting the specific urban design standards of the TCZ. They seek the insertion of a new policy which recognises that some existing activities (such as service stations) have functional or operational design requirements that preclude them from meeting the urban design objectives of the Town Centre Zone, but which are both established and appropriate within the Zone as follows:

"Where existing activities do not contribute to the traditional main street design outcomes sought in other policies, to ensure the design of development makes a positive contribution to the streetscape and character of its surroundings, while having regard to the functional and operational requirements of activities."

183. RDL [347.78] supports the intent and drafting of TCZ-P2 and seeks it be applied to the proposed Ravenswood town centre, through the application of Town Centre zoning as identified in submission point #1 of their submission.

3.7.4.2 Assessment

184. Regarding the Woolworths [282.18] submission, clause 3 applies to other activities, such as industrial activities, which are not already identified in clauses 1 and 2 (i.e. they are not retail, commercial, community, recreation, service and residential activities). As such, the submitter's supermarkets are not covered by clause 3. I accept that as drafted clause 3 is absolute, however I do not agree with allowing adverse effects up to the threshold of significant to occur from other largely unanticipated activities. Regarding the proposed amendment to clause 9, there are two activity standards (industrial (TCZ-R27) and heavy industrial (TCZ-R28)) specified as non-complying in the TCZ. I consider it appropriate that non-complying activities have an avoid policy to support them. I therefore recommend that this submission is rejected.
185. Regarding the Z Energy Ltd [286.2] submission, I accept that as currently drafted TCZ-P2, and the TCZ policies collectively, do not refer to functional or operational requirements of specific activities. In response to other submissions, I have recommended that the relevant matter of discretion (CMUZ-MD3) includes consideration of operational and functional requirements and site constraints. Whilst I have some sympathy for the submitter's argument, on balance I am reluctant to amend TCZ-P2 as proposed as I consider that the matters addressed in TCZ-P2 are appropriate for town centres, with an assessment for departures enabled through a consent pathway. I consider that the Proposed Plan should direct petrol stations away from TCZs in the first instance as they are generally inconsistent with the pedestrian oriented outcomes sought

in TCZ-P2 (e.g. achieving pedestrian priority and good streetscape outcomes). I note that in his evidence in response to Z Energy's various submissions on built form standards, Mr Nicholson considers that it is not appropriate to treat service stations differently given that their functional requirements are not unique or unusual (paragraph 13.7), but rather that their specific requirements can be considered through a consent pathway. I therefore recommend that this submission is rejected.

186. Regarding the RDL [347.78] submission, this matter will be considered as part of the re-zoning hearing.

3.7.4.3 Summary of recommendations

187. I recommend that the submission from Woolworths [282.18] is **rejected**.
188. I recommend that the submission from Z Energy Ltd [286.2] is **rejected**.
189. I recommend that the submissions in support of TCZ-P2 as set out in **Appendix B** are **accepted**.

3.7.4.4 Recommended Changes to the Proposed Plan

190. No changes are recommended.

3.7.5 Rule TCZ-R1 – Construction or alteration of or addition to any building or other structure

3.7.5.1 Matters raised by submitters

191. Three submissions were received in support of TCZ-R1 and five submissions sought amendments.
192. The House Movers [221.15] submission seeking to permit moveable buildings in the zone has already been covered under general submissions and therefore won't be further addressed here.
193. Foodstuffs [267.5] oppose TCZ-R1, as new supermarkets and alterations/additions to existing supermarkets are larger than 450m² Gross Floor Area. They consider that to contribute to and fulfil the role of town centres, supermarkets need to provide for sufficient space for storage, customers, market demand and the overall function of the supermarket. They state that the Proposed Plan specifically provides for supermarkets in the TCZ as a permitted activity, yet unnecessarily restricts their development or expansion and given site constraints and operational requirements, it is not always feasible to locate new buildings or building additions away from a Principal Shopping Street. Foodstuffs seeks to delete the Gross Floor Area threshold for supermarkets, or if TCZ-R1 is to remain as notified (not the submitters' preference), include matters of discretion pertaining to "scale and characteristics of the existing development" and "functional and operational requirements of the activity", or wording to similar effect. Foodstuffs also opposes the identification of part of the New World Rangiora frontage as a Principal Shopping Street and seeks deletion of this notation.
194. Woolworths [282.132] seeks that supermarkets are a permitted activity within TCZs.

195. Kāinga Ora [325.327] requests that the Gross Floor Area requirement in TCZ-R1 is deleted. No specific reason is provided in the submission point. However, the submission makes general comments about enabling development.
196. RDL [347.79] supports TCZ-R1 but seeks that implementation is not impeded by the outdated North Woodend Outline Development Plan and requests that the draft Outline Development Plan for Ravenswood town centre (see point 94 and Appendix 1 and Appendix 1a in their original submission) is adopted.

3.7.5.2 Assessment

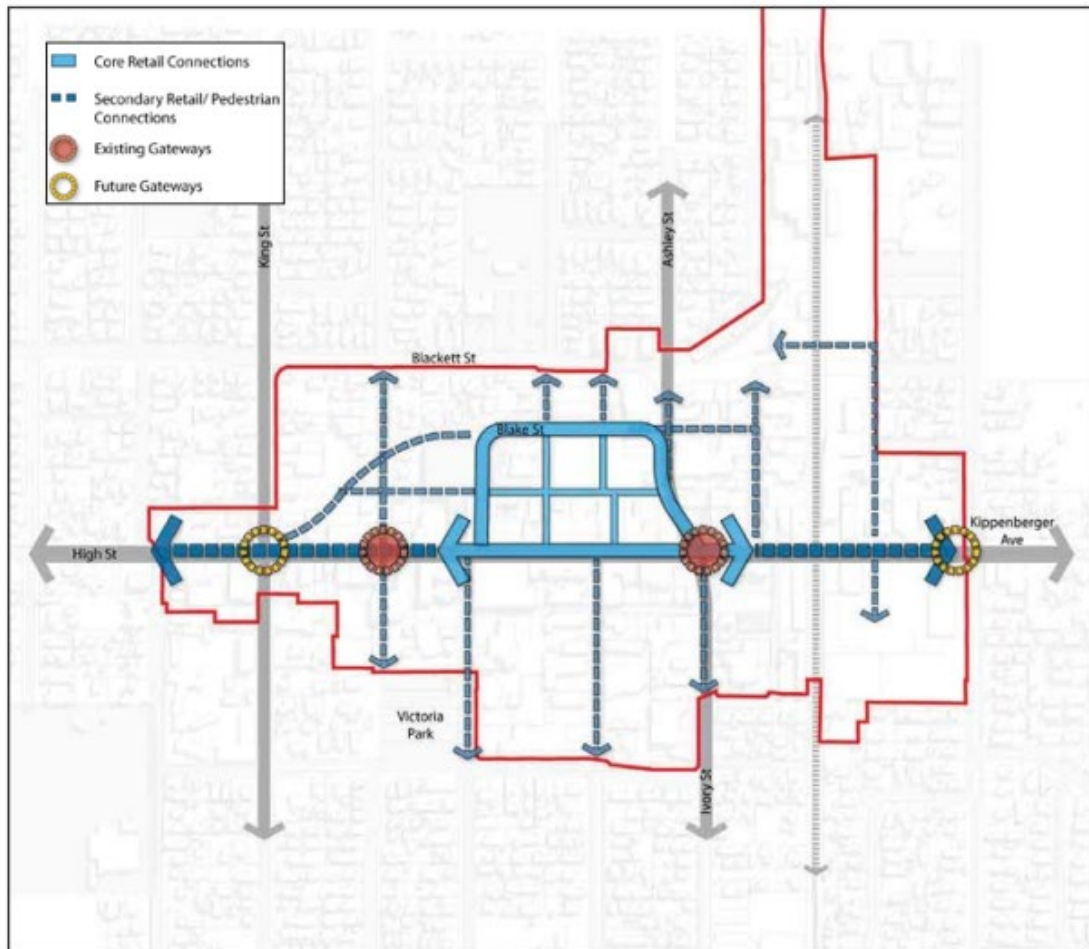
197. Regarding Foodstuffs [267.5], TCZ-R1 includes a threshold for when an urban design assessment is required. I consider this appropriate in town centres as poor building design can adversely affect the street environment and the community's enjoyment of the area as well as the functioning of the space. Of all centres, this is the most critical in town centres. In his evidence (section 7), Mr Nicholson states that successful centres have active street frontages, and design features that enhance their character and sense of place. They encourage pedestrian activity and pedestrian amenity along streets and in adjoining public spaces, and locate parking areas where they do not visually dominate or disrupt the street frontage. He considers that poor building design can adversely affect the street environment and the community's enjoyment of the space. He considers that it is appropriate that new buildings (including supermarkets) do not compromise the quality of the urban environment in town centres and notes that CMUZ-MD3(d) includes consideration of functional requirements.
198. I agree with Mr Nicholson that a design threshold is necessary. In addition, I consider that CMUZ-MD3(d) should be expanded to include consideration of operational requirements and site constraints and I therefore recommend that this part of the submission is accepted. I note that in his evidence (section 8), Mr Nicholson supports my proposed amendments to CMUZ-MD3. I also note my recommendation elsewhere to include an advice note that clarifies that the GFA in TCZ-R1 is a threshold for when an urban design assessment is required, as opposed to a limit on building size per se.
199. With regard to including part of the New World Rangiora frontage as a Principal Shopping Street, whilst these are clearly currently built frontages, I consider that these frontages are key parts of the CBD and where there is currently pedestrian activity and where there could be more should the New World supermarket and / or its carparks be developed in the future. If re-developed, because of their central location, and proximity and connectivity to both Conway Lane and Good Street Lane and Blake Street, consideration of the impact on pedestrian frontages is reasonable in these locations. I note that the lanes and streets around the New World supermarket were identified in the Rangiora Town Centre Strategy as "core retail connections" – see Figure 1 below. The strategy states that creating a highly connected, compact and vibrant retail core with a higher intensity of use with scope to expand the network over time will ensure a vibrant heart for the town centre (page 22).

Figure 1 – Rangiora Town Centre Strategy Blueprint 2030 - Connected Network Experiences (page 22)



Connected Network of Experiences

Creating a highly connected, compact and vibrant retail core with a higher intensity of use with scope to expand the network over time will ensure a vibrant heart for the Town Centre.



200. I note that no evidence has been provided to support the request. I also note that the principal pedestrian frontage map is included in the Transport Chapter (Figure TRAN-2: Principal Shopping Street frontages in Rangiora) and that Foodstuffs submitted on TRAN-19 (Foodstuffs [267.19]) which refers to the Principal Shopping Street. The s42A Transport Chapter author recommended that Foodstuffs [267.19] submission be rejected, noting that these frontages were carried through from the Operative Plan.
201. In his evidence (section 7), Mr Nicholson notes that currently the Rangiora New World supermarket is oriented away from the town centre and the service area, carparks and blank side walls detract from the quality of the town centre pedestrian environment. He considers that if the supermarket is redeveloped in the future it is appropriate that the redevelopment should take account these pedestrian frontages, and recommends that the Principal Shopping

Street Frontages around the Supermarket in Rangiora are retained. Overall I recommend that this submission point is accepted in part (because of the recommended changes to CMUZ-MD3).

202. Regarding the Woolworths [282.132] submission, supermarkets are a permitted activity within TCZs. TCZ-R2 permits retail activity without any standards. Applying the retail nesting definition, supermarkets are a retail activity and are therefore permitted. I therefore recommend this submission is accepted. However, I consider that greater clarity can be provided over how the retail nesting definition approach works by repeating the nesting definition in each of the zone 'How to interpret and apply the rules' section. I therefore recommend adding the section set out below and in **Appendix A** to each CMUZ chapter and that the submission is accepted in part.
203. With regard to the Kāinga Ora [325.327] submission, I consider it is appropriate to require good design of buildings within the TCZ to support well-functioning urban environments, as supported by Mr Nicholson in his evidence (section 7). I note that no evidence was provided by Kāinga Ora in their submission as to why this requirement should be deleted. In the absence of specific evidence on this matter I recommend that this submission point is rejected.
204. Regarding the RDL [347.79] submission, I consider that this submission is more about the ODP than TCZ-R1. As the ODP for the Ravenswood town centre (North Woodend) will be considered as part of the re-zoning hearings I recommend that this submission is considered in Hearing Stream 12.

3.7.5.3 Summary of recommendations

205. I recommend that the submission from Woolworths [282.132] is **accepted**.
206. I recommend that the submission from Foodstuffs [267.5] is **accepted in part**.
207. I recommend that the submission from Kāinga Ora [325.327] is **rejected**.
208. I recommend that the submissions in support of TCZ-R1 as set out in **Appendix B** are **accepted**.

3.7.5.4 Recommended Changes to the Proposed Plan

209. Amend CMUZ-MD3 as follows:

d. provides a human scale and minimises building bulk while having regard to the functional requirements of the activity;

i. has operational or functional requirements, or site constraints, which would justify not fully meeting the standard, including:

- i. the significance of the requirements for the proposed activity and the extent to which these would be compromised by the standard being maintained;
- ii. the extent to which alternative design approaches could meet the operational or functional requirements and achieve similar Plan outcomes;
- iii. for site constraints, whether the site is a corner site or has multiple frontages that would make fully meeting the standard unreasonable;
- iv. the scale of the proposal in the context of the centre.

210. Add the following 'how to interpret and apply the rules section to the TCZ, LCZ, NCZ, MUZ and LFRZ chapters:

Activity Rules

How to interpret and apply the rules

1. This chapter includes definitions covered by the Definitions Nesting table included in the Interpretation chapter. The relationship between listed defined terms is set out in that table. Within that table, activities are listed with the more general activity on the left and the more specific activity on the right. For example, 'retail activities' is the more general activity which includes food and beverage, large format retail and bars and taverns as more specific activities. Those more specific components may also include further more specific activities. Where an activity table for an overlay, zone, district wide or precinct lists a general activity in a nesting table, that general activity includes all of the nested specific activities unless otherwise specified in that activity table.
 2. For example, if a rule covers 'retail activity' and there are no other retail rules in the chapter, then that rule covers all the different types of retail activity included under the definition of 'retail activity'. Conversely, if specific types of retail activity are separately listed, such as 'Food and Beverage' or 'large format retail' or 'supermarkets', then these more specific rules apply to the identified retail activity, rather than the general retail rule.
211. S32AA evaluation table reference: C3.

3.7.6 Rule TCZ-R2 – Retail activity

3.7.6.1 Matters raised by submitters

212. Four submissions were received in support of TCZ-R2 while Woolworths [282.133] sought amendments to permit supermarkets within the TCZ.

3.7.6.2 Assessment

213. Regarding the submission by Woolworths [282.233], as discussed under TCZ-R1, supermarkets are a permitted activity within the TCZ. TCZ-R2 permits retail activity without any standards. Applying the retail nesting definition, supermarkets are a retail activity and are therefore permitted. I therefore recommend this this submission is accepted.

3.7.6.3 Summary of recommendations

214. I recommend that the submission from Woolworths [282.133] is **accepted**.
215. I recommend that the submissions in support of TCZ-R1 as set out in Appendix B are **accepted**.

3.7.6.4 Recommended Changes to the Proposed Plan

216. No amendments are proposed.

3.7.7 Rule TCZ-R16 – Residential Unit and Rule TCZ-R17 – Residential Activity

3.7.7.1 Matters raised by submitters

217. Two submissions were received in support of TCZ-R16 and TCZ-R17, while submissions from Kāinga Ora [325.328] and [325.329] sought amendments to both rules as follows:

"1.any residential activity shall be above ground floor or located to the rear of commercial activities fronting ~~the street~~ a Principal Shopping Street."

3.7.7.2 Assessment

218. Regarding the Kāinga Ora [325.328] and [325.329] submissions, the requested change essentially seeks to enable ground floor residential activity in the TCZ except if fronting a Principal Shopping Street, rather than requiring this to be above ground floor or at ground floor behind a commercial activity. As covered under CMUZ-P7, in my opinion ground floor residential activity interspersed within a commercial street frontage is often discordant and can result in a dead area with no active frontage, thereby undermining the vibrancy of the area. I identified Mr Nicholson's view on this under my assessment of CMUZ-P7 - he did not support residential activity on commercial street frontages. I also note that while there is sufficiency of commercial land overall in the district, the Rangiora town centre can only expand by converting surrounding activities (such as residential) to commercial. Because of this, the additional commercial activity has been enabled to 'bleed' out of the Rangiora TCZ into the surrounding MRZ via the proposed Residential Commercial Precinct and associated rule MRZ-R10. In my opinion permitting ground floor residential activity will further reduce the area available for commercial activity.

219. In his evidence (section 6) Mr Foy assesses the merits of enabling ground floor residential in commercial zones generally and the TCZ specifically. As stated under my assessment for CMUZ-P7, Mr Foy does not support ground floor residential activities as this would likely result in less floorspace being available for retail, food and beverage, and other tenancies that need to be located on ground floor. In relation to the TCZ specifically, Mr Foy does not consider that the request to enable ground floor residential in areas outside of Principal Shopping Streets in the TCZ should be approved. He notes that a large proportion of the total area of each TCZ is not located on a Principal Shopping Street, and would under the requested rule be available for residential development. This is a sizeable area, and irrespective of classification as a Principal Shopping Street or not these areas play an important part of the centres' role, both now and in the future. It is also likely that these Principal Shopping Street areas will change (expand) as the towns grow, and having legitimately established ground floor residential activity in areas that come to be increasingly like a 'Principal Shopping Street' will be counter-productive to achieving well-functioning town centres in the future. For these reasons, he considers that it would not be appropriate from an economic perspective to allow this ground floor space to be used for residential.

220. I agree with Mr Foy's assessment and I therefore recommend that this submission is rejected.

3.7.7.3 Summary of recommendations

221. I recommend that the submissions from Kāinga Ora [325.328] and [325.329] are rejected.

222. I recommend that the submissions in support of TCZ-R16 and TCZ-R17 are as set out in **Appendix B** are **accepted**.

3.7.7.4 Recommended Changes to the Proposed Plan

223. No changes are recommended.

3.7.8 Rule TCZ-R19 – Service stations

3.7.8.1 Matters raised by submitters

224. Three submissions were received in support of TCZ-R19. However, the submission from Z Energy [286.3] also sought an additional rule to cover alterations and additions to existing service stations (such as the Rangiora Z service station). The submitter states that the majority of the Rangiora Z service station is within 30m of a Residential Zone and TCZ-R19 does not recognise investment associated with this service station, the benefits it provides to community, and the need for it to be maintained and upgraded. They state the provision does not acknowledge that the service station is compatible with the adjoining residential environment, where appropriate mitigation measures are already adopted, nor that the costs of obtaining resource consent for additions and alterations to an existing service station (where all other relevant standards are met) will likely outweigh the benefit and consent is unnecessary and inefficient. The submitter seeks the following additional rule, or alternatively, the exclusion of alterations and additions at existing service stations from TCZ-BFS6, TCZ-BFS7 and TCZ-BFS9:

"TCZ – RXX Alterations and Additions to Buildings, Structures and Carparking on Existing Service Station Sites

Activity Status: PER

Where:

1. Built Form Standards TCZ-BFS1, TCZ-BFS2, TCZ-BFS3, TCZ-BFS4, TCZBFS5 and BFS11 are met.

Activity status when compliance not achieved: RDIS

Matters of discretion are restricted to:

CMUZ-MD2 - Drive through restaurants and service stations

Notification

An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified."

3.7.8.2 Assessment

225. The justification for the submitter proposed rule refers to the Rangiora Z site and site specific mitigation measures. However the proposed rule would not just apply to the Z Rangiora site but could also apply to other sites, now or in the future. As such, it would need to be considered in that context. While I have some sympathy for the proposal I note that alterations and additions are not limited and could be significant (for example a doubling in size and capacity).

I consider that it is appropriate for both new and significant changes to service stations in these locations to require resource consent. CUMZ-MD2 considers:

- the extent to which the intensity and scale of the development, including consideration of the numbers of people and/or vehicles using the site, adversely effects of the amenity values of the surrounding area, and any practicable mitigation measures to manage those effects;
- the effects of the design and location of landscaping, parking areas and vehicles access on visual amenity of the streetscape and pedestrian safety; and
- the effects of location, design and management of buildings, including storage and servicing facilities, on the amenity values of nearby residential properties, including potential visual effects and any night time noise effects.

226. I consider that these are relevant considerations for both new and significant changes to existing service stations. However, it may well be appropriate for minor changes to existing service stations to be permitted, for example, permitting changes that do not increase the building size or capacity by more than 15% in any 5-year period. In the absence of more detailed evidence on the matter and an alternative rule that limits the scale of permitted change I recommend that this submission is rejected.

3.7.8.3 Summary of recommendations

227. I recommend that the submission from Z Energy [286.3] is **rejected**.

228. I recommend that the submissions in support of TCZ-R19 as set out in **Appendix B** are **accepted**.

3.7.8.4 Recommended Changes to the Proposed Plan

229. No changes are recommended.

3.7.9 Rule TCZ-R24 – Trade supplier

3.7.9.1 Matters raised by submitters

230. Two submissions were received in support of TCZ-R24 and one submission from RDL [347.80] was received that sought to change the status of TCZ-R14 from restricted discretionary to permitted. RDL considers that trade suppliers are not incompatible within a town centre, provided the layout and design responds to the town centre context. RDL considers the consent trigger for buildings greater than 450m² and associated urban design assessment criteria will achieve the required desired outcomes and it is therefore not necessary to impose an activity-based rule to achieve the same outcome.

3.7.9.2 Assessment

231. In my opinion, trade suppliers are often space extensive, low density activities, which typically do not need or support a pedestrian-focussed retail environment. Due to their size, they can displace commercial and community activities which are the core function of the zone. As such, their effects may be more than simply design related. In addition, some trade-based activities such as farming and agricultural supplies and garden and landscaping supplies may involve multiple trucks and trailer movements which are less suited to a TCZ location. In his evidence

(section 7) Mr Foy notes that no justification is provided by RDL for their request. He considers that permitting this type of activity in the TCZ could crowd out other permitted activities by using large areas of land. He considers that trade suppliers will not contribute to the role or function of the TCZ in the same positive way as retail and other commercial activities, because most customers that visit trade suppliers do so as a single purpose trip, via private vehicle. He states that other activities that are permitted in the TCZ have a greater tendency to be visited on multi-purpose trips which will support the intended role of the centre. In the case of Ravenswood there are other industrial zones near the TCZ which could accommodate trade suppliers, and there is ample opportunity for trade suppliers to locate in industrial zones throughout the District as well. For these reasons, Mr Foy does not support the request to make trade suppliers a permitted activity in the TCZ. I concur with Mr Foy's assessment and recommend that this submission is rejected.

3.7.9.3 Summary of recommendations

232. I recommend that the submission from RDL [347.80] is **rejected**.

233. I recommend that the submissions in support of TCZ-R24 as set out in Appendix B are **accepted**.

3.7.9.4 Recommended Changes to the Proposed Plan

234. No changes are recommended.

3.7.10 Rule TCZ-BFS1 – Height

3.7.10.1 Matters raised by submitters

235. Five submissions were received in support of TCZ-BFS1 while two submissions sought amendments.

236. Foodstuffs [267.6] state that new buildings or additions to existing buildings which front a Principal Shopping Street higher than 5m triggers a discretionary activity status and that a 5m high addition to an existing supermarket that is considerably higher than this will promote poor and unintended built form outcomes through lack of height consistency and would create issues with internal operations and efficiency. Foodstuffs opposes the identification of part of the New World Rangiora frontage as a Principal Shopping Street, however they support the 12m height limit as it applies to the Town Centre Zone.

237. Kāinga Ora [325.331] oppose the maximum heights of 12m and 18m and seek heights enabled up to six storeys (21 metres) to align with the NPS-UD. Kāinga Ora considers that town centres should enable the greatest degree of intensification and built form. Kāinga Ora also considers that infringement of this standard should be a restricted discretionary activity and that the planning maps should identify areas that may be subject to variation to the maximum height rule. Kāinga Ora seeks the following amendments:

"...

2. The maximum height of any building, shall be:

a. ~~for Rangiora and Kaiapoi:~~

~~i. 12m above ground level, except as specified under (ii) below;~~

ii. ~~18m~~21m above ground level, unless in identified areas shown on the planning map where:

~~a. at least one floor is designed and used for residential activity as part of a mixed-use commercial and residential development; and~~

~~b. the maximum road wall height of any building shall be 12m;~~

~~b. for all other areas, 12m above ground level.~~

~~3. All heights shall be calculated as per the height calculation.~~

Activity status when compliance not achieved: ~~DIS~~SRDIS

Matters of discretion are restricted to:

CMUZ-MD4 - Height in relation to boundary

Notification

An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified."

3.7.10.2 Assessment

238. Regarding the Foodstuffs [267.6] submission, TCZ-BFS1(1) requires the minimum height of any building fronting a Principal Shopping Street to be 5m above ground level, i.e. at least a 5m tall single storey building. It is not clear whether Foodstuffs has applied this interpretation to the rule. I consider that requiring at least a full-sized single storey building, rather than a low floor height building is reasonable to support building continuity and resilience in building use. I therefore recommend that this submission is rejected, noting that Foodstuffs [267.6] support the maximum height of 12m
239. Kāinga Ora [325.331] have sought a number of changes to TCZ-BFS1. I consider that the heights in TCZ-BFS1 are already consistent with the NPS-UD. Under Policy 3(d), within and adjacent to neighbourhood centre zones, local centre zones, and town centre zones (or equivalent), building heights and densities of urban form must be commensurate with the level of commercial activity and community services. Currently the vast majority of buildings in the District's town centres are one or two storeys. Buildings above two storeys are rare. Kāinga Ora has not provided any commentary on the level of commercial and community services in the District's TCZs and how 21m / six stories is commensurate with that level. Rather, they have sought six storeys which is required for metropolitan zones (Policy 3(b)), or when within walkable catchments of rapid transit stops and the edge of city centre and metropolitan centre zones (Policy 3(c)(i), (ii) and (iii)) none of which exist within the District. I also note that Oxford has a TCZ but is not covered by the NPS-UD as it is not within a housing and labour market of 10,000 people and as such is not subject to Kāinga Ora's rationale. As such, the Oxford TCZ does not need to comply with the NPS-UD.

240. In his evidence (section 6), Mr Foy considers the commercial viability of building height. He states that generally, the development of four level buildings is not commercially viable, because the additional costs associated with developing above three levels are higher as compared to the potential revenue from the development. He considers that increasing the maximum height from 15m to 21m in the TCZ would encourage higher density activity to appropriately locate in the District. Noting that there is not likely to be much development in the coming decade that would reach this level, he considers that enabling this additional height will have minimal economic impacts, positive or negative, and safeguards against the possibility that greater than currently anticipated vertical development is pursued within the life of the Proposed Plan. Mr Foy also agrees that a residential incentive is appropriate because there are benefits from having people living in the TCZ. Mr Foy considers that a 15m limit and up to 21m for the Residential Height Bonus area would enable development to the height Kāinga Ora seeks, and would incentivise in-centre residential activity.
241. In his evidence (section 9), Mr Nicholson considers that the height limits in the TCZ should be greater in order to support the hierarchy of centres. He also supports the use of a residential height bonus in the TCZ to incentivise the inclusion of residential units. He is mindful of the advice of Mr Foy that there is unlikely to be commercial demand in the next ten years to justify the six-storey height limit requested by Kāinga Ora, and that the development of four-storey buildings is not generally viable given the additional costs associated with developing above three-storeys. He therefore considers that a 15m height limit (3-4 storeys) would be appropriate in the TCZ, with 21m height limit (6+ storeys) in the TCZ Residential Height Bonus Area Precinct where at least one floor is designed and used for residential activity as part of a mixed use development. He considers this would enable more commercial development if there is demand, and encourage more people to live in the town centre. He also considers these heights are acceptable when considering the adverse effects of increased height, supporting a maximum road wall height of 18m and a 45-degree recession plane from the road boundary above the maximum road wall height of 18m.
242. I agree with Mr Nicholson and Mr Foy and recommend that the height limit (excluding the bonus height) is raised to 15m in Rangiora and Kaiapoi (up from 12m) to provide for 3-4 storey buildings with greater flexibility and the residential bonus height is raised to 21m to provide for 6+ storeys as this enables more intensification and encourages mixed-use development that could be commensurate with these town centre areas in the future. In coming to this conclusion, I note that the s32 identified general stakeholder support for a 15m height limit in the TCZ, which is an increase on the 12m height limits applying to Rangiora and Kaiapoi towns in the Operative Plan (12m is the Operative Plan height limit for Rangiora and Kaiapoi, while 8m and 15m are the limits in Oxford and Ravenswood / Woodend respectively).¹²
243. Although not explained in their submission, through their proposed changes Kāinga Ora have also sought deletion of the bonus height limit for when a mixed-use development is proposed. The Council is trying to incentivise mixed use developments in the Rangiora and Kaiapoi TCZs¹³

¹² Section 2.6.1 (page 12) of the S32 Commercial, Mixed Use, Industrial and Special Purpose (Museum and Conference Centre) Zones Chapters.

¹³ For example, see Action 10 in the Rangiora Town Centre Strategy (which seeks to encourage Living in the Centre by guiding and collaborating on mixed-use / residential developments, and providing regulatory incentives).

as this is currently rare. Given Mr Nicholson's and Mr Foy's support for this approach I recommend that the bonus approach is not deleted as submitted.

244. The submission also does not explain why clause 3 referring to the height calculations methodology is proposed to be deleted. This clause allows the exclusion of identified structures such as arials, parapets, plant rooms, lift shafts and chimneys (which is consistent with the Operative Plan). Counter to the thrust of the submission, this exclusion actually enables taller buildings to be built. I consider it appropriate to retain this exclusion as these features are often small and decorative features and should not be unduly discouraged, and I note that Mr Nicholson also supports this retention (section 9 of his evidence). I therefore recommend that this aspect of the submission is rejected. However, I note that other Proposed Plan rules, such as MRZ-BFS4 Height does not refer to the height calculation, while MRZ-BFS7 repeats the height calculation matters in the rule itself. There is therefore some inconsistency in how the Proposed Plan covers this matter. I recommend this is addressed as part of integration deliberations.
245. With regard to activity status, I accept that a restricted discretionary activity status may well be appropriate for breaches of height if all the potential adverse effects are identified. I note that in his evidence (section 9), Mr Nicholson also supports restricted discretionary status for height. However, the submitter has proposed utilising the 'height in relation to boundary' matter of discretion which, unsurprisingly, is focussed on adverse effects of recession plane breaches, rather than addressing the potential adverse effects of tall buildings. A height specific matter of discretion would be required that also included consideration of such matters as:
- urban design of the building itself;
 - adverse wind effects;
 - effects on the character of the TCZ generally;
 - transport effects not anticipated by the transport provisions;
 - urban form effects; and
 - commercial distribution effects (one 50m tall building would likely soak up all the commercial demand for many decades).
246. Drawing from Mr Nicholson's advice, I have proposed alternative matters of discretion below and in **Appendix A**. As I am recommending alternative matters of discretion, I recommend that this aspect of the submission is accepted in part.
247. With regard to the use of rules or maps for height limits, I note that the height limit is identified in both the rule and on the planning map. I consider that as long as it is clear, then it does not matter which method or combination is used.
248. Finally, I do not agree with precluding public notification. While public notification for small breaches would probably not be appropriate, it may well be appropriate to publicly notify say a 50m or 80m tall building, when the highest existing building in the Rangiora Town Centre is only 3 storeys. Such a height would be a marked change from the existing built form and there may
-

well be a reason to publicly notify such a proposal. Overall, I recommend that this submission is accepted in part.

3.7.10.3 Summary of recommendations

249. I recommend that the submission from Foodstuffs [267.6] is **rejected**.
250. I recommend that the submission from Kāinga Ora [325.331] is **accepted in part**.
251. As I am recommending change to TCZ-BFS1, I recommend that the submissions in support of this rule as set out in **Appendix B** are **accepted in part**.

3.7.10.4 Recommended Changes to the Proposed Plan

252. Amend TCZ-BFS1 as follows:

TCZ-BFS1 Height

1. The minimum height of any building fronting a Principal Shopping Street shall be 5m above ground level.
2. The maximum height of any building, shall be:
 - a. for Rangiora and Kaiapoi:
 - i. ~~12~~15m above ground level, except as specified under (ii) below;
 - ii. ~~18~~21m above ground level in the Residential Height Bonus Area Precinct where:
 - a. at least one floor is designed and used for residential activity as part of a mixed-use commercial and residential development; and
 - b. the maximum road wall height of any building shall be ~~12~~18m;
 - b. for all other areas, 12m above ground level.
3. All heights shall be calculated as per the height calculation.

Activity status when compliance not achieved: ~~DIS~~ RDIS

Matters of discretion are restricted to:

CMUZ-MD19 - Height

253. Add the following additional matter of discretion:

CMUZ-MD19 - Height

1. The extent to which the building affects local environmental conditions including increased shading and for building over 30m in height, the wind in nearby public spaces;
2. The extent to which the building affects / integrates nearby heritage buildings and values;
3. The extent to which the building undermines or supports the Principal Shopping Street and associated urban form;
4. The extent to which the building reflects a human scale through the use of building form, design and modulation;

5. The extent to which the design reduces visual dominance / creates visual interest or an attractive local landmark;
6. The extent to which the building displays high design quality;
7. The extent to which the building takes account of longer views of taller buildings providing visual interest and supporting the character of the centre; and
8. The potential for adverse commercial distribution and transport effects.

254. S32AA evaluation table reference: C3.

3.7.11 Rule TCZ-BFS2 – Height in relation to boundary when adjoining a street

255. Three submissions were received in support of TCZ-BFS2, while one from Kāinga Ora [325.332] sought to delete the standard. Kāinga Ora states that there should be no height restriction in relation to boundary control when a lot adjoins a street and that if there are concerns on the effects of building height and form to accessways or service lanes, there should be a specific standard to accessways or service lanes.

3.7.11.1 Assessment

256. In my opinion, the recession plane rule helps to maintain the existing low-scale character, sunlight access and appearance of the District's town centres. I note that no justification or evidence was provided by Kāinga Ora to support their submission. In his evidence (section 10), Mr Nicholson states that shading is likely to be the principle adverse environmental effect of taller buildings. He considers that a maximum road-wall height of 18m (in TCZ-BFS1) would allow sun to fall on the footpath on the south side of the street at the equinoxes and for more than half the year, which would create a significantly more attractive pedestrian environment with higher amenity. This outcome can be achieved by allowing a maximum height of 21metres (inside the Residential Height Bonus Area Precinct) and retaining a 45-degree recession plane from the road boundary above the 18m maximum road wall height. I agree with Mr Nicholson's advice and therefore recommend that this submission is rejected.

257. In assessing TCZ-BFS2 Mr Nicholson has identified an error in the Proposed Plan. TSC-BFS2 erroneously refers to 'APP3' which establishes different recession planes depending on the orientation of the boundary, whereas TCZ-BFS2 should require a 45-degree recession plane irrespective of boundary orientation. This error has arisen as a result of standard formatting for recession plane rules, which in all other instances in the Proposed Plan correctly refer to APP3. I therefore recommend that the reference to APP3 is deleted from TCZ-BFS2 (under RMA Schedule 1 clause 16) as set out below and in **Appendix A**.

3.7.11.2 Summary of recommendations

258. I recommend that the submission from Kāinga Ora [325.332] is **rejected**.

259. Noting the change I am recommending to fix an error, I recommend that the submissions in support of TCZ-BFS2 as set out in **Appendix B** are **accepted in part**.

3.7.11.3 Recommended Changes to the Proposed Plan

260. Amend TCZ-BFS2 as follows:

In areas subject to a maximum permitted height limit of 18m, buildings shall not project beyond a 45° recession plane measured from the maximum road wall height and angling into the site in accordance with the diagrams in Appendix APP3, except that this rule shall not apply to access ways or service lanes.

[...]

261. 32AA evaluation table reference: not undertaken as the change corrects an error and is made under RMA Schedule 1 Clause 16.

3.7.12 Rule TCZ-BFS5 – Internal boundary landscaping

3.7.12.1 Matters raised by submitters

262. Three submissions were received in support of TCZ-BFS5, while one submission from Z Energy [286.8] considers the Proposed Plan needs to recognise that alternative measures, being a combination of existing landscaping and/or fencing is appropriate on existing service station sites to achieve appropriate amenity outcomes. They seek the following amendments:

"Any internal boundary that adjoins any residential or open space and recreation zones must either:

2. Be fully fenced with a solid fence or wall of a minimum of 1.8m in height; or

3. Landscaping shall be provided along the full length of all internal boundaries with any residential or open space and recreation zones. This landscape strip shall be a minimum of 2m wide. Be fully planted and / or landscaped to a minimum of 2m wide and include a minimum of one tree for every 10m of shared boundary or part thereof, with the trees to be a minimum of 1.5m in height at time of planting; or

4. Be fully screened with a combination of (1) and/ or (2)

..."

3.7.12.2 Assessment

263. For clarity, TCZ-BFS5 as currently drafted in the Proposed Plan is set out below:

1. Landscaping shall be provided along the full length of all internal boundaries with any residential or open space and recreation zones. This landscape strip shall be a minimum of 2m wide.

2. Any landscape strip required in (1) shall include a minimum of one tree for every 10m of shared boundary or part thereof, with the trees to be a minimum of 1.5m in height at time of planting.

264. I consider that landscaping should be required irrespective of whether a fence is provided. The purpose of the rule is to soften and improve the amenity of the boundary between commercial activities and residential, open space and recreation zones which are usually more sensitive environments. In my opinion a fence does not achieve this outcome. I also note that for existing service stations such as the Rangiora Z Energy, amenity matters will have already been specifically considered by way of existing resource consents.

265. In his evidence (section 11), Mr Nicholson notes that the intention of TCZ-BFS5 is to limit adverse effects from commercial activities on neighbouring residential, open space and recreation zones in order to protect the amenity of these zones. He considered that residential, open space and recreation zones generally are more sensitive environments than commercial zones, particularly when considering potential effects from a neighbouring service station including traffic movements and associated noise, lights, fumes, hours of opening, car door noises, car washes and general service station operations. Mr Nicholson agrees that it is not sufficient to rely on a solid fence 1.8m high to mitigate these effects, and considers that a 2m wide landscape strip which includes at least one tree every 10m (with the trees to be 1.5m in height at the time of planting) is appropriate. Mr Nicholson also supports the restricted discretionary status for breaches of TCZ-BFS5 and the matters of discretion. Given the above assessment I recommend that this submission is rejected.

3.7.12.3 Summary of recommendations

266. I recommend that the submission from Z Energy [286.8] is **rejected**.

267. I recommend that the submissions in support of TCZ-BFS5 as set out in **Appendix B** are **accepted**.

3.7.12.4 Recommended Changes to the Proposed Plan

268. No changes are recommended.

3.7.13 Rule TCZ-BFS6 – Road boundary landscaping

3.7.13.1 Matters raised by submitters

269. Four submissions were received in support of TCZ-BFS6. Two submissions sought amendments.

270. Foodstuffs [267.7] state that TCZ-BFS6 requires a minimum depth of 2m of landscaping to be provided along the full length of the road boundary, except for vehicle crossings, outdoor seating or dining areas and that New World Rangiora and New World Kaiapoi face constraints due to the site shape and dimensions, environmental factors and the supermarket design and associated parking layout, and this results in instances where it is not feasible or appropriate, to achieve this. No relief is specified.

271. Z Energy [286.9] oppose the application of road boundary landscaping standards in TCZ-BFS6 without exemption for additions and alterations to existing service stations. The submitter accepts that landscaping along the road boundary can enhance attractiveness of a site and mitigate effects. For existing service station sites, however, visibility is critical to a successful operation and substantial trees can create issues of traffic safety. They seek a new rule which provides for alterations and additions to existing service stations, including within 30m of a Residential Zone, where specified built form standards are met and propose the wording below for this new rule or alternatively, seek to exclude alterations and additions at existing service stations from TCZ-BFS6, TCZ-BFS7 and TCZ-BFS9:

"TCZ – RXX Alterations and Additions to Buildings, Structures and Carparking on Existing Service Station Sites

Activity Status: PER

Where:

1. Built Form Standards TCZ-BFS1, TCZ-BFS2, TCZ-BFS3, TCZ-BFS4, TCZ-BFS5 and TCZ-BFS11 are met.

Activity status when compliance not achieved: RDIS

Matters of discretion are restricted to:

CMUZ-MD2 - Drive through restaurants and service stations

Notification:

An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified."

3.7.13.2 Assessment

272. Regarding the Foodstuffs [267.7] submission, I note that there is currently landscaping provided at the road boundary for both the Rangiora and Kaiapoi New World stores and that this landscaping helps to soften the carparking areas at the road interface. In response to this submission, Mr Nicholson (section 12) consider that no changes are required to TCZ-BFS6. However, I accept that due to constraints it may not always be feasible or appropriate to achieve this standard and therefore I recommend that CMUZ-MD8 is amended to include consideration of functional, operational and site constraints as set out below and in **Appendix A**. I therefore recommend that this submission is accepted in part.
273. Regarding the Z Energy [286.9] submission, consistent with my analysis of TCZ-R19, the justification for the submitter proposed rule refers to the Rangiora Z site and site specific mitigation measures. However, the proposed rule would not just apply to the Z Rangiora site but could also apply to other sites, now and in the future. As such, it would need to be considered in that context. While I have some sympathy for the proposed new rule, I note that alterations and additions are not limited and could be significant (for example a doubling in size and capacity). However, it may well be appropriate for minor changes to existing service stations to be permitted. Regarding the alternative relief of excluding alterations and additions at existing service stations from needing to achieve TCZ-BFS6, I think the development as a whole should meet the boundary landscaping requirements, and as such minor alterations should already achieve this landscaping or be required to if they involve removing landscaping. I also note that the Z Energy Rangiora service station (at 286 High Street) already contains significant road boundary landscaping.
274. In his evidence (section 12), Mr Nicholson agrees that in places it may not be appropriate to plant trees where they might compromise traffic visibility or safety, however, he considers that these matters can be addressed through a restricted discretionary consent. I agree with Mr Nicholson. In response to Foodstuffs [267.7] I have recommended changes to CMUZ-MD8 to enable consideration of functional and operational requirements. As such, I recommend that this submission is accepted in part.

3.7.13.3 Summary of recommendations

275. I recommend that the submission from Foodstuffs [267.7] is **accepted in part**.
276. I recommend that the submission from Z Energy [286.9] is **accepted in part**.

277. I recommend that the submissions in support of TCZ-BFS6 as set out in **Appendix B** are **accepted**.

3.7.13.4 Recommended Changes to the Proposed Plan

278. Amend CMUZ-MD8 as set out below:

CMUZ-MD8 - Road boundary landscaping

[...]

4. the extent to which the activity has operational or functional requirements, or site constraints, which would justify not fully meeting the standard, including:

- a. the significance of the requirements for the proposed activity and the extent to which these would be compromised by the standard being maintained;
- b. the extent to which alternative design approaches could meet the operational or functional requirements and achieve similar Plan outcomes;
- c. for site constraints, whether the site is a corner site or has multiple frontages that would make fully meeting the standard unreasonable;
- d. the scale of the proposal in the context of the centre.

279. S32AA evaluation table reference: C3.

3.7.14 Rule TCZ-BFS7 – Road boundary setback, glazing and verandahs

3.7.14.1 Matters raised by submitters

280. Three submissions were received in support of TCZ-BFS7, while three submissions sought changes.

281. Foodstuffs [267.8] consider that supermarkets have unique and specific operational requirements that determine building design and layout. Requirements for floor configuration, storage/display of product, covered/secure loading, and refrigeration systems are not readily compatible with extensive glazing, and instead other architectural/design elements are used to achieve an attractive, engaging and pedestrian-scale interface with public areas. The operational and functional requirements of supermarkets will not always be able to meet active frontage standards, imposing an unreasonable resource consent burden. Foodstuffs seeks to delete the requirements of TCZ-BFS7 as they relate to supermarkets.

282. Consistent with their other submissions, Z Energy [286.10] oppose the application of building road boundary setback, glazing and veranda standards in TCZ-BFS7 without an exemption for additions and alterations to existing service stations. The submitter considers that TCZ-R1 appropriately provides for the construction or alteration or addition to any building or other structure. Subject to exemptions from TCZ-BFS6, TCZ-BFS7, TCZ-BFS9 and TCZ-BFS11, this would generally enable existing service station activities to be maintained or upgraded. The submitter considers that a service station would not be able to comply with TCZ-BFS7. For example, pedestrian access to a service station store is most appropriately provided from the forecourt, and the forecourt and canopy typically maintain a level of open space and thus do not require large areas of glazing. They seek a new rule which provides for alterations and

additions to existing service stations, including within 30m of a Residential Zone, where specified built form standards are met and propose the wording below for this new rule or alternatively, seek to exclude alterations and additions at existing service stations from TCZ-BFS6, TCZ-BFS7 and TCZ-BFS9:

"TCZ – RXX Alterations and Additions to Buildings, Structures and Carparking on Existing Service Station Sites

Activity Status: PER

Where:

1. Built Form Standards TCZ-BFS1, TCZ-BFS2, TCZ-BFS3, TCZ-BFS4, TCZ-BFS5 and TCZ-BFS11 are met.

Activity status when compliance not achieved: RDIS

Matters of discretion are restricted to:

CMUZ-MD2 - Drive through restaurants and service stations

Notification:

An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified."

283. Although the RDL [347.83] submission was coded as supporting TCZ-BFS7, the submitter actually sought changes to this standard. RDL considers that unlike the historic town centres of Rangiora and Kaiapoi with finer-grained development patterns, it is not appropriate or desirable to require all buildings within the Ravenswood town centre (a greenfield setting) to be built to the road boundary but accepts this for a Principal Shopping Street. The submitter considers it is common in town centres to have both vehicle and pedestrian/cycle accessways and exemptions in (e) and (h) should apply to both. The submitter seeks the following amendments to TCZ-BFS7:

Amend TCZ-BFS7 (1)(a) to read "Woodend (excluding Ravenswood)"

Amend (e) and (h) by replacing "vehicle accessway" with "vehicle or pedestrian/cycle accessway"

3.7.14.2 Assessment

284. Regarding the Foodstuffs [267.8] submission, I accept that supermarkets have unique and specific operational requirements that determine building design and layout and that the operational and functional requirements of supermarkets will not always be able to meet active frontage standards. However, I expect there are other activities, such as warehouse type activities that might also struggle to meet this rule. It is difficult to exclude one activity over other similar activities and ideally the matters covered in TCZ-BFS7 would be achieved or partially achieved by all activities. I therefore do not agree with excluding supermarkets from the application of TCZ-BFS7. I note that in his evidence (section 13) Mr Nicholson agrees with this approach. However, consistent with my recommendation on BFS6, I consider that functional and operational considerations should be added to CMUZ-MD7 to enable

consideration of 'outlier' activities such as supermarkets. In his evidence (section 8), Mr Nicholson supports my proposed amendments to CMUZ-MD7. I therefore recommend that this submission is accepted in part.

285. Regarding the Z Energy [286.10] submission, I accept that a service station may not be able to fully comply with TCZ-BFS7 given the usual layout of these activities. As for supermarkets, it is difficult to exclude one activity over other similar activities and ideally the matters covered in TCZ-BFS7 would be achieved or partially achieved by all activities. With regard to a new rule which provides for alterations and additions to existing service stations as permitted or for TCZ-BFS7 to not apply to alterations or additions, consistent with my analysis of TCZ-R19 and TCZ-BFS6, the justification for the proposed rule refers to the Rangiora Z site and site specific mitigation measures, however the proposed rule would not just apply to the Z Rangiora site but could also apply to other sites, now or in the future. As such, it would need to be considered in that context.
286. In his evidence (section 13) Mr Nicholson considers it is appropriate that additions and alterations of existing service stations are subject to a restricted discretionary consent under TCZ-BFS7, and that they demonstrate that they are designed in a way that contributes to the desired TCZ urban environment. While I have some sympathy for the proposed new rule as set out in the submission, I note that alterations and additions are not limited and could be significant (for example a doubling in size and capacity). However, it may well be appropriate for minor changes to existing service stations to be permitted and I could favourably consider an amended rule along these lines should the submitter propose it in evidence. Regarding the alternative relief of excluding alterations and additions at existing service stations from needing to achieve TCZ-BFS7, I note that alterations and additions could be minor or very significant. I consider that significant alterations and additions should be required to be assessed against this standard. I have however recommended changes to CMUZ-MD7 in response to Foodstuffs [267.8] to enable consideration of functional and operational requirements upon consent. As such, I recommend that this submission is accepted in part.
287. For both supermarkets and service stations I do not think that a resource consent trigger point for design requirements is a significant barrier; especially as there are unlikely to be new petrol stations or supermarkets in these zones, and the redevelopment of existing activities will consider the existing site context/constraints anyway. In my opinion there is a trade-off between having anchor tenants in a centre and the form and function of these areas as key focal points for street interactivity/pedestrian access, etc which is what a resource consent will resolve.
288. Regarding the submission by RDL [347.83], town centres typically have fine grained pedestrian-oriented development with good active engagement at the street level. Indeed this built form and function has informed the identification / delineation of the TCZ boundaries, as opposed to adjacent zones such as light industrial, or large format retail in Rangiora. RDL has purposefully sought a TCZ zoning for its Ravenswood development at North Woodend, as opposed to another commercial zoning.
289. In his evidence (section 13), Mr Nicholson states that the CMUZ zones are distinguished by built form, size and function, with TCZs being typically fine-grained pedestrian-oriented developments, with buildings built up to the street edge and active shop fronts at street level. Parking is on-street or in at-grade carparks set back from the main shopping streets. They generally include high quality public spaces including mainstreets, parks, laneways and plazas.

Mr Nicholson contrasts these with LFRZs which are typically car-oriented developments with large-scale buildings set back from the road with extensive carparking in front. The buildings are internally focused with limited windows or active edges. There are generally few significant public spaces in the LFRZ. Mr Nicholson considers that the built form outcomes anticipated in TCZ-BFS7 are characteristic of pedestrian-oriented mainstreets, and are appropriate for both existing and new TCZs. He considers that the commercial area at North Woodend could be developed into either a TCZ or a LFRZ depending on the aspirations, design quality and level of investment of the developers. In Mr Nicholson's opinion, if a TCZ zoning is retained for the Ravenswood town centre then the built form standards in TCZ-BFS7 should also be retained.

290. I consider that the built form outcomes anticipated in TCZ-BFS7 are entirely appropriate for both existing and proposed town centres and future centre development. If RDL does not want to create a fine-grained pedestrian focussed town centre built form outcome, then a different commercial zoning such as LFRZ should be sought for some or all of their proposed town centre area at North Woodend through the re-zoning hearing.¹⁴ I therefore recommend rejecting this part of their submission. Regarding RDL's request to amend (e) and (h) by replacing "vehicle accessway" with "vehicle or pedestrian/cycle accessway", I agree with this suggestion and therefore recommend this submission is accepted in part, with the changes set out below and in **Appendix B**.

3.7.14.3 Summary of recommendations

291. I recommend that the submission from Foodstuffs [267.8], Z Energy [286.10] and RDL [347.83] are **accepted in part**.
292. Because of the changes I am recommending to TCZ-BFS7, I recommend that the submissions in support of this standard as set out in **Appendix B** are **accepted in part**.

3.7.14.4 Recommended Changes to the Proposed Plan

293. Amend TCZ-BFS7 as set out below:

[...]

e. on boundaries fronting a Principal Shopping Street (excluding a vehicle or pedestrian/cycle accessway), have a verandah that extends along the full length of the building elevation facing the road;

[...]

h. buildings shall be built across 100% of the width of any site frontage with a Principal Shopping Street (excluding a vehicle or pedestrian/cycle accessway).

294. Amend CMUZ-MD7 as set out below:

[...]

l. has operational or functional requirements, or site constraints, which would justify not fully meeting the standard, including:

¹⁴ This was suggested to RDL when the PC30 was first proposed.

- i. the significance of the requirements for the proposed activity and the extent to which these would be compromised by the standard being maintained;
- ii. the extent to which alternative design approaches could meet the operational or functional requirements and achieve similar Plan outcomes;
- iii. for site constraints, whether the site is a corner site or has multiple frontages that would make fully meeting the standard unreasonable;
- iv. the scale of the proposal in the context of the centre.

295. S32AA evaluation table reference: C3.

3.7.15 Rule TCZ-BFS9 – Outdoor storage areas

3.7.15.1 Matters raised by submitters

296. Three submissions were received in support of TCZ-BFS9. Two submissions sought amendments.
297. Foodstuffs [267.9] state that TCZ-BFS9 requires outdoor storage or parking areas to be screened, however the reference to 'parking areas' appears to be an error, as the matters of discretion do not contain any reference to parking areas. They also consider that the operational and functional requirements of supermarkets dictate that open-air parking be visible and readily accessible to customers. The viability of supermarkets is underpinned by visibility, availability and accessibility of on-site parking. Requiring that all outdoor carparking be screened from adjoining zones is impractical. Foodstuffs seeks to delete "or parking areas" from TCZ-BFS9.
298. Z Energy [286.11] oppose the application in TCZ-BFS9 of outdoor storage area screening standards and landscape requirements for carparking without exemptions for additions and alterations to existing service stations. The submitter considers that TCZ-R1 appropriately provides for the construction or alteration or addition to any building. Subject to exemptions from TCZ-BFS6, TCZ-BFS7, TCZ-BFS9 and TCZ-BFS11, this would generally enable existing service station activities to be maintained or upgraded. Z Energy seeks to exclude landscaping of carparking at existing service stations from TCZ-BFS9, as most often parking for service stations is provided under the forecourt canopy. Service stations should remain subject to internal boundary landscaping and / or fencing requirements. The submitter also considers that 'Outdoor Storage Area' is not defined meaning it is not clear how TCZ-BFS9 will be applied. The functional and operational requirements of existing service stations need to be recognised, as various facilities are stored outdoors and need to be readily accessible. Z Energy seeks an additional rule or alternatively, exclude alterations and additions at existing service stations from TCZ-BFS9.

"TCZ – RXX Alterations and Additions to Buildings, Structures and Carparking on Existing Service Station Sites

Activity Status: PER

Where:

1. Built Form Standards TCZ-BFS1, TCZ-BFS2, TCZ-BFS3, TCZ-BFS4, TCZ-BFS5 and TCZ-BFS11 are met.

Activity status when compliance not achieved: RDIS

Matters of discretion are restricted to:

CMUZ-MD2 - Drive through restaurants and service stations

Notification:

An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified."

3.7.15.2 Assessment

299. Regarding the submission by Foodstuffs [267.9], I agree that parking areas need not be screened and that this rule should be limited to outdoor storage areas. I therefore recommend that this submission is accepted and TCZ-BFS9 is amended as set out below and in **Appendix B**.

300. Regarding the submission by Z Energy [286.11], in response to the submission by Foodstuffs [67.9] I have recommended removing the reference to parking areas in the standard and consider this should resolve the majority of the submitters identified concerns. Consistent with my earlier recommendations, I consider it appropriate to add a matter of discretion to CMUZ-MD9 to allow the consideration of functional and operation requirements. Finally, I note that 'outdoor storage area' is actually defined in the Proposed Plan however this phrase is not hyperlinked in TCZ-BFS9, which it should be. For clarity, 'outdoor storage area' means:

any land used for the purpose of storing vehicles, equipment, machinery or natural or processed products outside of fully enclosed buildings for periods in excess of 12 weeks in any year. It excludes yard-based suppliers and vehicle parking associated with an activity.

301. Given the definition of 'outdoor storage area', my recommended removal of parking areas from the standard and addition of consideration of functional and operational requirements in CMUZ-MD9, I consider that either the submitters concerns are addressed, or it is not clear if they remain. Should issues remain, this can be clarified and further addressed in evidence. Overall, I recommend that this submission is accepted in part.

3.7.15.3 Summary of recommendations

302. I recommend that the submission from Foodstuffs [267.9] is **accepted**.

303. I recommend that the submission from Z Energy [286.11] is **accepted in part**.

304. Given the changes I am recommending to TCZ-BFS9, I recommend that the submissions in support of this standard as set out in **Appendix B** are **accepted in part**.

3.7.15.4 Recommended Changes to the Proposed Plan

305. Amend TCZ-BFR9 as follows:

TCZ-BFS9 Outdoor storage areas

Any outdoor storage or parking areas shall be screened by 1.8m high solid fencing or dense hedge landscaping from any adjoining site in Residential Zones, Rural Zones, Open Space and Recreation Zones or Commercial and Mixed Use Zones or the road boundary.

306. Amend CMUZ-MD9 as follows:

[...]

6. Any functional or operational reasons why the required screening cannot be provided in full.

307. S32AA evaluation table reference: C2 and C3.

3.8 LCZ – Local Centre Zone

3.8.1 General submissions

3.8.1.1 Matters raised by submitters

308. Four general submissions were received in support of the LCZ. Two submissions sought amendments, while Woolworths [282.145] was classified as neutral, but also sought amendments.

309. CIAL [254.121] seek that the rules relating to the 50 dBA Ldn Air Noise Contour be relocated to each relevant chapter, or cross references are made in the relevant zone chapters to ensure plan users are directed to the additional rules applying to land within the 50 dBA Ldn Air Noise Contour. CIAL [254.136] seek to insert provisions for regulation of bird strike risk activities within 8km and 13km of the airport runways in relevant zone chapters, or alternatively, in District-Wide rules with cross-references in all relevant zone chapters to ensure plan users are aware of the rules. As set out under general submissions I understand that these submissions will be covered in an CIAL specific hearing Stream 10A. As such, I have not assessed these submissions in this report. This is set out in **Appendix B**.

310. Woolworths [282.145] considers permitted activity status is appropriate for supermarkets as essential services and catalysts for well-functioning urban environments, within all CMUZs as this acknowledges the operational and functional need for supermarkets to co-locate within the catchments they serve. Woolworths considers this approach would align with the higher order enabling framework set out in the Proposed Plan and the NPS-UD. Woolworths considers restricted discretionary activity status would provide sufficient assessment to address effects of any built form and site layout standard infringements in a targeted manner and that this is particularly relevant in terms of frontage controls in the centre zones. They seek to amend the activity status for supermarkets within LCZs to permitted, and restricted discretionary where standards are breached.

3.8.1.2 Assessment

311. Regarding the submission from Woolworths [282.145], retail activities such as supermarkets are covered by LCZ-R4 (Woolworths made a similar submission in LCZ-R4) which permits retail activity, including supermarkets, up to the GFA standard of 300m², which acts as a trigger for resource consent assessment of commercial activity distribution and residential development.

312. The GFA limitation requires consideration of the impact of retail activities on the nearest town centre and amenity impacts on the site. In his evidence (section 4) Mr Foy states that Waimakariri's LCZs are generally relatively small in area, and lack sufficient land area to accommodate a full-size supermarket, so making full-size supermarkets a permitted activity is unlikely to practically enable the development of new supermarkets to establish in the LCZ. Mr

Foy considers that larger supermarkets have larger catchments, and are somewhat less consistent with the purpose of the LCZ in LCZ-P1. Mr Foy considers that smaller supermarkets (say less than 1,000m² gross floor area) could be permitted activities in the LCZ, and therefore be an exception to the maximum tenancy size of 350m² from LCZ-P1, while retaining larger (1,000m²+) supermarkets as restricted discretionary. I accept Mr Foy's advice and recommend that supermarkets of up to 1000m² are provided for as permitted in the LCZ.

313. I note Woolworths has made a similar submission on LCZ-R4 and I have recommended changes to LCZ-R4 under that provision in response to the matters raised by Woolworths. Accordingly, I recommend the changes set out under LCZ-R4 and in **Appendix A** and therefore that the submission from Woolworths is accepted in part.

3.8.1.3 Summary of recommendations

314. I recommend that the submission from Woolworths [282.145] is **accepted in part**.
315. Given the changes I am recommending to the LCZ chapter, I recommend that the submissions in support the LCZ chapter as set out in **Appendix B** are **accepted in part**.

3.8.1.4 Recommended Changes to the Proposed Plan

316. See the changes recommended to LCZ-R4 under that provision later in this report.

3.8.2 Objective LCZ-O1 Local Centre Zone Activities

3.8.2.1 Matters raised by submitters

317. Four submissions were received in support of LCZ-O1, while two submissions sought amendments. In addition, while coded in support, Bellgrove Rangiora Ltd [408.55] seek to amend LCZ-O1 to clarify what is meant by 'convenience activities'.
318. Woolworths [282.13] submits that avoiding all adverse effects is too high a threshold for activities in lower order centres which should be encouraged to develop in accordance with their roles and functions, and is not representative of any commercial growth agenda. Woolworths considers some adverse effects may arise but can be assessed through expert analysis to be acceptable and that supermarkets should be recognised as appropriate activities which enable self-sufficient centres at all levels of the centre hierarchy. Woolworths seek an amendment that will better achieve the strategic outcomes of the Proposed Plan and align with NPS-UD. They seek the following amendments:

"Local Centres:

- 1. are the focal point for a range of commercial, community and service activities at a smaller scale than Town Centres to provide for the daily/weekly shopping needs of the local residential or nearby rural area, including enabling a range of convenience activities;*
- 2. ~~activities do not provide for development that results in significant adverse effects on adversely affect~~ the role and function of Town Centres; and*
- 3. amenity values are managed within the zone and at the interface with adjacent residential zones."*

319. Templeton Group [412.15] support in part LCZ-O1 but consider that it should include recognition of the tourism potential of the Pegasus Local Centre Zone. They seek the following amendment:

"Local Centres:

1. are the focal point for a range of commercial, community, tourism/visitor accommodation and service activities at a smaller scale than Town Centres to provide for visitors and the daily/weekly shopping needs of the local residential or nearby rural area, including enabling a range of convenience activities;..."

3.8.2.2 Assessment

320. Regarding the Bellgrove Rangiora Ltd [408.55] submission, as this is an objective, rather than an activity standard, the term does not need to be defined. I prefer applying the plain ordinary meaning of 'convenience activities' at the objective level, with Policy LCZ-P1(1) and the rules further defining what is appropriate or not appropriate. In addition, I note that retail experts commonly use this term. Accordingly, I recommend that this submission is rejected.
321. Regarding the Woolworths [282.13] submission, consistent with my recommendation for CMUZ-P2, I agree with the submitter regarding adding the words 'significant adverse effects', principally on the advice of Mr Foy who notes that the use of 'significant' is generally consistent with case law on retail distribution effects. However, I propose alternative wording to that provided by Woolworths and accordingly, I recommend that the Woolworths submission is accepted in part. I note that Woolworths has made a similar submission on LCZ-P1.
322. Regarding the Templeton Group [412.15] submission, I note that this is similar to their submission on LCZ-P1. I agree that the LCZ is suitable for tourist activity and I note that visitor accommodation is permitted under LCZ-R12. However, I do not consider the LCZ is a focal point for tourism and visitor accommodation and nor is it necessary to list in the policy every type of activity that is enabled or likely to establish in the zone. Rather, LCZ-P1 is focussed on the purpose of the zone and the main activities likely to establish.
323. In his evidence (section 9) Mr Foy states that from an economic perspective the LCZ plays a local role for the community and is not intended to accommodate businesses that serve a wider role. Generally, the LCZ contains a relatively small number of businesses, predominantly shops and public facing businesses such as service providers, that require access to their premises for their commercial operation. The size of these centres is typically less than about 4,000m² (as identified in LCZ-P1). Mr Foy does not believe that the requested change is necessary to appropriately describe the intended economic focus of the LCZ, and he does not support this change because it is not necessary, rather than because it would be likely to have significant adverse effects on LCZ operation. I accept Mr Foy's advice on this matter. Noting this and my assessment I recommend that this submission is rejected.

3.8.2.3 Summary of recommendations

324. I recommend that the submission from Bellgrove Rangiora Ltd [408.55] is **rejected**.
325. I recommend that the submission from Woolworths [282.13] is **accepted in part**.
326. I recommend that the submission from Templeton Group [412.15] is **rejected**.

327. Given the changes I am recommending to LCZ-O1, I recommend that the submissions in support of this objective as set out in **Appendix B** are **accepted in part**.

3.8.2.4 Recommended Changes to the Proposed Plan

328. Amend LCZ-O1 as follows:

Local Centres:

1. are the focal point for a range of commercial, community and service activities at a smaller scale than Town Centres to provide for the daily/weekly shopping needs of the local residential or nearby rural area, including enabling a range of convenience activities;
2. activities do not ~~provide for development that~~ results in significant adversely affect effects on the role and function of Town Centres; and
3. [...]

329. S32AA evaluation table reference: C1.

3.8.3 Policy LCZ-P1 Design and integration

3.8.3.1 Matters raised by submitters

330. Three submissions were received in support of LCZ-P1, while four submission sought amendments.

331. Woolworths [282.14] consider that the scale of development should not be so prescriptive at the policy level, rather it should be addressed by lower order provisions, and preferably with greater flexibility. They consider that the scale of commercial development proposed is very limited for the LCZ, particularly given its second-tier status to the TCZ. The gross floor area limits are restrictive and unnecessary. They seek to amend LCZ-P1 as follows:

"Within Local Centres:

1. enable commercial, community, convenience and service activities that provide for the daily/weekly shopping needs of the local residential or nearby rural catchment and do not result in significant adverse effects on ~~adversely affect~~ the role and function of Town Centres, nor undermine investment in their public amenities and facilities;

2. ~~enable a range of Local Centres which, excluding the Woodend Local Centre, generally comprise 1,000m² to 4,000m² total floor space and up to 15 shops with a maximum retail tenancy of 350m² GFA;~~

3. ensure Local Centres are integrated into the transport system to promote efficient safe and accessible modal choice, and manage adverse effects on the operation of the transport system; and

4. adverse amenity effects are managed within the zone and at the interface with neighbouring more sensitive zones."

332. Kāinga Ora [325.300] generally support LCZ-P1 subject to amendments. They seek to delete clause (2) as the anticipated size of local and neighbourhood centres would be better placed in the General Objectives and Policies for all Commercial and Mixed Use Zones. They also seek

amendments to make it clear that residential activity above ground floor is enabled. They seek the following changes to LCZ-P1:

"Within Local Centres:

...

~~2. enable a range of Local Centres which, excluding the Woodend Local Centre, generally comprise 1,000m² to 4,000m² total floor space and up to 15 shops with a maximum retail tenancy of 350m² GFA;~~

3. ensure Local Centres are integrated into the transport system to promote efficient safe and accessible modal choice, and manage adverse effects on the operation of the transport system; ~~and~~

4. adverse amenity effects are managed within the zone and at the interface with neighbouring more sensitive zones; ~~and~~

5. Enable residential activity."

333. Templeton Group [412.16] support in part LCZ-P1 but consider it should include recognition of the tourism potential of the Pegasus Local Centre Zone and provide for greater flexibility in total floor space and retail tenancy. They seek the following changes:

"...

1. enable commercial, community, convenience, tourism and service activities that provide for visitors and the daily/weekly shopping needs of the local residential or nearby rural catchment and do not adversely affect the role and function of Town Centres, nor undermine investment in their public amenities and facilities;

2. enable a range of Local Centres which, excluding the Woodend and Pegasus Local Centres, generally comprise 1,000m² to 4,000m² total floor space and up to 15 shops with a maximum retail tenancy of 350m² GFA;

..."

334. Bellgrove Rangiora Ltd [408.56] supports the overall development outcome sought for the local centre of up to 4,000m² total floor space and that local centres will provide for local shopping needs in LCZ-P1. However they seek to delete the specificity regarding total shop size and retail tenancy areas or ensure that the maximum retail tenancy of 350m² is exclusive of food and beverage outlets. They seek to amend LCZ-P1(2) as follows:

"...

2. enable a range of Local Centres which, excluding the Woodend Local Centre, generally comprise 1,000m² to 4,000m² total floor space ~~and up to 15 shops with a maximum retail tenancy of 350m² GFA;~~

..."

3.8.3.2 Assessment

335. Regarding the Woolworths [282.14] submission, LCZ-P1 includes a description of the anticipated size of local centres and tenancies as a guide. I consider that there is value in providing the

anticipated size of local centres to help explain the centres hierarchy. However, I agree with the submitter that this should not be prescriptive and the description of the number of shops and maximum individual tenancies is not required. Mr Foy considers that there is merit in retaining the 1,000-4,000m² guide to demonstrate the general scale of development expected in LCZs, although he agrees with the submission point that there is some value in enabling supermarket space in the LCZ. I agree with Mr Foy and I therefore recommend that LCZ-P1 is amended as set out below and in **Appendix A**. I also agree with the submitter regarding adding the words 'significant adverse effects' as set out in my response to CMUZ-P2 and LCZ-O1. Accordingly, I recommend that the Woolworths submission is accepted in part.

336. Regarding the Kāinga Ora [325.300] submission, I do not agree with shifting clause 2 to the general objectives and policies for all mixed-use zones as they are specific and detailed provisions and in my opinion are therefore better housed in the specific zone chapter. I do agree with deleting the word 'neighbouring' as this is not required and I also agree with enabling residential activity in the LCZ. However, I consider this should be above ground floor for the reasons set out in response to Kāinga Ora [325.282] submission. I note that CMUZ-P7 as recommended to be amended seeks to encourage above ground floor residential activity in all centres, and that therefore enabling this activity above ground floor would be consistent with that policy and LCZ-R9 for residential activity in the LCZ. I also note that Kāinga Ora supported LCZ-R9 and LCZ-R10 [325.3] which require residential activity above ground floor. Accordingly, I recommend that LCZ-P1 is amended as set out below and in **Appendix A** and that this submission is accepted in part.
337. Regarding the Templeton Group [412.16] submission, consistent with my assessment of their submission on LCZ-O1, I agree that the LCZ is suitable for tourist activity and I note that visitor accommodation is permitted under LCZ-R12. As for LCZ-O1, I do not consider the LCZ is a focal point for tourism and visitor accommodation and nor is it necessary to list in the policy every type of activity that is enabled or likely to establish in the zone. Rather, LCZ-P1 is focussed on the purpose of the zone and the main activities likely to establish. Mr Foy's advice for LCZ-O1 also applies to LCZ-P1 (section 9). Mr Foy does not believe that the requested change is necessary to appropriately describe the intended economic focus of the LCZ. I accept Mr Foy's advice on this matter.
338. Regarding the proposed exclusion for Pegasus from the centre size and tenancy description (clause 2), this exclusion was purposefully applied to Woodend in recognition of:
- a. the emerging centre at Ravenswood and uncertainty over the time to complete this development in North Woodend; and
 - b. the town centre function that the Woodend centre (proposed to be zoned LCZ) has been providing to date.
339. Mr Foy has considered the proposed change (in section 9 of his evidence) stating:
- In the field survey of Waimakariri's commercial zones undertaken for the WCGM22 update, we observed a high vacancy rate of commercial premises in Pegasus, and several businesses that had recently failed, which indicates that there may be insufficient demand to support existing or new commercial activity in Pegasus. In contrast, other centres in the rest of the district have low vacancy rates. The suggested changes would result in a Pegasus LCZ becoming a de facto TCZ, but without there being sufficient population in the area to support this type of zone it need not play a TCZ role, and there would not be sufficient demand to support that role.*

We do not consider that the apparent poor performance of the existing Pegasus LCZ is justification for accepting the requested change, and recommend that the maximum limits for retail, food and beverage, and entertainment activities stay as notified.

340. I accept Mr Foy's advice on this matter. Overall, I recommend that the submission from Templeton Group [412.16] is rejected.

341. Regarding the Bellgrove Rangiora Ltd [408.56] submission, consistent with my recommendation for Woolworths [282.14], I consider that the text on maximum floor space is a useful guide as to the anticipated scale of the LCZ, but I agree that the description of the number of shops and maximum individual tenancies is not required. Given the changes I am recommending to clause 2, I recommend that this submission from Bellgrove Rangiora Ltd is accepted in part.

3.8.3.3 Summary of recommendations

342. I recommend that the submission from Woolworths [282.14], Kāinga Ora [325.300] and Bellgrove Rangiora Ltd [408.56] are **accepted in part**.

343. I recommend that the submission from Templeton Group [412.16] are **rejected**.

344. Given the changes I am recommending to LCZ-P1, I recommend that the submissions in support of this policy as set out in **Appendix B** are **accepted in part**.

3.8.3.4 Recommended Changes to the Proposed Plan

345. Amend LCZ-P1 as follows:

Within Local Centres:

1. enable commercial, community, convenience and service activities that provide for the daily/weekly shopping needs of the local residential or nearby rural catchment and do not result in significant adverse effects on ~~adversely affect~~ the role and function of Town Centres, nor undermine investment in their public amenities and facilities;
2. enable a range of Local Centres which, excluding the Woodend Local Centre, generally comprise 1,000m² to 4,000m² total floor space ~~and up to 15 shops, with a maximum retail tenancy of 350m² GFA;~~
3. ensure Local Centres are integrated into the transport system to promote efficient safe and accessible modal choice, and manage adverse effects on the operation of the transport system; ~~and~~
4. adverse amenity effects are managed within the zone and at the interface with ~~neighbouring~~ more sensitive zones; and
5. enable above ground floor residential activity.

346. S32AA evaluation table reference: C2 and C3.

3.8.4 LCZ-R1 - Construction or alteration of or addition to any building or other structure

3.8.4.1 Matters raised by submitters

347. Three submissions were received in support of LCZ-R1, while three submissions sought amendments.
348. The House Movers [221.120] submission seeking to permit moveable buildings in the zone was addressed under general submissions and therefore won't be further assessed here.
349. Woolworths [282.13] seek supermarkets to be permitted activities in most CMUZs, including the LCZ zone.
350. Bellgrove Rangiora Ltd [408.57] support LCZ-R1, however, suggest the permitted maximum Gross Floor Area of a building at 450m² is quite small given the scale of the Local Centre. Other rules such as LCZ-R4 are in place to limit maximum retail activity tenancy sizes. They seek to amend LCZ-R (1)(b) to be less than 1,000m² GFA.

3.8.4.2 Assessment

351. Regarding the Woolworths [282.13] and Bellgrove Rangiora Ltd [408.57] submissions, the 450m² GFA threshold included in LCZ-R1 is a trigger for an urban design assessment, which I consider appropriate given the impact poor design can have on the form and function of centres and amenity generally. In his evidence (section 7) Mr Nicholson has assessed the merits of a design approach and the proposed 450m² threshold for urban design assessment. He considers that it would be appropriate for a single or two storey building (with a gross floor area less than 450m²) to be constructed without triggering an urban design assessment, stating that there are risks of poor outcomes but given it would be a single relatively small building amongst a number of buildings the risk is acceptable. Correspondingly, buildings above 450m² should have a design assessment. I therefore recommend that these submissions are rejected, noting that I have previously recommended adding in an advice note to clarify that the purpose of the rule is for urban design matters for the building.

3.8.4.3 Summary of recommendations

352. I recommend that the submission from Woolworths [282.13] and Bellgrove Rangiora Ltd [408.57] are **rejected**.
353. Noting the previously recommended addition of an advice note to LCZ-R1, I recommend that the submissions in support of this rule as set out in **Appendix B** are **accepted in part**.

3.8.4.4 Recommended Changes to the Proposed Plan

354. No amendments are recommended to LCZ-R1 other than the previously covered addition of an advice note.

3.8.5 LCZ-R4 – Retail activity

3.8.5.1 Matters raised by submitters

355. Three submissions were received in support of LCZ-R4, while four submissions were received seeking amendments.

356. Woolworths [282.71] considers that a blanket Gross Floor Area rule unnecessarily restricts supermarkets, which are larger than other retail activities due to their operational and functional requirements. Woolworths considers that supermarkets play an important role in anchoring centres, delivering vitality and amenity, and serve residential catchments. The submitter considers that urban design matters for supermarkets can be addressed via resource consent required for buildings exceeding 450m² gross floor area. Woolworths seeks to amend LCZ-R4 by either increasing the maximum Gross Floor Area limits or excluding supermarkets from these limits.
357. In a separate but related submission, Woolworths [282.13] seeks supermarkets to be a permitted activity within the Local Centre Zone.
358. Bellgrove Rangiora Ltd [408.580] seeks to amend LCZ-R4 as some retail activities such as food and beverage outlets, will exceed a Gross Floor Area of 300m², requiring a restricted discretionary resource consent. As food and beverage outlets are covered separately under LCZ-R16 and Built Form Standards these rules should be referenced in LCZ-R4 for clarity. The submitter seeks LCZ-R4 (1)(c) is amended as follows:

"...

c. for all other sites the activity shall be a maximum of 300m² GFA (excluding food and beverage outlets which are covered separately under Built Form Standard LCZ-R16)."

359. Templeton Group [412.17] seeks to amend LCZ-R4 to include flexible provision for the Pegasus Local Centre Zone to have no gross floor area retail limits as per Woodend. They seek the following amendments:

"...

1. the floor area of the activity shall be within the following maximum GFA limits:

a. within Woodend and Pegasus there is no limit;

..."

3.8.5.2 Assessment

360. Regarding the Woolworths [282.71] and Woolworths [282.13] submissions, supermarkets as a retail activity are permitted, subject to the proposed GFA limit in LCZ-R4. As covered earlier under LCZ general, in his evidence (section 4) Mr Foy states that Waimakariri's LCZs are generally relatively small in area and lack sufficient land area to accommodate a full-size supermarket, so making full-size supermarkets a permitted activity is unlikely to practically enable the development of new supermarkets to establish in the LCZ. Mr Foy considers that larger supermarkets have larger catchments and are somewhat less consistent with the purpose of the LCZ in LCZ-P1. Mr Foy considers that that smaller supermarkets (less than 1,000m² gross floor area) could be permitted activities in the LCZ, and therefore be an exception to the maximum tenancy size of 350m² from LCZ-P1, while retaining larger (1,000m²+) supermarkets as restricted discretionary activities. I accept Mr Foy's advice and therefore recommend the changes set out below and in **Appendix A** and accordingly that the submissions from Woolworths are accepted in part.
361. Regarding the Bellgrove Rangiora Ltd [408.58] submission, the way the definitions work with the retail definition, where a type of retailing is separately covered then the separate more

specific rule applies. In this case, the submitter is correct that food and beverage is covered under LCZ-R16. Given this, I do not consider the submitter suggested addition is required. However, I consider there is value in including a statement in a 'how to interpret and apply the rules' section that clarifies this, as already recommended to occur under TCZ-R1. I therefore recommend the changes set out below and in **Appendix A** and that this submission is accepted in part.

362. Regarding the Templeton Group Ltd [412.17] submission, the exclusion for Woodend has been expressly provided as the Woodend Local centre is large, and until the Ravenswood Town Centre is fully established at North Woodend it will continue to provide town centre services. This rationale does not apply to the Pegasus LCZ. Mr Foy assesses this proposal in section 9 of his evidence. As discussed under LCZ-P1, Mr Foy does not support removing maximum tenancy sizes for Pegasus, noting that the suggested change would result in the Pegasus LCZ becoming a de facto TCZ, but without there being sufficient population in the area to support this type of zone it need not play a TCZ role, and there would not be sufficient demand to support that role. For the above reasons I recommend that the submission from Templeton Group [412.170] is rejected.

3.8.5.3 Summary of recommendations

363. I recommend that the submissions from Woolworths [282.71] and [282.13] are **accepted in part**.
364. I recommend that the submission from Bellgrove Rangiora Ltd [408.58] is **accepted in part**.
365. I recommend that the submission from Templeton Group [412.17] is **rejected**.
366. Given the changes I am recommending to LCZ-R4, I recommend that the submissions in support of this rule as set out in **Appendix B** are **accepted in part**.

3.8.5.4 Recommended Changes to the Proposed Plan

367. Amend LCZ-R4 as follows:

LCZ-R4 Retail activity

Activity status: PER

Where:

1. the floor area of the activity shall be within the following maximum GFA limits:
 - a. within Woodend there is no limit;
 - b. for Mandeville, the maximum gross retail area for all retail activities in the zone shall be 2700m²;
 - c. for all other sites the activity shall be a maximum of 300m² GFA, or 1000m² for supermarkets.

[...]

368. S32AA evaluation table reference: C2.

3.8.6 LCZ-R9 – Residential unit and LCZ-R10 - Residential activity

3.8.6.1 Matters raised by submitters

369. Three submissions were received in support of LCZ-R9 and three were received in support of LCZ-R10. Templeton Group Ltd [412.18] sought amendments to LCZ-R9 while Templeton Group [412.19] sought amendments to LCZ-R10 to permit residential units at ground level in the Pegasus LCZ as they consider that this is consistent with providing greater flexibility and mixed-use activity and encouraging more people to live in and around local centres. The submitter considers that a better design led outcome can be achieved by building on the unique attributes of the township and facilities, scale of the landholding, and by providing flexibility in the location of residential activity and enabling greater integration with the lakefront. The submitter seeks the following changes to both LCZ-R9 and LCZ-R10:

"...

1. any residential activity shall be above the ground floor.

At Pegasus, the activity shall comprise a maximum of 75% of the GFA of all buildings on the site;

2. for all other sites, any residential activity shall be above the ground floor."

370. Templeton Group [412.19] also seeks the following changes to CMUZ-MD11:

Insert matters of discretion to CMUZ-MD11:

"In relation to Pegasus Local Centre Zone, the extent to which:

a. the majority of the ground floor includes commercial activities that support vibrancy and visual interest;"

3.8.6.2 Assessment

371. Regarding the Templeton Group Ltd submissions [412.18] and [412.19], as discussed earlier under CMUZ-P7 (Templeton Group [412.14] submission), to support commercial activities and character I consider it is important to retain the ground floor of buildings for commercial activities. Local centres are usually tightly defined to commercial areas and expansion of local centres is also managed. As such, the ground floor of these areas is usually almost exclusively commercial. Residential activity on ground floors will displace commercial activity, and given the tightly defined LCZ extent and the importance of local centres in providing for the day to day needs of their catchments, I consider this displacement should require a consent. With regard to the submitter proposed approach of enabling 75% of the GFA of all buildings on the site being residential (whether on the ground floor or not, this could result in significant commercial displacement on the ground floor.

372. In his evidence (section 9.3) Mr Foy states that there are two main reasons for the restriction on ground floor residential activity in the LCZ (and other centres generally). The first is the risk of crowding out retail and commercial activities. The second is the objective of creating active street frontages rather than frontages dominated by private residences, where there is a natural tension between residents wanting privacy and the benefits of active frontages. Even if the change proposed by the submitter avoids the risk of the first outcome (crowding out),

in his opinion it is likely that there would be adverse effects on active frontages, and that would not be avoided by the 75% rule requested. Mr Foy does not consider this '75% exception' to be necessary, or indeed appropriate.

373. Regarding the proposed additional clauses in CMUZ-MD11, as I am recommending rejecting the proposed amendments to LCZ-R9 and LCZ-R10, this proposed addition is not supported, nor indeed needed. I also note that Templeton Group have submitted directly on CMUZ-MD11 which I have addressed later in this report under that heading.
374. In the absence of evidence on this matter, I consider that the notified approach is preferable to the submitter's proposed approach and therefore recommend that this submission is rejected.

3.8.6.3 Summary of recommendations

375. I recommend that the submission by Templeton Group Ltd [412.18] and [412.19] are **rejected**.
376. I recommend that the submissions in support of LCZ-R9 and LCZ-R10 as set out in **Appendix B** are **accepted**.

3.8.6.4 Recommended Changes to the Proposed Plan

377. No changes are recommended.

3.8.7 LCZ-R16 – Food and beverage outlet

3.8.7.1 Matters raised by submitters

378. Three submissions were received in support of LCZ-R16, while two submissions sought amendments.
379. Bellgrove Rangiora Ltd [408.60] support the identification of food and beverage outlets as a permitted activity but consider that a maximum GFA of 300m² is too restrictive for a local restaurant and/or bar. They seek to amend LCZ-R16 (1)(b) to enable food and beverage outlets up to 500m² in size as permitted.
380. Templeton Group Ltd [412.20], seek to amend LCZ-R16 to include flexible provision for the Pegasus Local Centre Zone as per Woodend. They seek the following amendments to LCZ-R16 and to exclude CMUZ-MD11 from applying to Pegasus:

"...

1. *the floor area of the activity shall be within the following maximum GFA limits:*

a. *within Woodend and Pegasus there is no limit;*

..."

3.8.7.2 Assessment

381. Regarding the Bellgrove Rangiora Ltd [408.60] submission, in his evidence (section 8) Mr Foy assesses the request that the maximum Food and Beverage tenancy size be increased from 300m² to 500m² in LCZ-R16. From his experience most food and beverage activities will be smaller than 300m², although there will be some that are larger. Because smaller tenancy sizes

dominate, that indicates that there is greater economic incentive to be smaller, rather than larger. That means that it will likely not be economic for many food and beverage activities to occupy larger tenancies just because it is permitted to do so (under the change requested), and so he considers that increasing the allowance to 500m² as requested by the submitter is unlikely to materially impact the operation of the LCZ or the other centres in the hierarchy. Based on Mr Foy's advice I recommend that this submission is accepted and LCZ-R16 is amended as set out below and in **Appendix A**.

382. Regarding the Templeton Group [412.20] submission, as discussed under LCZ-R4, the exclusion for Woodend has been expressly provided as the Woodend Local centre is large, and until the Ravenswood Town Centre is fully established at North Woodend it will continue to provide town centre services. This rationale does not apply to the Pegasus LCZ. Also as discussed under LCZ-R4, in his evidence Mr Foy (section 9) considers that the suggested changes would result in the Pegasus LCZ becoming a de facto TCZ, but without there being sufficient population in the area to support this type of zone it need not play a TCZ role, and there would not be sufficient demand to support that role. He does not support deleting the tenancy limits.¹⁵ For these reasons I recommend that this submission is rejected.

3.8.7.3 Summary of recommendations

383. I recommend that the submission from Bellgrove Rangiora Ltd [408.60] is **accepted**.
384. I recommend that the submission from Templeton Group [412.20] is **rejected**.
385. Because of the changes I am recommending to LCZ-R16, I recommend that the submissions in support of LCZ-R16 as set out in **Appendix B** are **accepted in part**.

3.8.7.4 Recommended Changes to the Proposed Plan

386. Amend LCZ-R16 as follows:

LCZ-R16 Food and beverage outlet

Activity status: PER

Where:

1. the floor area of the activity shall be within the following maximum GFA limits:
 - a. within Woodend there is no limit;
 - b. for all other sites the activity shall be a maximum of ~~300~~ 500m² GFA.

Activity status when compliance not achieved: RDIS

[...]

387. S32AA evaluation table reference: C3.

¹⁵ I also note that Templeton Group have submitted directly on CMUZ-MD11 which I have addressed later in this report under that heading.

3.8.8 LCZ-R17 – Entertainment activity**3.8.8.1 Matters raised by submitters**

388. Two submissions were received in support of LCZ-R17, while Templeton Group [412.21] sought to amend LCZ-R17 to include flexible provision for the Pegasus LCZ as per Woodend. They seek the following amendments to LCZ-R17 and to exclude CMUZ-MD11 from applying to Pegasus:

"...

1. the floor area of the activity shall be within the following maximum GFA limits:

a. within Woodend and Pegasus there is no limit;

..."

3.8.8.2 Assessment

389. As discussed under LCZ-R4 and LCZ-R16, the exclusion for Woodend has been expressly provided as the Woodend Local centre is large, and until the Ravenswood Town Centre is fully established at North Woodend it will continue to provide town centre services. This rationale does not apply to the Pegasus LCZ. In his evidence (section 9) Mr Foy's evidence on LCZ-R16 also applies here. Mr Foy recommends that the maximum limit for entertainment activities remains as notified. I accept Mr Foy's advice and recommend that this submission is rejected.

3.8.8.3 Summary of recommendations

390. I recommend that the submission from Templeton Group [412.21] is rejected.

391. I recommend that the submissions in support of LCZ-R17 as set out in **Appendix B** are **accepted**.

3.8.8.4 Recommended Changes to the Proposed Plan

392. No changes are recommended.

3.8.9 LCZ-BFS1 - Height**3.8.9.1 Matters raised by submitters**

393. Three submissions were received in support of LCZ-BFS1 and three sought amendments.

394. Kāinga Ora [325.304] seek to amend the maximum height to 12m to provide for three stories. The submitter considers centres should be areas identified for growth and intensification, and greater height will contribute to making centres a focal point for communities. They seek that LCZ-BFS1 is amended as follows:

"1. The maximum height of any building, calculated as per the height calculation, shall be ~~10m~~ 12m above ground level.

Activity status when compliance not achieved: ~~DIS~~ RDIS

Matters of discretion are restricted to:

CMUZ-MD4 - Height in relation to boundary

Notification

An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified."

395. Belgrove Rangiora Ltd [408.610] oppose LCZ-BFS1 as the Local Centre Zone should have a 12m height limit consistent with Medium Density Residential and General Residential Zones.
396. Templeton Group [412.22] seek to amend LCZ-BFS1 to increase the maximum height in the Local Centre Zone (LCZ) to 12m (from 10m) as it will contribute to making local centres vibrant focal points for communities and provide flexibility for Pegasus LCZ. They also consider that a restricted discretionary activity status for a breach is more appropriate. The submitter has suggested the following matters of discretion be included as appropriate such as:
- *effects on the amenity of adjacent residential properties including*
 - *overshadowing*
 - *loss of privacy*
 - *ability to mitigate increased height through other methods*

3.8.9.2 Assessment

397. Regarding the proposed change in height to 12m as requested by all three submitters, I note that under Variation 1, LCZ-BFS1 height limit is proposed to be increased from 10m to 11m to be consistent with the height limits proposed for the MRZ under Variation 1 (excluding the allowance for the roof). In my opinion 11m allows for a three-storey building (3.5m ground floor and 3m for subsequent floors, plus a roof allowance). However, I am comfortable changing this to 12m to better provide for a three-storey building and to more closely match the MRZ height limit including the roof allowance. I consider this is 'commensurate' with the adjacent MRZ. I note that in his evidence (section 9) Mr Foy also supports this change which may encourage greater intensity of activity in the zone with office and residential being accommodated on upper levels of commercial buildings. In his evidence (section 9), Mr Nicholson supports a 12m height limit in the LCZ as this reflects the height limits of the surrounding residential areas (as amended through Variation 1 to incorporate the MDRS).
398. Regarding changing the activity status to restricted discretionary from discretionary, I accept that restricted discretionary could be appropriate as long as all the likely adverse effects can be identified in a matter of discretion. In my opinion the request by Kāinga Ora to refer to CMUZ-MD4 - Height in relation to boundary as the matter for discretion is not appropriate for the reasons provided under TCZ-BFS1 (principally that CMUZ-MD4 is limited to recession plane matters) in response to Kāinga Ora [325.331]. However, in response to submissions on TCZ-BFS1, I have already recommended a new CMUZ-MD for height and this will apply for the TCZ (and the NCZ, MUZ and LFRZ). I note this is not totally consistent with the suggested matters of discretion in the Templeton Group submission. Finally, I do not agree with precluding public notification. While public notification for small breaches would probably not be appropriate, it may well be appropriate to publicly notify say a 50m tall building, when existing buildings in the local centres are typically one or two storey only. Such a height would be a marked change from the existing built form and there may well be a reason to publicly notify such a proposal. I therefore recommend that LCZ-BFS1 is amended as set out below and in **Appendix A** and that the Belgrove submission is accepted, while the Kāinga Ora submission and Templeton Group submissions are accepted in part as I have suggested alternative matters of discretion and do not agree with removal of public notification.

3.8.9.3 Summary of recommendations

399. I recommend that the submissions from Belgrove Rangiora Ltd [408.610] and is **accepted**.
400. I recommend that the submission from Kāinga Ora [325.304] and Templeton Group [412.22] are **accepted in part**.
401. Given the changes I am recommending, I recommend that the submissions in support of LCZ-BFS1 as set out in **Appendix B** are **accepted in part**.

3.8.9.4 Recommended Changes to the Proposed Plan

402. Amend LCZ-BFS1 as follows:

The maximum height of any building, calculated as per the height calculation, shall be ~~10m~~ 12m above ground level.

Activity status when compliance not achieved: ~~DIS~~ RDIS

Matters of discretion are restricted to:

CMUZ-19 Height

403. S32AA evaluation table reference: C3.

3.8.10 LCZ-BFS4 – Internal boundary setback and LCZ-BFS5 - Road boundary landscaping

3.8.10.1 Matters raised by submitters

404. Three submissions were received in support of LCZ-BFS4 and three in support of LCZ-BFS5, while Bellgrove Rangiora Ltd [408.62] & [408.63] oppose LCZ-BFS4 and LCZ-BFS5 as they consider a 2m wide landscape strip is a substantial width and a 1m width would be more appropriate as LCZ-BFS3 requires a building to be setback 3m from an internal boundary, and for a road a 2m wide landscape strip is a substantial width to require along the road frontage of a site. For both built form standards the submitter suggests 1m width would be more appropriate. They consider that in combination, this would create a suitable boundary interface. They seek to amend LCZ-BFS4 and LCZ-BFS5 as follows:

LCZ-BFS4 Internal boundary

"1. Landscaping shall be provided along the full length of all internal boundaries that adjoins Residential Zones, Rural Zones, or Open Space and Recreation Zones. This landscape strip shall be a minimum of ~~2m~~1m deep.

..."

LCZ-BFS5 Road boundary

"1. Where a site is not built to a road boundary, landscaping shall be provided along the full length of the road boundary, except for vehicle crossings, outdoor seating or dining areas. This landscape strip shall be a minimum of ~~2m~~1m deep.

..."

3.8.10.2 Assessment

405. The reason 2m is required is to enable small trees etc to be planted that enable the roots and canopy can grow unobstructed for at least 2m in width. I note that the Operative Plan's boundary landscape requirements are also 2m. I consider that in order to ensure mature trees can survive that 2m is acceptable. I therefore recommend that these submissions requesting 1m strips are rejected.

3.8.10.3 Summary of recommendations

406. I recommend that the submission from Bellgrove Rangiora Ltd [408.62] and [408.63] are **rejected**.

407. I recommend that the submissions in support of LCZ-BFS3 as set out in **Appendix B** are **accepted**.

3.8.10.4 Recommended Changes to the Proposed Plan

408. No changes are recommended.

3.8.11 LCZ-BFS6 – Road boundary setback, glazing and verandah

3.8.11.1 Matters raised by submitters

409. Three submissions were received in support of LCZ-BFS6, while two sought amendments.

410. Bellgrove Rangiora Ltd [408.64] oppose LCZ-BFS6 as they consider it contradicts LCZ-BFS5 given it requires a building up to the road boundary but does not refer to alternative landscaping approach when not achieved. The submitter states LCZ-BFS6 does not consider design outcomes for commercial allotments such as the Bellgrove Stage 1, which will have both a road boundary and a boundary facing the Northern Flow Channel open space reserve. In this case the site does not have a classic 'back of house' area to reduce the glazing extent to ensure workable internal floor area. The submitter considers that this needs to be considered in the matters of discretion that are triggered when a building is not built directly up to a road frontage and include operational and functional requirements of an activity which may limit the ability to comply with LCZ-BFS6 and LCZ-BFS5. The submitter seeks the following amendments to LCZ-BFS6 and CMUZ-MD7:

LCZ-BFS6:

"1. All buildings shall:

a. be built to the road boundary; or comply with the landscaping requirements of LCZ-BFS5 above;

b. provide pedestrian access directly from the road boundary..."

CMUZ-MD7:

Include within the matters of discretion (CMUZMD7) site opportunities where other boundaries may be more desirable to have as the primary frontage. For example an additional matter could be:

- consideration of other frontages to the commercial lot and how this may impact lot layout (i.e. boundaries with public open space areas and/or open space reserve).

Include within the matters of discretion (CMUZMD7) operational and functional requirements:

- consideration of specific operational and functional requirements of an activity.

411. Templeton Group [412.23] seek to amend LCZ-BFS6 as a consequence of the submitter's request for an amended provision for residential activity and residential units in the Local Centre Zone. The submitter considers that glazing and verandahs required by this standard will not be appropriate for ground floor residential activity/units. They consider that the lake front location lends itself to a bespoke solution and they seek greater flexibility in setbacks from the road boundary, glazing and provision of verandahs. They seek to amend LCZ-BFS6 as follows:

"...

2. The requirements for all buildings in (1) shall not apply to the LCZ at Pegasus."

3.8.11.2 Assessment

412. Regarding the Bellgrove Rangiora Ltd [408.64] submission, I do not consider LCZ-BFS6 contradicts LCZ-BFS5. LCZ-BFS6 requires buildings to be built to a road boundary but does not require a building to be built across the entire frontage - there may be parts of sites without buildings. LCZ-BFS5 covers this situation, stating that 'where a site is not built to a road boundary, landscaping shall be provided...'. This rule therefore applies to parts of sites where there are no buildings or where resource consent has been provided for a building to be set back from the road boundary. I do agree with the submitter that operational and functional requirements and site constraints should be added as a matter of discretion and I note that I have already recommended that these are added in response to submission on TCZ-BFS7. I therefore recommend that this submission is accepted in part, with the changes to CMUZ-MD7 set out earlier under TCZ-BFS7 and in **Appendix A**.
413. However, I note that LCZ-BFS5 would be clearer if worded 'where a site does not have a building built along the entire road boundary.' In my opinion this change simply seeks to more clearly explain the application of the rule and does not change its meaning or intent. I therefore consider that this can be amended under RMA Schedule 1 clause 16 as set out below and in **Appendix A**.
414. Regarding the submission from the Templeton Group [412.23], I recommended that the submitter's request is declined in relation to amended provisions for residential activity and residential units in the LCZ and I therefore recommend that their submission for LCZ-BFS6 is also rejected.

3.8.11.3 Summary of recommendations

415. I recommend that the submission from Bellgrove Rangiora Ltd [408.64] is **accepted in part**.
416. I recommend that the submission from the Templeton Group [412.23] is **rejected**.
417. I recommend that the submissions in support of LCZ-BFS6 as set out in **Appendix B** are **accepted**.

3.8.11.4 Recommended Changes to the Proposed Plan

418. Amend LCZ-BFS5 as follows:

1. Where a site ~~does not have a building is not built along the entire to a road boundary~~, landscaping shall be provided along the full length of the road boundary, except for vehicle crossings, outdoor seating or dining areas. This landscape strip shall be a minimum of 2m deep.

[...]

419. 32AA evaluation table reference: not undertaken as the change clarifies the intent of the rule and is made under RMA Schedule 1, Clause 16.

3.8.12 LCZ-BFS8 – Outdoor storage areas

3.8.12.1 Matters raised by submitters

420. There were three submissions received in support of LCZ-BFS8, while Bellgrove Rangiora Ltd [408.65] opposes LCZ-BFS8 as parking areas work best where they are visible rather than obscured. They seek the following amendments:

"1. Any outdoor storage ~~or parking~~ areas shall be screened by 1.8m high solid fencing or dense hedge landscaping from any adjoining site in Residential Zones, Rural Zones, Commercial and Mixed Use Zones or Open Space and Recreation Zones or the road boundary."

3.8.12.2 Assessment

421. Regarding the Bellgrove Rangiora Ltd [408.65] submission, consistent with my analysis of submissions on TCZ-BFS9, I agree that parking areas need not be screened and that this rule should be limited to outdoor storage areas. I therefore recommend that this submission is accepted and LCZ-BFS9 is amended as set out below and in **Appendix A**.

3.8.12.3 Summary of recommendations

422. I recommend that the submission from Bellgrove Rangiora Ltd [408.65] is **accepted**.

423. Given the changes I am recommending to LCZ-BFS8, I recommend that the submissions in support of LCZ-BFS8 as set out in **Appendix B** are **rejected**.

3.8.12.4 Recommended Changes to the Proposed Plan

424. Amend LCZ-BFS8 as follows:

"1. Any outdoor storage ~~or parking~~ areas shall be screened by 1.8m high solid fencing or dense hedge landscaping from any adjoining site in Residential Zones, Rural Zones, Commercial and Mixed Use Zones or Open Space and Recreation Zones or the road boundary."

[...]

425. S32AA evaluation table reference: C3.

3.8.13 LCZ-BFS10 – Waste management requirements for all commercial activities

3.8.13.1 Matters raised by submitters

426. There were three submissions received in support of LCZ-BFS10.

3.8.13.2 Assessment

427. While there were no changes sought to LCZ-BFS10, for clarity, I note that this rule includes the mistake identified by Foodstuffs [267.10] for TCZ-BFS11 – the 5m² waste management area is supposed to be a minimum rather than a specified area. This matter was covered earlier under general and repeated submissions.

3.8.13.3 Summary of recommendations

428. Noting the change I recommended to LCZ-BFS10 in the general and repeated submissions section, I recommend that the submissions in support of this standard as set out in **Appendix B** are **accepted in part**.

3.8.13.4 Recommended Changes to the Proposed Plan

296. Amend LCZ-BFS10 as set out under general and repeated submissions.

3.8.14 LCZ-BFS11 – Building coverage

3.8.14.1 Matters raised by submitters

429. There were three submissions received in support of LCZ-BFS11. Kāinga Ora [325.308] sought to delete the proposed building coverage rule as they consider that other standards will control the coverage and footprint of buildings.

3.8.14.2 Assessment

430. It is not clear what the other standards are that control building coverage and footprints. Potentially, these are the height in relation to boundary (LCZ-BFS2), internal boundary setbacks (LCZ-BFS3) and internal boundary landscaping (LCZ-BFS4), but I note these only apply when the site adjoins a residential zone, rural zone, or open space and recreation zone. As such, these rules will often not apply. I also note that there is no minimum subdivision site size in the LCZ and no minimum car parking provision. There is an urban design assessment for buildings over 450m² (LCZ-R1) however this does not reference site coverage specifically. It is therefore not clear to me how building coverage will be controlled to maintain the relationship between buildings and open space. In the absence of evidence on this matter I recommend this submission is rejected.

3.8.14.3 Summary of recommendations

431. I recommend that the submission from Kāinga Ora [325.308] is **rejected**.

432. I recommend that the submissions in support of this standard as set out in **Appendix B** are **accepted**.

3.8.14.4 Recommended Changes to the Proposed Plan

296. No changes are recommended.

3.8.15 LCZ-BFS12 – Mandeville North

3.8.15.1 Matters raised by submitters

433. There were three submissions received in support of LCZ-BFS12. Templeton Group [412.26] seeks to amend the wording of LCZ-BFS12 Advisory Note to clarify which provisions are intended to be replaced. They consider that the wording of the advisory note in a number of locations including in the Pegasus Outline Development Plan and the Local Centre Zone, is unclear and confusing.

3.8.15.2 Assessment

434. I note that the advisory note applies to Mandeville North only and not the Pegasus LCZ. I note that the developers of the Mandeville North LCZ (Mandeville Village Ltd Partnership [168.1]) did not submit on this standard but did make a submission in support on the TCZ. I accept that LCZ-BFS12 requires some interpretation as to which standards are to apply, however I do not think this is confusing and unclear. LCZ-BFS12 is a site specific rule that is limited to one LCZ and its road environment and was carefully drafted into the Operative Plan (and carried over into the Proposed Plan) as a result of a plan change. I therefore recommend that this submission is rejected.

3.8.15.3 Summary of recommendations

435. I recommend that the submission from Templeton Group [412.26] is **rejected**.

436. I recommend that the submissions in support of this standard as set out in **Appendix B** are **accepted**.

3.8.15.4 Recommended Changes to the Proposed Plan

296. No changes are recommended.

3.9 NCZ – Neighbourhood Centre Zone

3.9.1 NCZ - General submissions

3.9.1.1 Matters raised by submitters

437. Three general submissions were received in support of the TCZ. Four submissions sought amendments.

438. CIAL [254.120] seek that the rules relating to the 50 dBA Ldn Air Noise Contour be relocated to each relevant chapter, or cross references are made in the relevant zone chapters to ensure plan users are directed to the additional rules applying to land within the 50 dBA Ldn Air Noise Contour. CIAL [254.137] seek to insert provisions for regulation of bird strike risk activities within 8km and 13km of the airport runways in relevant zone chapters, or alternatively, in District-Wide rules with cross-references in all relevant zone chapters to ensure plan users are aware of the rules. As set out under general submissions I understand that these submissions will be covered in an CIAL specific hearing Stream 10A. As such, I have not covered these submissions in this report. This is set out in **Appendix B**.

439. MoE [277.52] seeks to provide for Educational Facilities as permitted activities in the NCZ as these are consistent with the objectives of this zone. They seek the following new rule be inserted:

"NCZ-RX Educational facility

Activity status: Permitted

1. Any building or structure shall be built to the road boundary.

2. Where an internal boundary adjoins Residential Zones, Rural Zones, or Open Space and Recreation Zones, the height in relation to boundary for the adjoining zone shall apply, and where specified structures shall not project beyond a building envelope defined by recession planes measuring 2.5m from ground level above any site boundary in accordance with the diagrams in Appendix APP3.

3. Noise shall not exceed the following levels when measured at or within the boundary of any site receiving noise from the educational facility:

a. 60 dB LAeq between 7.00am – 10pm

b. 40 dB LAeq between 10pm – 7am

c. 70 dB LAF (max) between 10pm – 7am

Activity status when compliance not achieved: RDIS

Matters of discretion are restricted to:

1. The scale, intensity and/or character of the buildings and associated activity.

2. The placement of buildings on the site

3. The extent of impervious surfaces and landscaping.

4. The effects on matters of reverse sensitivity."

440. Woolworths [282.146] considers permitted activity status is appropriate for supermarkets as essential services and catalysts for well-functioning urban environments, within all CMUZs as this acknowledges the operational and functional need for supermarkets to co-locate within the catchments they serve. Woolworths considers this approach would align with the higher order enabling framework set out in the Proposed Plan and the NPS-UD. Woolworths considers restricted discretionary activity status would provide sufficient assessment to address effects of any built form and site layout standard infringements in a targeted manner and that this is particularly relevant in terms of frontage controls in the centre zones. They seek to amend the activity status for supermarkets within NCZs to permitted, and restricted discretionary where standards are breached.

3.9.1.2 Assessment

441. Regarding the submission by MoE [277.52], neighbourhood centres are intended to be small centres that provide convenience services for their neighbourhood. A large education facility could displace needed retail and commercial services from the centre and would usually be more appropriate within a larger local or town centre. In his evidence (section 3) Mr Foy also notes the displacement risk, stating that allowing educational facilities as permitted activities in

the NCZ could result in the complete loss of an important centre, which would be hard to replace given existing development patterns and that if this occurred, the community may need to travel further to meet their needs, which would be less efficient. He also states that the NCZs tend to be located in areas not well served by public transport, limiting the ability of Educational Facilities located in the NCZ to be serviced by public transport, which would not support a well-functioning urban environment. He considers that both of these potential outcomes suggest that allowing educational facilities as permitted activity status may not contribute to the objectives of the Proposed Plan (e.g. NCZ-O1 provide for a range of activities that support the nearby residential neighbourhood). That potential means that in his opinion some assessment of the potential effects of any proposed educational facility locating in a NCZ would be appropriate, and the point requesting permitted activity status should not be accepted.

442. I consider that an education facility could however be appropriate within a NCZ if small, such as a privately run business that provides bespoke classes, consistent with the approach for commercial services, offices and gymnasiums. I note that the submitter proposed rule is not consistent with the structure of the plan as it includes built form standards and noise provisions as activity standards, whereas the built form standards and noise rules are separate standards. I recommend that the submission is accepted in part and the NCZ zone is amended as set out below and in **Appendix A**. The proposed wording is consistent with the Proposed Plan structure for standards and is consistent with the size restrictions for commercial services, offices and gymnasiums in the NCZ.
443. Regarding the submission from Woolworths [282.146], retail activities such as supermarkets are covered by NCZ-R4 which includes a 200m² GFA limit as a trigger for resource consent assessment of commercial activity distribution and residential development. Therefore, supermarkets under 200m² GFA would be permitted (noting one of this size is very unlikely) and supermarkets over 200m² would be restricted discretionary. In addition to potentially having impacts on local and town centres, I also note that a large supermarket could take up the entire neighbourhood centre which might otherwise have provided additional services such as a hairdresser, drycleaner, or takeaway food.
444. In his evidence (section 4) Mr Foy states that the benefits of a retail limitation in the NCZ is two-fold. Firstly, medium and larger retailers and commercial operations will appropriately locate in the higher order zones (TCZ and LFRZ) and not crowd out NCZs and take up most available space in them, which would result in adverse effects on the range of activities able to be accommodated in the NCZ to provide for local needs. Secondly, it means that the NCZ will not grow to a size that will generate adverse economic (retail distribution) effects on town and local centres. Regarding specific tenancy sizes, Mr Foy notes that NCZ-P1's reference to a maximum retail tenancy of 350m² GFA is inconsistent with NCZ-R4 which sets a maximum retail activity size of 200m². In his opinion a 200m² maximum would be appropriate for the NCZ, although a larger maximum size of 450m² could be applied to dairies/grocery stores, which are occasionally larger than 200m². Applying a larger limit for grocery stores in the NCZ would enable the type of grocery stores which often anchor neighbourhood centres, without enabling all other activities in a way that might give rise to a risk of those activities crowding out the NCZ. Mr Foy does not think that there is a need for grocery stores of larger than 450m² to be enabled in the NCZ, and considers that beyond that level stores start to become small supermarkets, which are more appropriately accommodated in larger centres (i.e. LCZ or TCZ). For those reasons, Mr Foy recommends that NCZ-P1(2) is amended to be consistent with NCZ-R4, and that NCZ-R4

makes some distinction between grocery stores and all other retail, with a smaller (200m²) maximum tenancy size for retail activities, but a 450m² maximum for grocery stores. I note that there is no definition of 'grocery store' in the Proposed Plan, and one would be required to enable the rule, so I recommend that the term 'supermarket' is used instead.

445. I consider it would be unlikely that a supermarket would establish in a NCZ which are constrained in terms of size. However, assuming a 450m² supermarket could be established in a NCZ, I accept Mr Foy's assessment and therefore recommend that this submission is accepted in part with the recommended changes to the NCZ-P1, NZC-R4 and NCZ-R14 set out below and in **Appendix A**. My recommended changes to NCZ-P1 seek to remove the floor area and shop numbers in response to Woolworths [282.14] and make the clause seem more of a description than a requirement.

3.9.1.3 Summary of recommendations

446. I recommend that the submission from MoE [277.52] is **accepted in part**.
447. I recommend that the submission from Woolworths [282.146] is **accepted in part**.
448. Given the changes I am recommending to include a new rule for education activities, I recommend that the submissions in general support of the NCZ as set out in **Appendix B** are **accepted in part**.

3.9.1.4 Recommended Changes to the Proposed Plan

449. Insert the following new rule:

NCZ-RX Education activities

Activity status: PER

Where:

1. the floor area of the activity shall be a maximum of 200m² GFA.

Activity status when compliance not achieved: RDIS

Matters of discretion are restricted to:

CMUZ-MD12 - Commercial activity distribution

450. Amend Policy NCZ-P1 as follows

Within Neighbourhood Centres:

1. [...]
2. enable a range of Centre sizes that generally comprise up to 450m² total floor space ~~and up to five shops with a maximum retail tenancy of 350m² GFA;~~
3. [...]

451. Amend NCZ-R4 as follows:

NCZ-R4 Retail activity, including supermarkets

This rule does not apply to large format retail provided for under NCZ-R19.

Activity status: PER

Where:

1. the maximum activity size shall be 200m² GFA; or
2. for supermarkets, the maximum activity size shall be less than 450m² GFA.

[...]

452. Amend NCZ-R19 as follows:

NCZ-R19 Large format retail

This rule does not apply to supermarkets, which are covered under NCZ-R4.

Activity status: NC Activity status when compliance not achieved: N/A

[...]

453. S32AA evaluation table reference: C2 and C3.

3.9.2 Objective NCZ-O1 Neighbourhood Centre Zone Activities

3.9.2.1 Matters raised by submitters

454. Four submissions were received in support of TCZ-O1, while Woolworths [282.11] submits that avoiding all adverse effects is too high a threshold for activities in lower order centres which should be encouraged to develop in accordance with their roles and functions, and is not representative of any commercial growth agenda. Woolworths considers some adverse effects may arise but can be assessed through expert analysis to be acceptable and that supermarkets should be recognised as appropriate activities which enable self-sufficient centres at all levels of the centre hierarchy. Woolworths seek an amendment that will better achieve the strategic outcomes of the Proposed Plan and align with NPS-UD. They seek the following amendments:

"Neighbourhood Centres:

- 1. provide for a range of activities and scale that directly support the immediate or nearby residential neighbourhood;*
- 2. do not provide for development that results in significant adverse effects on ~~adversely affect~~ the role and function of Town and Local Centres, nor undermine investment in their public amenities and facilities; and*
- 3. amenity values are managed within the zone and at the interface with adjacent Residential Zones.*

3.9.2.2 Assessment

455. As recommended for other related objectives and policies (e.g. CMUZ-P2 and LCZ-P1), I agree that the threshold of avoiding all adverse effects is too restrictive. I note the advice from Mr Foy

that supports the introduction of the word 'significant'. I therefore recommend that this submission is accepted and NCZ-O1 is amended as set out below and in **Appendix A**.

3.9.2.3 Summary of recommendations

456. I recommend that the submission from Woolworths [282.11] is **accepted**.

457. Given the changes I am recommending to NCZ-O1, I recommend that the submissions in support of this objective as set out in **Appendix B** are **accepted in part**.

3.9.2.4 Recommended Changes to the Proposed Plan

458. Amend NCZ-O1 as follows:

"Neighbourhood Centres:

[...]

2. do not provide for development that results in significant adverse effects on ~~adversely affect~~ the role and function of Town and Local Centres, nor undermine investment in their public amenities and facilities; and

[...]

459. S32AA evaluation table reference: C1.

3.9.3 Policy NCZ-P1 Design and integration

3.9.3.1 Matters raised by submitters

460. Two submissions were received in support of NCZ-P1, while two submissions sought amendments.

461. Woolworths [282.12] consider that the scale of development should not be so prescriptive at the policy level and should be addressed by lower order provisions, and preferably with greater flexibility. They seek to amend NCZ-P1 as follows:

"Within Neighbourhood Centres:

1. enable a limited range of convenience activities that provide for the immediate residential neighbourhood and do not result in significant adverse effects on ~~adversely affect~~ the role and function of Town and Local Centres;

2. enable a range of Centre sizes that generally comprise up to 450m² total floor space and up to five shops with a maximum retail tenancy of 350m² GFA;

3. ensure activities are accessible by walking and cycling from the area served; and

4. adverse amenity effects are managed within the zone and at the interface with neighbouring more sensitive zones."

462. Kāinga Ora [325.284] generally supports NCZ-P1 subject to amendments. They seek to delete clause (2) as the anticipated size of local and neighbourhood centres would be better placed in the General Objectives and Policies for all Commercial and Mixed Use Zones. They also seek

amendments to make it clear that residential activity above ground floor is enabled. They seek the following changes to TCZ-P1:

"Within Neighbourhood Centres:

- 1. enable a limited range of convenience activities that provide for the immediate residential neighbourhood and do not adversely affect the role and function of Town and Local Centres;*
- 2. ~~enable a range of Centre sizes that generally comprise up to 450m² total floor space and up to five shops with a maximum retail tenancy of 350m² GFA;~~*
- 3. ensure activities are accessible by walking and cycling from the area served; ~~and~~*
- 4. adverse amenity effects are managed within the zone and at the interface with ~~neighbouring~~ more sensitive zones; and*
- 5. enable residential activity."*

3.9.3.2 Assessment

463. Regarding the Woolworths [282.12] submission, I have already recommended changes to NCZ-P1 to delete the individual tenancy cap and number of shops in response to Woolworths [282.146] general NCZ submission. Regarding changing the adverse effects threshold to 'significant', as per my assessment for CMUZ-P2, LCZ-P1 and NCZ-O1, I agree that it is appropriate to add these words to NCZ-P1. I therefore recommend that NCZ-P1 is amended as set out below and in **Appendix A**. Accordingly, I recommend that this submission is accepted in part.
464. Regarding the Kāinga Ora [325.284] submission, consistent with my recommendation in response to Kāinga Ora's [325.300] submission on LCZ-P1, I do not agree with shifting clause 2 to the general objectives and policies for all mixed-use zones as they are specific and detailed provisions and in my opinion are therefore better housed in the specific zone chapter. I do agree with the deleting the word 'neighbouring' as this is not required and I also agree with enabling residential activity in the NCZ, however I consider this should be above ground floor for the reasons set out in response to Kāinga Ora [325.282] submission on CMUZ-P7 and noting that this change would be consistent with NCZ-R8 for residential activity in the NCZ. Accordingly, I recommend that NCZ-P1 is amended as set out below and in **Appendix A** and that this submission is accepted in part.

3.9.3.3 Summary of recommendations

465. I recommend that the submission from Woolworths [282.12] and Kāinga Ora [325.284] are **accepted in part**.
466. Given the changes I am recommending to NCZ-P1, I recommend that the submissions in support of this policy as set out in **Appendix B** are **accepted in part**.

3.9.3.4 Recommended Changes to the Proposed Plan

467. Amend NCZ-P1 as follows:

Within Neighbourhood Centres:

1. enable a limited range of convenience activities that provide for the immediate residential neighbourhood and do not result in significant adverse effects on ~~adversely affect~~ the role and function of Town and Local Centres;
2. enable a range of Centre sizes that generally comprise up to 450m² total floor space;
3. ensure activities are accessible by walking and cycling from the area served; ~~and~~
4. adverse amenity effects are managed within the zone and at the interface with ~~neighbouring~~ more sensitive zones; and
5. enable above ground floor residential activity.

468. S32AA evaluation table reference: C2 and C3.

3.9.4 NCZ-R4 – Retail activity

3.9.4.1 Matters raised by submitters

469. Two submissions were received in support of NCZ-R4, while Woolworths [282.72] oppose including supermarkets within the definition of 'large format retail' given the difference between supermarkets as essential services, and general bulk scale retail. They seek to amend NCZ-R4 to introduce a 450m² building threshold to address matters in CMUZ-MD3 (Urban Design) if required (similar to LCZ-R1 and TCZ-R1) or by excluding supermarkets from the maximum GFA limits.

3.9.4.2 Assessment

470. Regarding the Woolworths [282.72] submission, the exclusion in notified NCZ-R4 means that supermarkets are covered by the LFR rule NCZ-R19 which makes large format retail activities (including supermarkets) non-complying in neighbourhood centres. I agree that this activity status is unduly restrictive for supermarkets which may provide valuable services to their neighbourhood catchments.

471. As set out earlier in my analysis of Woolworths submission [282.146] in the NCZ General section, I recommend that changes are made to NCZ-R4 to provide for small supermarkets comprising less than 450m² GFA as permitted activities. Larger supermarkets would then be restricted discretionary. I have correspondingly recommended changes to NCZ-R19 to exclude supermarkets from that rule. I prefer this response to that proposed by Woolworths which involves excluding supermarkets from the definition of 'large format retail' and referencing urban design matters in CMUZ-MD3 (rather than commercial activity distribution - CMUZ-MD12). I therefore recommend that this submission is accepted in part with the recommended changes set out earlier under the NCZ General section and in **Appendix A**.

3.9.4.3 Summary of recommendations

472. I recommend that the submission from Woolworths [282.72] is **accepted in part**.

473. Given the changes I am recommending to NCZ-R4, I recommend that the submissions in support of this rule as set out in **Appendix B** are **accepted in part**.

3.9.4.4 *Recommended Changes to the Proposed Plan*

474. As set out earlier in the NCZ General section.

3.9.5 **NCZ-R19 – Retail activity**

3.9.5.1 *Matters raised by submitters*

475. Two submissions were received in support of NCZ-R19, while Woolworths [282.73] oppose the inclusion of supermarkets as 'large format retail', stating that supermarkets provide an essential service for residential communities and are thus different to other bulk scale format. Woolworths seeks that supermarkets are permitted activities in most CMUZs, with recognition that a smaller permitted threshold for Gross Floor Area (GFA) (450m²) may be appropriate in the NCZ to reflect its form and function. Any breach of GFA limit should be a restricted discretionary activity with the matters of discretion limited to character and amenity, the zone outcomes, and the potential for effects on centres higher up the hierarchy. Woolworths seeks to amend NCZ-R19 to exclude supermarkets, or alternatively, delete NCZ-R19.

3.9.5.2 *Assessment*

476. Regarding the Woolworths [282.73] submission, as covered under NCZ-R4, the exclusion in notified NCZ-R4 means that supermarkets are covered by the LFR rule NCZ-R19 which makes large format retail activities (including supermarkets) non-complying in neighbourhood centres. I agree that this activity status is unduly restrictive for supermarkets which provide valuable services to their neighbourhood catchments.

477. As set out earlier in my analysis of Woolworths submission [282.146] in the NCZ General section and under NCZ-R4, I recommend that changes are made to NCZ-R4 to provide for small supermarkets comprising less than 450m² GFA as permitted activities, and to NCZ-R19 to exclude supermarkets from that rule. I therefore recommend that this submission is accepted in part with the recommended changes set out earlier under the NCZ General section and in **Appendix A**.

3.9.5.3 *Summary of recommendations*

478. I recommend that the submission from Woolworths [282.73] is **accepted in part**.

479. Given the changes I am recommending to NCZ-R19, I recommend that the submissions in support of the rule as set out in **Appendix B** are **accepted in part**.

3.9.5.4 *Recommended Changes to the Proposed Plan*

480. See the recommended amendments to NCZ-R19 under NCZ General.

3.9.6 **NCZ-BFS1 – Height**

3.9.6.1 *Matters raised by submitters*

481. Three submissions were received in support of NCZ-BFS1, while Kāinga Ora [325.288] generally support 8m height limit where the Neighbourhood Centre Zone adjoins the General Residential or Large Lot Residential zones, however where it is adjacent to the Medium Density Residential

Zone an increased height limit of 12m should be permitted to equal the limit in that zone. The seek the following amendments:

Amend NCZ-BSF1 so that the maximum height is at least equal to the adjoining residential zone or provided at a maximum height of 12 metres.

"Activity status when compliance not achieved: ~~DIS~~ RDIS

Matters of discretion are restricted to:

CMUZ-MD4 - Height in relation to boundary

Notification

An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified."

3.9.6.2 Assessment

482. Consistent with my response on LCZ-BFS1, I note that under Variation 1, height limit under NCZ-BFS1 is proposed to be increased from 10m to 11m to be consistent with the height limits proposed for the MRZ under Variation 1 to incorporate the MDRS (excluding the allowance for the roof). In my opinion 11m allows for a three-storey building (3.5m ground floor and 3m for subsequent floors, plus a roof allowance). However, I am comfortable changing this to 12m to better provide for a three-storey building and to more closely match the adjacent MRZ height limit including the roof allowance.
483. My opinion on NCZ height is entirely based on the adjoining zone heights. If the adjacent zone height was to not increase then I would not support increasing the height limit in the NCZ. I note that in his evidence (section 9), Mr Nicholson states that the height limits proposed for the NCZ (and LCZ) should reflect the height limits of the surrounding residential areas. If the height limits in the residential areas are reduced to 8m, then he considers that the height limits in the NCZ (and LCZ) should be correspondingly reduced to 8m.
484. Regarding changing the activity status to restricted discretionary from discretionary, consistent with my assessment for height for the TCZ and LCZ, I accept that restricted discretionary could be appropriate as long as all the likely adverse effects can be identified in a matter of discretion. In my opinion the request by Kāinga Ora to refer to CMUZ-MD4 - Height in relation to boundary as the matter for discretion is not appropriate for the reasons provided under TCZ-BFS1 in response to Kāinga Ora [325.331]. However, in response to submissions on TCZ-BFS1, I have already recommended a new CMUZ-MD for height and this will apply for the NCZ (and the TCZ, LCZ, MUZ and LFRZ). I therefore recommend that LCZ-BFS1 is amended as set out below and in **Appendix A** and that this submission is accepted in part.

3.9.6.3 Summary of recommendations

485. I recommend that the submissions from Kāinga Ora [325.288] is **accepted in part**.
486. Given the changes I am recommending to NCZ-BFS1, I recommend that the submissions in support of the rule as set out in **Appendix B** are **accepted in part**.

3.9.6.4 Recommended Changes to the Proposed Plan

487. Amend NCZ-BFS1 as follows:

The maximum height of any building, calculated as per the height calculation, shall be ~~10m~~ 12m above ground level.

Activity status when compliance not achieved: ~~DS~~ RDIS

Matters of discretion are restricted to:

CMUZ-XX Height

488. S32AA evaluation table reference: C3.

3.9.7 NCZ-BFS8 – Outdoor storage areas

3.9.7.1 Matters raised by submitters

489. Four submissions were received in support of NCZ-BFS8. Consistent with my assessment for the TCZ and LCZ outdoor storage area standards, parking areas need not be screened and this rule should be limited to outdoor storage areas. I therefore recommend that NCZ-BFS9 is amended as set out below and in **Appendix A**, with the scope for this change provided by Bellgrove Rangiora Ltd [408.65].

3.9.7.2 Summary of recommendations

490. Given the changes I am recommending to NCZ-BFS8, I recommend that the submissions in support of this standard as set out in **Appendix B** are **accepted in part**.

3.9.7.3 Recommended Changes to the Proposed Plan

491. Amend NCZ-BFS8 as follows:

1. Any outdoor storage ~~or parking~~ areas shall be screened by 1.8m high solid fencing or dense hedge landscaping from any adjoining site in Rural Zones, Residential Zones, Commercial and Mixed Use Zones, or Open Space and Recreation Zones or the road boundary.

492. S32AA evaluation table reference: C3.

3.10 MUZ – Mixed Use Zone

3.10.1 MUZ – General submissions

3.10.1.1 Matters raised by submitters

493. Three submissions were received in support of the MUZ and six submissions coded as general were received seeking amendments.

494. Corrections [52.11] seek to amend the activity status of “Community Corrections Activity” in the MUZ from discretionary to permitted by inserting a new rule. The submitter considers that community corrections activities are essential social infrastructure and reduce reoffending, and enable people to provide for social and cultural wellbeing and health and safety and that the MUZ provides suitable sites for community corrections activities, due to accessibility for offenders and to other supporting social government agencies, and they are akin to an office activity which is consistent with the zone. They seek the following new rule is inserted:

"MUZ-R21 Community Corrections Activities

Activity Status: PER

Activity status when compliance not achieved: N/A"

495. CIAL [254.123] seeks that the rules relating to the 50 dBA Ldn Air Noise Contour be relocated to each relevant chapter, or cross references are made in the relevant zone chapters to ensure plan users are directed to the additional rules applying to land within the 50 dBA Ldn Air Noise Contour. As set out under general submissions I understand that this will be covered in an CIAL specific hearing Stream 10A. As such, I have not covered this submission in this report. This is set out in **Appendix B**.

496. MoE [277.55] seek that Educational Facilities are provided for in the MUZ as they are essential social infrastructure and consistent with the zone objectives. They seek the following new rule be inserted:

"MUZ-RX Educational facility

Activity status: PER"

497. Woolworths [282.147] considers permitted activity status is appropriate for supermarkets, as essential services and catalysts for well-functioning urban environments, within all CMUZs as this acknowledges the operational and functional need for supermarkets to co-locate within the catchments they serve. This approach would align with the higher order enabling framework set out in the Proposed Plan and the National Policy Statement on Urban Development. They consider restricted discretionary activity status would provide sufficient assessment to address effects of any built form and site layout standard infringements in a targeted manner. This is particularly relevant in terms of frontage controls in the centre zones. They seek to amend the activity status for supermarkets within MUZs to permitted, and restricted discretionary where standards are breached.

498. Woolworths [282.152] and [282.143] also seek a broader application of the MUZ throughout the district as a sensible and efficient way to achieve the Strategic Directions, that would not undermine the centres hierarchy, or preclude future residential use. They seek to amend the MUZ approach to allow it to apply district-wide, not just solely within Kaiapoi as notified.

499. The KiwiRail [373.92] submission seeks to insert a new Built Form Standard to the MUZ that adds a 5m building setback from the rail corridor to provide a safety buffer and allow for maintenance of buildings without the need to access the rail corridor. They consider this is consistent with other zones and should be required in all zones which adjoin the rail corridor, not specific zones only. They seek the following rule is inserted:

"MUZ-BFS

Rail boundary setback

All buildings shall be set back a minimum of 5m from any site boundary with the rail corridor.

Activity status when compliance not achieved: RDIS

Matters of discretion are restricted to:

XXXX-MDXX - Rail boundary setback

Rail boundary setback

1, The extent to which the reduced setback will compromise the safe and efficient functioning of the rail network, including rail corridor access and maintenance.

Notification

An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified only to KiwiRail where the consent authority considers this is required, absent its written approval."

3.10.1.2 Assessment

500. Regarding the Corrections [52.11] submission, I agree that enabling community corrections activities in the MUZ should change from discretionary to permitted as I consider that these activities are appropriate in this zone, which seeks to enable a range of activities that can support the regeneration of Kaiapoi and the role and function of the Kaiapoi Town centre (as set out in MUZ-P1). Accordingly, I recommend that the new rule should be inserted as proposed as set out below and in **Appendix A**. I therefore recommend that this submission is accepted.
501. Regarding the MoE [277.55] submission, I agree that education activities should be permitted in the MUZ as these activities are appropriate in this zone. Accordingly, I recommend that the new rule should be inserted as proposed as set out below and in **Appendix A**. I note that in his evidence (section 3) Mr Foy also agrees with this proposal, noting that the MUZ is intended to provide for a wide range of business, commercial and residential uses that support the regeneration of the Kaiapoi Town Centre and that providing for educational facilities would likely contribute to the potential redevelopment of this land and may support the role of the town centre. I therefore recommend that this submission is accepted.
502. Regarding the Woolworths [282.147] submission and permitting supermarkets in all commercial zones and the MUZ, as set out below under MUZ-R2, supermarkets are already permitted under MUZ-R2 which covers large format retail. Regarding the other commercial areas, I have responded to this general submission against each of the more specific Woolworths submissions seeking to permit supermarkets in each zone. Given the permitted nature of supermarkets in the MUZ, I recommend that this submission is accepted in part.
503. Regarding the Woolworths [282.152] and [282.143] submissions which seek a broader application of the MUZ throughout the District, when the NPS standards were applied across the district as part of the Proposed Plan development, the MUZ was considered for other sites. However, TCZ, LCZ, NCZ and LFRZ were considered more appropriate for the existing and proposed commercial areas (in addition to the industrial zonings). The only location that the MUZ was considered more suitable was for the Kaiapoi regeneration area, which is unique relative to these other commercial areas. The MUZ zone provisions were prepared specifically for the Kaiapoi regeneration area as evidenced by the Kaiapoi and regeneration focussed objectives and policies (e.g. MUZ-O1 and PUZ-P1) and responds to the Waimakariri Residential Red Zone Recovery Plan. In my opinion it would therefore not be appropriate to apply this particular chapter as drafted to wider areas, rather it needs to remain focussed on Kaiapoi to support the regeneration of Kaiapoi.
504. Instead of amending the recovery focussed MUZ chapter, a whole new set of mixed use zone provisions would be required to give effect to the Woolworths submission. However, I note that Woolworths has sought changes to the MUZ to remove the Kaiapoi regeneration focus and

apply it more broadly (see below for their other submissions). I note that no location detail is provided with these submissions to identify which areas should be re-zoned to MUZ. Overall, I do not agree with amending the existing Kaiapoi regeneration focussed MUZ, nor creating a new MUZ zone to apply to unidentified commercial areas and for these reasons I recommend that these submissions are rejected.

505. Regarding the KiwiRail [373.92] submission, the rail corridor currently does not adjoin the MUZ and this is why the standard is not included in the provisions. However, I note that the MUZ could be applied in the future to other areas or the rail corridor could change position. I agree that a consistent rail setback rule for all zones is useful and such a rule will help implement Policy EI-P1(1) which seeks to recognise the local, regional or national benefits of energy and infrastructure through enabling the operation, maintenance, repair, renewal, removal and minor upgrade of energy and infrastructure. I therefore accept the concept, however I note that elsewhere I have rejected KiwiRail's request to increase the distance from 4m to 5m and I therefore recommend that this submission is only accepted in part, with the changes set out below and in **Appendix A**.

3.10.1.3 Summary of recommendations

506. I recommend that the submission from MoE [277.55] and Corrections [52.11] are **accepted**.
507. I recommend that the submission from KiwiRail [373.92] is **accepted in part**.
508. I recommend that the submission from Woolworths [282.147] is **accepted in part**.
509. I recommend that the submission from Woolworths [282.152] and [282.143] are **rejected**.
510. Noting the changes I am recommending to the MUZ chapter, I recommend that the submissions in support of the chapter as set out in **Appendix B** are **accepted in part**.

3.10.1.4 Recommended Changes to the Proposed Plan

511. Insert the following new rule:

MUZ-R21 Community Corrections Activities

Activity Status: PER

Activity status when compliance not achieved: N/A

512. Insert the following new rule:

MUZ-R22 Educational facility

Activity status: PER

Activity status when compliance not achieved: N/A

513. Insert the following new rule:

MUZ-BFS10 Rail boundary setback

- All buildings shall be set back a minimum of 4m from any site boundary with the rail corridor.

Activity status when compliance not achieved: RDIS

Matters of discretion are restricted to:

CMUZ-MD13 - Rail boundary setback

Notification

An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified only to KiwiRail where the consent authority considers this is required, absent its written approval.

514. S32AA evaluation table reference: C3.

3.10.2 MUZ-O1 – Kaiapoi regeneration support

3.10.2.1 Matters raised by submitters

515. There was one submission in support of MUZ-O1, while Woolworths [282.15] sought to expand the application of the MUZ, and better articulate its complementary and supportive role for centre growth and development in accordance with the centres hierarchy. They seek the following amendments:

"~~Kaiapoi regeneration support~~ Design and Integration

Development within the Mixed Use Zone ~~supports the regeneration of the area and~~ supports the role, function and continued viability and vitality of the centres hierarchy Kaiapoi Town Centre."

3.10.2.2 Assessment

516. As per my assessment under Woolworths [282.152], I do not agree with changing the focus of the MUZ away from the regeneration of Kaiapoi. This chapter responds to the regeneration requirements of the Kaiapoi red zoned area and the Waimakariri Residential Red Zone Recovery Plan. Rather, a new set of general MUZ provisions would be required to sit alongside or instead of the Kaiapoi specific requirements. However, this is not the approach Woolworths has proposed. In the absence of knowing which areas are proposed to be rezoned to MUZ it is difficult to assess the appropriateness of the proposed amendments for those other areas. I therefore recommend that this submission is rejected.

3.10.2.3 Summary of recommendations

517. I recommend that the submission from Woolworths [282.15] is **rejected**.

518. I recommend that the submissions in support of MUZ-O1 as set out in **Appendix B** are **accepted**.

3.10.2.4 Recommended Changes to the Proposed Plan

519. No changes are recommended.

3.10.3 MUZ-P1 – Integration with the town centre

3.10.3.1 Matters raised by submitters

520. There were three submissions seeking amendments to MUZ-P1.

521. Corrections [52.10] seek to amend MUZ-P1 to provide for community activities within the MUZ, such as "Community Corrections Activity" which are essential social infrastructure that reduce reoffending, and build strong and resilient communities and enable social and cultural well-being and health and safety. They note that MUZs are accessible to offenders and to other supporting social government agencies. They seek to amend MUZ-P1 as follows:

"Provide for a mixture of commercial, community, and residential activities in the Mixed Use Zone where these:

..."

522. Woolworths [282.16] seek to amend MUZ-P1 to expand the application of the MUZ, and better articulate its complementary and supportive role for centre growth and development in accordance with the centres hierarchy. They seek the following amendments:

"Provide for a mixture of commercial and residential activities in the Mixed Use Zone where these:

- 1. support ~~the Kaiapoi Town~~ each ~~Centre's~~ identified function, role and amenity values;*
- 2. are of a scale, configuration or duration that do not result in strategic or cumulative effects on the efficient use and continued viability of the ~~Kaiapoi Town~~ relevant ~~Centre~~;* and
- 3. support the ongoing regeneration of the ~~Kaiapoi relevant~~ township."*

523. Kāinga Ora [325.311] support MUZ-P1 with amendments to remove consideration of the Kaiapoi town centre's amenity values. They seek the following amendment:

"Provide for a mixture of commercial and residential activities in the Mixed Use Zone where these:

- 1. support the Kaiapoi Town Centre's identified function, role and anticipated built form ~~amenity values~~;*

..."

3.10.3.2 Assessment

524. Regarding the Corrections [52.10] submission, I agree that community activities are a likely activity within the MUZ. I therefore recommend that MUZ-P1 is amended as set out below and in **Appendix A** and this submission is accepted.
525. Regarding the Woolworths [282.16] submission, consistent with my analysis of the Woolworths [282.152] and Woolworths [282.15] submissions above under MUZ General and MUZ-O1, I recommend that this submission is rejected for the reasons already provided.
526. Regarding the Kāinga Ora [325.311] submission, although no explanation is provided, this submission is consistent with Kāinga Ora's approach to changing references to 'amenity values' to 'anticipated built form' in district plans, presumably as a result of the NPS-UD Policy 6 which refers to the planned urban built form anticipated by RMA planning documents that have given effect to the NPS. I agree that a reference to the anticipated built form is appropriate as change to the Kaiapoi town centre's existing amenity is anticipated by the Proposed Plan and through the changes I am recommending in this report. However, I do not agree that amenity values should be deleted as at its 'heart' the MUZ is about supporting the regeneration of Kaiapoi,

which requires a successful vibrant town centre, and in order to do that the MUZ should not undermine the Kaiapoi town centre's amenity values as if this occurred Kaiapoi's wider regeneration could be compromised. In addition, NPS-UD Policy 6 does not require the removal of references to amenity values but rather that these values should be assessed in the context of the planned urban built form of RMA documents that have given effect to the NPS-UD. I therefore recommend adding in 'anticipated built form' as proposed but retaining a reference to amenity values as set out below and in **Appendix A**. Accordingly, I recommend this submission is accepted in part.

3.10.3.3 Summary of recommendations

527. I recommend that the submission from Corrections [52.10] is **accepted**.
528. I recommend that the submission from Woolworths [282.16] is **rejected**.
529. I recommend that the submission from Kāinga Ora [325.311] is **accepted in part**.

3.10.3.4 Recommended Changes to the Proposed Plan

530. Amend MUZ-P1 as follows:

"Provide for a mixture of commercial, community and residential activities in the Mixed Use Zone where these:

1. support the Kaiapoi Town Centre's identified function, role, anticipated built form and associated amenity values;

..."

531. S32AA evaluation table reference: C3.

3.10.4 MUZ-P2 – Amenity values

3.10.4.1 Matters raised by submitters

532. Kāinga Ora [325.312] seeks to delete MUZ-P2 as they consider the requirements for assessments or development to be in accordance with an appendix should not be in a policy.

3.10.4.2 Assessment

533. MUZ-P2 references the Outline Development Plan requirements (MUZ-APP1) promulgated under the Waimakariri Residential Red Zone Recovery Plan and carried through into the MUZ chapter in clause 2. This outline development plan was developed through a community consultation process and is integral to the development of the block. I disagree that these matters cannot be included in a policy, which is a course of action to achieve the objective of Kaiapoi regeneration. Even if this detail could not be included, the correct approach would then be to shift this detail to another location within the MUZ zone, as I note Kāinga Ora has not argued it is wrong or inappropriate. I also note no justification has been provided in the submission point for deleting the rest of the policy which covers other components of amenity values. Given the value of the outline development plan, that this detail can be included in a policy and the lack of rationale provided for the deletion of the remainder of MUZ-P2, I recommend that this submission is rejected.

3.10.4.3 Summary of recommendations

534. I recommend that the submission by Kāinga Ora [325.312] is **rejected**.

3.10.4.4 Recommended Changes to the Proposed Plan

535. No changes are recommended.

3.10.5 MUZ-R1 – Construction or alteration of or addition to any building or other structure

3.10.5.1 Matters raised by submitters

536. Three submissions sought changes to MUZ-R1.

537. The House Movers [221.14] seeking to permit moveable buildings in the zone has already been covered under general submissions and therefore won't be further addressed here.

538. Kāinga Ora [325.313] seeks to delete the gross floor area footprint requirement. They seek the following amendment:

"Where:

1. the activity complies with:

a. all built form standards (as applicable); ~~and~~

~~b. any building or addition is less than 450m² GFA."~~

539. Woolworths [282.130] seeks to permit supermarkets within the MUZ.

3.10.5.2 Assessment

540. Regarding the Kāinga Ora [325.313] submission, given the aims of the MUZ, the need to support the regeneration of Kaiapoi, that the sites are large and very visible from the Kaiapoi town centre and the Kaiapoi River, I consider that it is appropriate to have an urban design assessment for large buildings. In his evidence (section 7) Mr Nicholson has assessed the merits of a design approach and the proposed 450m² threshold for urban design assessment. He considers that it would be appropriate for a single or two storey building (with a gross floor area less than 450m²) to be constructed without triggering an urban design assessment, stating that there are risks of poor outcomes but given it would be a single relatively small building amongst a number of buildings the risk is acceptable. Accordingly, buildings greater than 450m² should have an urban design assessment. I therefore recommend that this submission is rejected, noting that I have recommended including an advice note that clarifies the rule applies an urban design threshold, rather than a building size limit per se.

541. Regarding the Woolworths [282.130] submission, supermarkets are already permitted under MUZ-R2 which covers large format retail. Accordingly, I recommend that this submission is accepted.

3.10.5.3 Summary of recommendations

542. I recommend that the submission by Kāinga Ora [325.313] is **rejected**.

543. I recommend that the submission by Woolworths [282.130] is **accepted**.

3.10.5.4 Recommended Changes to the Proposed Plan

544. No changes are recommended.

3.10.6 MUZ-R2 – Large format retail

3.10.6.1 Matters raised by submitters

545. One submission from Woolworths [282.67] supported MUZ-R2 while Woolworths [282.131] seeks to permit supermarkets within the MUZ. Potentially this double up in submissions is a result of coding specific versus general submission points.

3.10.6.2 Assessment

546. Supermarkets are permitted under MUZ-R2 which covers large format retail. Accordingly, I recommend that this submission is accepted.

3.10.6.3 Summary of recommendations

547. I recommend that the submission by Woolworths [282.131] is **accepted**.

548. I recommend that the submission in support of MUZ-R2 as set out in **Appendix B** is **accepted**.

3.10.6.4 Recommended Changes to the Proposed Plan

296. No changes are recommended.

3.10.7 MUZ-R12 – Retail activity

3.10.7.1 Matters raised by submitters

549. Woolworths [282.74] seeks clarification that MUZ-R12 does not apply to supermarkets.

3.10.7.2 Assessment

550. MUZ-R12 states that it does not apply to large format retail provided for by MUZ-R2. If not separately identified, supermarkets are considered large format retail as explained in the definitions nesting table. I also note that I am recommending adding further clarification about how the nesting tables work into each CMUZ zone chapter which should help confirm this. I recommend that this submission is accepted.

3.10.7.3 Summary of recommendations

551. I recommend that the submission by Woolworths [282.74] is **accepted**.

3.10.7.4 Recommended Changes to the Proposed Plan

552. No changes are recommended.

3.10.8 MUZ-R13 – Residential unit & MUZ-R14 - Residential activity

3.10.8.1 Matters raised by submitters

553. Kāinga Ora [325.315] supports the permitted activity status for residential activity but requests deletion of the maximum Gross Floor area footprint rule in MUZ-R13 and MUZ-R14. They seek the following amendment:

"Where:

1. the activity shall comprise a maximum of 75% of the GFA of all buildings on the site."

3.10.8.2 Assessment

554. MUZ-R13 was carefully considered and proposed in order to encourage mixed use development in this location, consistent with the Waimakariri Residential Red Zone Recovery Plan (under the RMA the Recovery Plan is another matter to consider when reviewing the Proposed Plan). Development proposals received to date for development of the MUZ have been mostly or almost entirely residential, which is not consistent with the Recovery Plan and may not deliver the optimum outcome for the development of the area and regeneration of Kaiapoi, noting that the MUZ provides an opportunity for the TCZ activities to expand into adjacent areas (as recognised by the Kaiapoi Town Centre Plan). No rationale was provided by Kāinga Ora for their submission which ignores what the Council is trying to achieve in the residential red zone areas and the work that went into both the Recovery Plan and the Kaiapoi town centre plan.¹⁶ For these reasons I recommend that this submission is rejected.

3.10.8.3 Summary of recommendations

555. I recommend that the submission by Kāinga Ora [325.315] is **rejected**.

3.10.8.4 Recommended Changes to the Proposed Plan

556. No changes are recommended.

3.10.9 MUZ-R23 – Industrial activity

3.10.9.1 Matters raised by submitters

557. Kāinga Ora [325.318] seeks to delete MUZ-R23 as the submitter considers it can be captured under MUZ-R24.

3.10.9.2 Assessment

558. Under MUZ-R23 industrial activities are restricted discretionary activities. MUZ-R24 is the catch all rule that makes any activity not already specified fully discretionary. It is not clear if Kāinga Ora requests that industrial activities become fully discretionary or of they have misinterpreted the rule. Either way, no accurate reason is provided in support of the submission and I consider it appropriate on balance that industrial activities are restricted discretionary activities as these activities were identified in the technical reports underpinning the Recovery Plan as being

¹⁶ As an author of the Recovery Plan and Kaiapoi Town Centre Plan I have a good understanding of these documents and their outcomes.

potentially financially viable on the geotechnically challenged land adjacent to the Kaiapoi Town Centre and there are various built form standards and CMUZ-MD3 to manage the development.

3.10.9.3 Summary of recommendations

559. I recommend that the submission by Kāinga Ora [325.318] is **rejected**.

3.10.9.4 Recommended Changes to the Proposed Plan

560. No changes are recommended.

3.10.10 MUZ-BFS1 – Height

3.10.10.1 Matters raised by submitters

561. There was one submission in support of MUZ-BFS1, while Kāinga Ora [325.319] seeks to amend the maximum height of 15m to enable up to 6 storeys (21 metres), stating that this aligns with the NPS-UD. The submitter considers that infringement of the height should be a restricted discretionary activity. They seek the following amendment:

"1. The maximum height of any building, calculated as per the height calculation, shall be 21m~~15m~~ above ground level.

Activity status when compliance not achieved: DISRDIS

Matters of discretion are restricted to:

CMUZ-MD4 - Height in relation to boundary

Notification

An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified."

3.10.10.2 Assessment

562. As per my assessment of Kāinga Ora's submission on TCZ-BFS1 [325.331], I consider that the proposed heights are consistent with the NPS-UD. Under Policy 3(d), within and adjacent to neighbourhood centre zones, local centre zones, and town centre zones (e.g. the adjacent Kaiapoi Town Centre), building heights and densities of urban form must be commensurate with the level of commercial activity and community services. I note that the existing buildings within the Kaiapoi Town Centre are predominantly a mix of one and two storeys. Kāinga Ora has not provided any commentary on the level of commercial and community services in Kaiapoi's town centre and how 21m is commensurate with that, but rather have sought a blanket 6 storeys, which is required for metropolitan centre zones (Policy 3(b)), when within walkable catchments of rapid transit stops and the edge of city centre and metropolitan zones (Policy 3(c)(i), (ii) and (iii)) none of which exist within the District. In the absence of an accurate rationale for the proposed change in height or evidence I recommend that this proposed height change from 15m to 21m is rejected. 15m was carefully considered to enable development within the zone and to not undermine the adjacent Kaiapoi Town Centre.

563. With regard to activity status, as per my assessment for TCZ-BFS1, LCZ-BFS1 and NCZ-BFS1, I accept that a restricted discretionary activity status may well be appropriate for breaches of

height if all the potential adverse effects are identified. However, the submitter has proposed utilising the 'height in relation to boundary' matter of discretion which, unsurprisingly, is focussed on adverse effects of recession plane breaches, rather than addressing the potential adverse effects of tall buildings. In response to other height limit submissions on TCZ-BFS1, LCZ-BFS1 and NCZ-BFS1, I have proposed alternative matters of discretion as set out under TCZ-BFS1 and in **Appendix A**. As I am recommending alternative matters of discretion, I recommend that this aspect of the submission is accepted in part.

564. Finally, I do not agree with precluding public notification. While public notification for small breaches would probably not be appropriate, it may well be appropriate to publicly notify say a 50m tall building (noting this is very unlikely), when the highest existing building in the Kaiapoi Town Centre is only 3 storeys. Such a height would be a marked change from the existing built form and there may well be a reason to publicly notify such a proposal. Overall, I recommend that this submission is accepted in part.

3.10.10.3 *Summary of recommendations*

565. I recommend that the submission by Kāinga Ora [325.319] is **accepted in part**.
566. Given the changes I am recommending to MUZ-BFS1, I recommend that the submission in support of this standard as set out in **Appendix B** is **accepted in part**.

3.10.10.4 *Recommended Changes to the Proposed Plan*

567. Amend MUZ-BFS1 as follows:

The maximum height of any building, calculated as per the height calculation, shall be 15m above ground level.

Activity status when compliance not achieved: ~~DIS~~ RDIS

Matters of discretion are restricted to:

CMUZ-MD19 Height

568. S32AA evaluation table reference: C3.

3.10.11 *Rule MUZ-BFS3 – Internal boundary setback*

3.10.11.1 *Matters raised by submitters*

569. One submission was received in support of MUZ-BFS3 while Kāinga Ora [325.321] supported MUZ-BFS3 with the deletion of 'internal' in the title as the submitter considers this creates confusion, and similar amendments should be made throughout the Proposed Plan. Kāinga Ora seeks the following amendments:

"~~MUZ-BFS3 Internal~~ Boundary setback

..."

3.10.11.2 *Assessment*

570. MUZ-BFS3 applies to internal boundaries, as opposed to road boundaries under MUZ-BFS6. I do not think there is any confusion from having the word 'internal' in the title, which is

consistent with the wording in the rule. Rather, deleting the word could cause confusion given MUZ-BFS6 Road Boundary Setback. I therefore recommend that this submission is rejected.

3.10.11.3 *Summary of recommendations*

571. I recommend that the submission from Kāinga Ora [325.321] is **rejected**.

572. I recommend that the submission in support of MUZ-BFS3 as set out in **Appendix B** is **accepted**.

3.10.11.4 *Recommended Changes to the Proposed Plan*

573. No changes are recommended.

3.11 LFRZ – Large Format Retail Zone

3.11.1 LFRZ - General

3.11.1.1 *Matters raised by submitters*

574. Five general submissions were received in support of the LFRZ while there were four submissions that sought amendments.

575. CIAL [254.122] seek that the rules relating to the 50 dBA Ldn Air Noise Contour be relocated to each relevant chapter, or cross references are made in the relevant zone chapters to ensure plan users are directed to the additional rules applying to land within the 50 dBA Ldn Air Noise Contour. As set out under general submissions I understand that these submissions will be covered in a CIAL specific hearing Stream 10A. As such, I have not covered these submissions in this report. This is set out in **Appendix B**.

576. MoE [277.54] acknowledges the primary purpose of the LFRZ is to provide for retail activities that require a large floor area and that there are currently no schools within the LFRZ. However, the submitter considers that in future there may be a functional need to locate Educational Facilities in this zone and seeks restricted discretionary activity status. They seek the insertion of the following rule:

"LFRZ-RX Educational facility

Activity Status: RDIS

Matters of discretion are restricted to:

1. The scale, intensity and/or character of the buildings and associated activity.

2. Hours of operation.

3. The placement of buildings on the site

4. Access.

5. The extent of impervious surfaces and landscaping.

6. The effects on matters of reverse sensitivity."

577. Woolworths [282.99] consider that the LFRZ should be recognised as supporting centre zones to deliver a broad, robust, and appropriately diverse economic strategy that provides areas for main street retail and large format retail. They consider that supermarkets would be consistent with the LFRZ in terms of seeking to provide locations where retail activities with large footprints can co-locate. They suggest that in order to meet future demand, LFRZ should be more broadly applied throughout the District, particularly around the Key Activity Centres. The submitter considers a 'centres-plus' approach is required to enable business growth in a range of CMUZs and address the role of LFRZ within the centres hierarchy. They seek the Proposed Plan is amended to recognise the role the LFRZ plays in supporting centre zones to deliver a broad, robust, and appropriately diverse economic strategy that provides areas for main street retail and large format retail and to amend the Proposed Plan to provide more LFRZ throughout the District, particularly surrounding Key Activity Centres.
578. Woolworths [282.115] consider there is a lack of clarity regarding the relationship between the LFRZ and TCZ. They oppose the suggestion that the LFRZ provides for activities "that are difficult to accommodate within commercial centres due to their scale or functional requirements" as this is contradictory to CMUZ-P5, and unnecessarily limiting in respect of how the LFRZ can contribute to urban design outcomes and the District's centre hierarchy approach. Unfortunately, no relief is specified so it is unclear how the relationship between the LFRZ and TCZ should be clarified.

3.11.1.2 Assessment

579. Regarding the MoE [277.54] submission, in his evidence (section 3) Mr Foy states that the LFRZ has a very specific role which is to accommodate large format retail stores, which tend to generate large numbers of private and heavy vehicle movements, and which are either unable or unsuitable to be accommodated in other commercial zones by virtue of their large size and functional requirements (LFRZ-P1). Mr Foy considers that enabling educational facilities in the LFRZ would potentially give rise to reverse sensitivity and other effects which may constrain the successful operation of the LFRZ, and result in adverse economic effects to the LFRZ. He also notes that the volume of traffic associated with the LFRZ would potentially conflict with educational facilities, both in terms of noise during the operation of those facilities and potentially dangerous interaction between students and traffic. I note that these reverse sensitivity matters are included in the Ministry's submission as a matter of discretion, and so could be assessed and managed using that discretion.
580. Mr Foy also considers that enabling educational facilities in the LFRZ could result in space being unavailable for retail activities, which are intended to be the primary focus of the zone, and no matter of discretion is proposed by the submission in relation to that issue. Without a matter of discretion relating to ensuring that accommodation of the educational facility does not adversely affect the operation of the LFRZ Mr Foy does not support the request to enable educational facilities in LFRZ as a restricted discretionary activity. However, he states if such a matter of discretion were to be applied, and reverse sensitivity effects were able to be appropriately managed, there would be no reason not to support the submission point on economics grounds.
581. While the adverse effects identified by Mr Foy can probably be managed through a restricted discretionary consent pathway, I do not consider that education activities are a good fit for a large format retail zone. I consider that these activities are not anticipated in LFRZ-O1 nor LFRZ-P1 which cover large format retail activities and commercial activities, rather than education

activities. I also note that the location of some of these zones, such as in Southbrook, are in formerly industrial zoned areas and that therefore the environment is of 'mixed' amenity and may not be suitable for education activities. I therefore consider that a fully discretionary activity status is more appropriate, enabling education activities to be considered on their merits. On balance I recommend that this submission is rejected for the reasons provided.

582. Regarding the submission from Woolworths [282.99], there are a number of points in this submission. Firstly, I agree that supermarkets are probably acceptable within the LFRZ as a restricted discretionary activity (where distribution effects can be considered). Mr Foy supports this change in activity status for supermarkets as set out in his evidence.
583. Regarding recognising that LFRZ can support centre zones, I agree that if done well (with reference to such matters as location, scale and offering) they can complement a town centre, however I also consider that LFRZ areas can significantly undermine town centres if there is a proliferation of retail and food and beverage activities that would otherwise locate in or indeed shift from a town centre and that this has happened in some locations around New Zealand such as Hamilton. I note that Woolworths has not submitted on the LFRZ objective or policy and as such it is not clear how these provisions could be amended to achieve the outcomes Woolworths is seeking. In the absence of clarity on how the LFRZ could be amended to support centres at an objective and policy level I recommend that this component of the submission is rejected.
584. Regarding the rezoning of areas throughout the district and surrounding key activity centres to LFRZ, no specific mapped re-zoning requests were included in the submission so it is difficult to consider the request in detail. I note that most land surrounding key activity centres is already zoned for an activity (such as residential, light and general industrial and MUZ), and the current owners / occupiers may not wish their property to be re-zoned LFRZ, especially through a decision on a general submission. As such I recommend that this part of the submission is rejected. Overall, given that I am recommending that supermarkets (over 450m²) are restricted discretionary in the LFRZ (as opposed to fully discretionary), I recommend that this submission is accepted in part.
585. Regarding the Woolworths [282.115] submission, the LFRZ does provide for activities "that are difficult to accommodate within commercial centres due to their scale or functional requirements" and it also provides for other activities. I do not agree that this statement is contrary to CMUZ-P5 which covers the scale of activities in a general sense and recognises the greater height and density of development in town centres and larger floor areas in the LFRZ. It is often difficult to accommodate LFR activities in town centres due to such issues as the need to aggregate land parcels and manage traffic in often traffic managed and congested streets. Indeed, this is an argument commonly provided by developers in support of zoning additional LFR (and industrial) areas. While there is no relief sought for this submission and a lack of clarity on how the relationship between the LFRZ and TCZ could be clarified, I recommend that LFRZ-P1 is amended as set out below and in **Appendix A** to clarify that the LFRZ is not only for activities that are difficult to accommodate in a centre other commercial activities but also for activities that are more suited to out of centre locations. I therefore recommend that this submission is accepted in part.

3.11.1.3 Summary of recommendations

586. I recommend that the submissions by Woolworths [282.99] and [282.115] are **accepted in part**.

587. I recommend that the submission from MoE [277.54] is **rejected**.
588. Given the changes I am recommending to the LFRZ chapter, I recommend that the general submissions in support of the LFRZ as set out in **Appendix B** are **accepted in part**.

3.11.1.4 Recommended Changes to the Proposed Plan

589. Amend LFRZ-P1 as follows:

Provide for commercial activities within the Large Format Retail Zone that are difficult to accommodate within commercial centres due to their scale or functional requirements and other commercial activities that are more suited to out of centre locations, while;

[...]

590. S32AA evaluation table reference: C2 and C3.

3.11.2 LFRZ-P1 – Large format zone function

3.11.2.1 Matters raised by submitters

591. Three submissions were received in support of the LFRZ-P1¹⁷ while Clampett Investments Ltd [284.494] states that the definition of 'large format retail' includes supermarkets and department stores but LFRZ-P1 excludes supermarkets and department stores. The submitter has resource consent to construct both a department store and supermarket at 'Waimak Junction' in Kaiapoi, and supermarkets and department stores should be provided for in LFRZ-P1. They seek the following amendments to LFRZ-P1:

"Provide for commercial activities within the Large Format Retail Zone at Smith Street, Kaiapoi, that are difficult to accommodate within commercial centres due to their scale or functional requirements, while;

1. avoiding small scale retailing, offices, and community facilities, new supermarkets and department stores to ensure activities in the zone do not compromise the role and function of Town Centres and the efficient use and investment in Town and Local Centre public amenities and facilities;

2. requiring any and all retail has a minimum GFA of 450m²

3.11.2.2 Assessment

592. I have already recommended that supermarkets should be restricted discretionary activities in the LFRZ (noting the advice from Mr Foy in section 5 of his evidence) given the benefits they provide to their communities and to support population growth, and while department stores do not provide the same extent of benefits, I consider they can also be assessed through a restricted discretionary pathway. I therefore consider that new supermarkets and department stores should be 'managed' as opposed to 'avoided' in the LFRZ as this is more consistent with the restricted discretionary approach. In his evidence Mr Foy supports this approach.

¹⁷ Including Clampett Investments Ltd [284.458]

593. Regarding the remaining requested changes, I consider that the Smith Street reference is unhelpful as while it limits the change to the Smith Street LFRZ, there are other LFRZ areas in the District to which this policy would no longer apply and no replacement policy or policy clauses are proposed for these zones. I do not think the addition of the 450m² minimum GFA is necessary as this detail is contained in the rules and the definition of 'large format retail'. I therefore recommend that LFRZ-P1 is amended as set out below and in **Appendix A** and that this submission is accepted in part.

3.11.2.3 Summary of recommendations

594. I recommend that the submission from Clampett Investments Ltd [284.494] is **accepted in part**.

595. Given the changes I am recommending to LFRZ-P1, I recommend that the submissions in support of the LFRZ-P1 as set out in **Appendix B** are **accepted in part**.

3.11.2.4 Recommended Changes to the Proposed Plan

596. Amend LFRZ-P1 as follows:

Provide for commercial activities within the Large Format Retail Zone that are difficult to accommodate within commercial centres due to their scale or functional requirements, while;

1. avoiding small scale retailing, offices, and community facilities, and managing new supermarkets and department stores to ensure activities in the zone do not compromise the role and function of Town Centres and the efficient use and investment in Town and Local Centre public amenities and facilities;

[...]

597. S32AA evaluation table reference: C2.

3.11.3 LFRZ-R1 – Construction or alteration of or addition to any building or other structure

3.11.3.1 Matters raised by submitters

598. One submission supported LFRZ-R1, one submission from RDL [347.69] was neutral, while three submissions sought amendments.

599. The House Movers [221.13] submission seeking to permit moveable buildings in the zone has already been covered under general submissions and therefore won't be further addressed here.

600. Foodstuffs [267.13] and Woolworths [282.75] both oppose the 450m² GFA limit as:

- new supermarkets and alterations/additions to existing supermarkets are larger than 450m² GFA and that to contribute to and fulfil the role of the Large Format Retail Zone, existing supermarkets need to be able to expand to provide for sufficient space for storage, customers, market demand and the overall function;
- limiting alterations and additions to 450m² unnecessarily restricts expansion, and is contrary to the definition of 'large format retail' which references a minimum floor area of 450m²;

- this limit will not incentivise the establishment of large format retail within this zone; and
- there is no corresponding resource consent requirement for large scale buildings within the LFRZ from an urban design perspective, compared to centre zones.

601. Both submitters seek to delete the 450m² GFA threshold.

3.11.3.2 Assessment

602. Regarding the Foodstuffs [267.13] and Woolworths [282.75] submissions, the 450m² GFA clause is an urban design threshold applying to all activities. It is not intended to limit buildings to this size but rather apply an urban design assessment for buildings greater than this size. Contrary to Woolworths assertion, this is consistent with all the TCZ and LCZ. To avoid this confusion I have previously recommended that an advice note is inserted to explain this. However, I agree that a 450m² urban design threshold is too onerous for an LFRZ. In his evidence (section 7) Mr Nicholson states that the LFRZs generally include larger scale buildings and fewer pedestrian street environments and that although one might argue that the quality of the environment or sense of place is less important here, he notes that large numbers of people visit these zones and that although they may arrive by car, almost all of the visitors will walk surprisingly long distances into and around the stores. With this in mind he considers that it is important that the visual interest, pedestrian and cycling amenity and landscape quality are considered. He notes that the scale of buildings in the LFRZ is larger than the other CMUZ zones and that the gross floor area threshold needs to be correspondingly larger. Mr Nicholson recommends that the gross floor area threshold in LFRZ-R1 is amended to 800m².

603. I consider that 800m² GFA is still conservative for the LFRZ, however I accept Mr Nicholson's expert advice on urban design matters and therefore recommend that LFRZ-R1 is amended as set out below and in **Appendix A**, and the submissions are accepted in part

3.11.3.3 Summary of recommendations

604. I recommend that the submissions from Foodstuffs [267.13] and Woolworths [282.75] are **accepted in part**.

605. Given the changes I am recommending to LFRZ-R1, I recommend that the submissions in support of the LFRZ-R1 as set out in **Appendix B** are **accepted in part**.

3.11.3.4 Recommended Changes to the Proposed Plan

606. Amend LFRS-R1 as follows:

Where:

1. the activity complies with:
 - a. all built form standards (as applicable); and
 - b. any building or addition is less than ~~450~~ 800m² GFA.

607. S32AA evaluation table reference: C3.

3.11.4 LFRZ-R2 – Large format retail

3.11.4.1 Matters raised by submitters

608. Three submissions were received in support of LFRZ-R2, while two sought amendments.
609. Foodstuffs [267.14] state that the rule states that “This rule does not apply to...any supermarket provided for under LFRZ-19”. LFRZ-19 is not the correct reference and it should be amended to LFRZ-18.
610. Clampett Investments Ltd [284.495] notes that the definition of 'large format retail' includes supermarkets and department stores but LFRZ-R2 excludes supermarkets and department stores. The submitter has resource consent to construct both a department store and supermarket at Waimak Junction in Kaiapoi and seeks that any large format retail (including supermarkets and department stores) be permitted. They seek the following amendments to LFRZ-R2:

~~*"This rule does not apply to department store provided for under LFRZ-R16; or any supermarket provided for under LFRZ-R19.*~~

1.requiring any and all retail has a minimum GFA of 450m²."

3.11.4.2 Assessment

611. Regarding the Foodstuffs [267.14] submission, LFRZ-R2 has an incorrect reference to both department stores (LFRZ-R15) and supermarkets (LFRZ-R18). I agree with the submission and therefore recommend it is accepted, with the reference corrected to refer to the correct rules as set out in **Appendix A**.
612. Regarding the Clampett Investments Ltd [284.495] submission, based on the advice from Mr Foy, I recommend that supermarkets are restricted discretionary in the LFRZ. Mr Foy notes the large areas of LFRZ proposed at Southbrook, and that the Proposed Plan would enable multiple supermarkets and department stores to establish there, under the changes requested, and that could lead to a very significant retail node establishing there, in competition, and to the detriment of, the Rangiora town centre (and potentially other centres as well, including Kaiapoi, and Ravenswood). In his opinion a minimum requirement of enabling supermarket and department store supply in the LFRZ generally would be to require an assessment of effects on centres, as suggested in the Woolworths submission, and therefore a Discretionary or Restricted Discretionary status would be more appropriate than the requested Permitted activity status.
613. I accept Mr Foy's advice and recommend that LFRZ-R2 and LFRZ-R14 are amended as set out below and in **Appendix A**. As I am not recommending permitted activity status but restricted discretionary status, I recommend that this submission is accepted in part.

3.11.4.3 Summary of recommendations

614. I recommend that the submission from Foodstuffs [267.14] is **accepted**.
615. I recommend that the submission from Clampett Investments Ltd [284.495] is **accepted in part**.
616. Given the changes I am recommending to LFRZ-R2, I recommend that the submissions in support of the LFRZ-R2 as set out in **Appendix B** are **accepted in part**.

3.11.4.4 Recommended Changes to the Proposed Plan

617. Amend LFRZ-R2 as follows:

LFRZ-R2 Large format retail

This rule does not apply to supermarkets and department stores provided for under LFRZ-R146; ~~or any supermarket provided for under LFRZ-R19.~~

618. Amend LFRZ-R14 as follows:

LFRZ-R14 ~~Expansion of an existing s~~Supermarket or department store

Activity status: RDIS

[...]

619. Delete LFRZ-R15 Department Store and LFRZ-R18 New Supermarket

620. S32AA evaluation table reference: C2.

3.11.5 LFRZ-R9 – Food and beverage outlet

3.11.5.1 Matters raised by submitters

621. Two submissions were received in support of LFRZ-R9 while Clampett Investments Ltd [284.502] stated that LFRZ-R9 is impractical as food tenancies are best located together, to enable a range of choices within close proximity of one another, rather than separated by a minimum of 50m. They seek the following amendment:

Amend LFRZ-R9:

"...

1. the activity shall occupy a maximum of 150m² GFA.;

2. the activity shall not be located within 50m of another food and beverage outlet."

3.11.5.2 Assessment

622. The intent of this rule is to limit the amount of food and beverage activities that can occur outside of a centre and avoid an agglomeration that could act as a defacto hub. Because many Waimakariri District residents work in Christchurch, it is common for them to pick up take-aways on their way home (as evidenced by the relatively high proportion of food outlets in the Local and Town Centre zones in Kaiapoi). The proposed LFRZ at 'Waimak Junction' and Southbrook are both conveniently located on key transport routes and would likely be popular with food and beverage operators and commuters. They could also become popular as hospitality destinations in their own right depending on offering and local amenity. This could cause food and beverage operators to relocate from the Kaiapoi and Rangiora town centres or new businesses to start up in competition with the centre businesses, thereby adversely affecting these centres continued vibrancy, viability and their role and function.

623. In his evidence (section 5) Mr Foy agrees with the submission point that food and beverage activities benefit from co-locating with other such activities and notes that there are efficiencies of these activities sharing facilities such as toilets, rubbish collection and accessways. Mr Foy

states that allowing multiple food and beverage within 50m is unlikely to generate adverse distributional effects on existing centres when set alongside the other proposed rules and policies that recognise the importance of avoiding such effects (e.g. LFRZ-O1 and LFRZ-P1). For that reason he agrees that it would be appropriate to remove LFRZ-R9(2), subject to some alternative limit on total food and beverage activity enabled in each LFRZ.

624. Mr Foy states that a very significant presence of food and beverage activities established in one location might result in that place developing as a hospitality destination in its own right, contrary to the intent of the LFRZ and that based on that, an alternative to including the 50m rule would be to limit the maximum amount of food and beverage activity in some other way, such as applying a maximum number of tenancies, or a maximum amount of food and beverage floorspace. He considers that it would be appropriate to impose a maximum amount of food and beverage floorspace in each LFRZ in the order of 1,000-1,500m² to adequately provide convenient access to food and beverage tenancies for LFRZ shoppers, balanced against a need to avoid very large aggregations of hospitality activity establishing in competition to centres.
625. I accept Mr Foy's advice, however I note that under Rule 31.23.1.10 in the Operative Plan there is a food and beverage activity cap in the Kaiapoi Business 5 Zone (which is the 'Waimak Junction' LFRZ at Kaiapoi) of 2,000m². I consider that it would be appropriate to carry this cap over into the Proposed Plan to respond to the identified issues and as a more suitable replacement for the Proposed Plan's 50m restriction. A 1,500m² cap would be applied as recommended by Mr Foy to the other proposed LFRZ at Southbrook (which is in two separate parts – one covering the Pak 'n' Save and Mitre 10 Mega, and the other covering land between Lineside Road and Flaxton Road).¹⁸
626. I therefore recommend that this submission is accepted in part, with the changes to LFRZ-R9 as set out below and in **Appendix A**.

3.11.5.3 Summary of recommendations

627. I recommend that the submission from Clampett Investments Ltd [284.502] is **accepted in part**.
628. Given the changes I am recommending, I recommend that the submissions in support of LFRZ-R9 as set out in **Appendix B** are **accepted in part**.

3.11.5.4 Recommended Changes to the Proposed Plan

629. Amend LFRZ-R9 as follows:

LFRZ-R9 – Food and beverage outlet

Activity status: PER

Where:

1. the activity shall occupy a maximum of 150m² GFA; ~~and~~
2. ~~the activity shall not be located within 50m of another food and beverage outlet. the~~
total food and beverage GFA for 'Waimak Junction' shall not exceed 2,000m²; and

¹⁸ It may be clearer to map these areas on the planning map.

3. the total food and beverage GFA for Southbrook shall not exceed 1,500m²; and

630. S32AA evaluation table reference: C3.

3.11.6 LFRZ-R14 – Expansion of an existing supermarket or department store

3.11.6.1 Matters raised by submitters

631. One submission was received in support of LFRZ-R14, while Foodstuffs [267.15] oppose LFRZ-R14 as they consider it conflicts with LFRZ-R1. They seek that expansion of any existing supermarket in the LFRZ is a permitted activity. If LFRZ-R1 is to remain, then the submitter seeks it include matters of discretion pertaining to “scale and characteristics of the existing development” and “functional and operational requirements of the activity”, or wording to similar effect.

3.11.6.2 Assessment

632. In his evidence (section 5) Mr Foy considers that a minimum requirement of enabling supermarkets (and department stores) in the LFRZ generally would be to require an assessment of effects on centres, and therefore a discretionary or restricted discretionary status would be more appropriate than a permitted activity status. I agree that a restricted discretionary activity status would be appropriate as these activities are large format and this consent status enables an assessment of distributional effects on town centres and I note that restricted discretionary status for supermarkets is consistent with Woolworths request under their submission [282.76]. Given this recommendation, there is no need to distinguish between the expansion of existing supermarkets / department stores under LFRZ-R14 versus the establishment of new ones (LFRZ-R18 and LFRZ-R15). The expansion rule was introduced to provide established activities, such as those at ‘Waimak Junction’, with an easier pathway to expand than the full discretionary status for new supermarkets / departments. I therefore recommend that this submission is accepted in part, and LFRZ-R14 is amended as set out earlier under LFRZ-R2 and in **Appendix A**.

3.11.6.3 Summary of recommendations

633. I recommend that the submission from Foodstuffs [267.15] is **accepted in part**.

634. Given the changes I am recommending, I recommend that the submission in support of LFRZ-R14 as set out in **Appendix B** is **accepted in part**.

3.11.6.4 Recommended Changes to the Proposed Plan

635. Amend LFRZ-R14 as set out under LFRZ-R2.

3.11.7 LFRZ-R18 – New supermarkets

3.11.7.1 Matters raised by submitters

636. One submission was received in support of LFRZ-R18, while Woolworths [282.76] oppose discretionary activity status for supermarkets, and seek it is amended to restricted discretionary [282.76] or permitted [282.129]. The submitter states that supermarkets cannot locate within

any CMUZ as a permitted activity. Woolworths state that supermarkets fit the intent of the LFRZ. A 'centres plus' approach to commercial development supports this, whereby the LFRZ plays a complementary, not restricted, role in commercial growth. They consider that applying CMUZ-MD12 and the new matter of discretion for supermarkets proposed by the submitter, will address the extent to which adverse effects on the centres hierarchy arise.

3.11.7.2 Assessment

637. Consistent with my assessment for LFRZ-R2 and LFRZ-R14 earlier, Mr Foy (section 5) considers that a minimum requirement of enabling supermarkets (and department stores) in the LFRZ generally would be to require an assessment of effects on centres, and therefore a discretionary or restricted discretionary status would be more appropriate than a permitted activity status. I agree that a restricted discretionary activity status would be appropriate as these activities are large format and therefore anticipated in the LFRZ, and this consent status enables an assessment of distributional effects on town centres. Given this, I recommend that Woolworths submission [282.76] is accepted, while submission [282.129] is rejected, with the deletion of LFRZ-R18 as set out below and in **Appendix A**.

3.11.7.3 Summary of recommendations

638. I recommend that the submission from Woolworths [282.76] is **accepted**.

639. I recommend that the submission for Woolworths is [282.129] **rejected**.

640. Given the changes I am recommending, I recommend that the submission in support of LFRZ-R18 as set out in **Appendix B** is **rejected**.

3.11.7.4 Recommended Changes to the Proposed Plan

641. Delete LFRZ-R18 and renumber the subsequent rules accordingly.

642. 32AA evaluation table reference: C2.

3.11.8 LFRZ-BFS3 – Internal boundary setback and LFRZ-BFS6 – Road boundary setback

3.11.8.1 Matters raised by submitters

643. One submission was received in support of LFRZ-BFS3¹⁹, while Clampett Investments Ltd [284.505] consider that the 10m setback for outdoor storage is acceptable if suitably screened to enable better use of the site and improve amenity values along sensitive boundaries. They seek to amend LFRZ-BFS3 as follows:

"...

2. *In the Large Format Retail Zone at Smith Street, Kaiapoi, 1.8m high screened outdoor storage area shall not be located within the 10m building setback.*"

¹⁹ From Clampett Investments Ltd in support of LFRZ-BFS3 [284.487].

644. One submission was received in support of LFRZ-BFS6²⁰ while Clampett Investments Ltd made a similar submission [284.508] as for LFRZ-BFS3 seeking to amend LFRZ-BFS6 as follows:

"...

2. In the Large Format Retail Zone at Smith Street, Kaiapoi, ~~any~~ 1.8m high screened outdoor storage area shall ~~not~~ be located within the building setback."

3.11.8.2 Assessment

645. These setback rules are carried over from the Operative Plan (rule 31.11.66(c)) which was promulgated through the plan change that re-zoned the site. In my opinion, a key consideration is the visibility of the site, which is lower than the motorway/ surrounding roads, and therefore storage (even if screened), will be highly visible from the motorway. In addition, the remaining site boundaries are highly visible from the adjacent Kaiapoi River bank. It may however be appropriate for storage to occur within the building setbacks of internal boundaries of individual sites (as opposed to the development as a whole). However, I consider that the submitter's proposed rule is not appropriate as it appears to require all outdoor storage to be located in the 10m building setback, with storage located anywhere else on the site presumably requiring a resource consent. I doubt this is the intention of the submitter and note this could be clarified by the submitter at the hearing.

646. For the above reasons I recommend that these submissions are rejected.

3.11.8.3 Summary of recommendations

647. I recommend that the submissions from Clampett Investments Ltd [284.505] and [284.508] are **rejected**.

648. I recommend that the submissions in support of LFRZ-BFS3 and LFRZ-BFS6 as set out in **Appendix B** are **accepted**.

3.11.8.4 Recommended Changes to the Proposed Plan

649. No changes are recommended.

3.11.9 LFRZ-BFS5 – Road boundary landscaping

3.11.9.1 Matters raised by submitters

650. Two submissions were received in support of LFRZ-BFS5, while Foodstuffs [267.16] oppose LFRZ-BFS5 as it requires a minimum depth of 2m of landscaping along the road boundary, however site constraints, including size, shape, physical/environmental factors and existing supermarket design and associated parking layout, mean this is not always feasible or appropriate.

3.11.9.2 Assessment

651. I note that I have recommended retaining the 2m landscaping strip for the LCZ to ensure that the required trees are capable of surviving. I consider the same distance should apply to the

²⁰ From Clampett Investments Ltd in support of LFRZ-BFS6 [284.490].

LFRZ for the same reasons. However, I note that I have recommended (in response to Foodstuffs [267.700]) that CMUZ-MD8, which applies to breaches of this BFS, be amended to include consideration of operational and functional requirements and site constraints. I consider that the recommended CMUZ-MD8 changes respond in part to the matters raised and that therefore submission [267.16] is accepted in part.

3.11.9.3 Summary of recommendations

652. I recommend that the submission from Foodstuffs [267.16] is **accepted in part**.

653. I recommend that the submissions in support of LFRZ-BFS5 as set out in **Appendix B** are **accepted**.

3.11.9.4 Recommended Changes to the Proposed Plan

654. No changes are recommended.

3.11.10 Wāhanga waihanga – Development Areas KLFR-Kaiapoi LFR Development Area: Activity Rules - KLFR-DEV-KLFR-R1 – ODP - Kaiapoi Large Format Retail Zone

3.11.10.1 Matters raised by submitters

655. One submission was received from Templeton Group [412.30] seeking to amend the wording of DEV-KLFR-R1 Advisory Note to clarify which provisions are intended to be replaced. Templeton Group considers that the wording of the advisory note in a number of locations including in the Pegasus Outline Development Plan and the Local Centre Zone, is unclear and confusing.

3.11.10.2 Assessment

656. I note that the advisory note applies to the Kaiapoi LFRZ only and not the Pegasus LCZ. I note that the developers of the Kaiapoi LFRZ (Clampett Investments Ltd – [284]) did not submit on this standard but did make submissions on the LFRZ. I accept that the DEV-KLFR-R1 ODP - Kaiapoi Large Format Retail Zone requires some interpretation as to which standards are to apply, however I do not think this is confusing and unclear. This is a site specific rule that has limited application and is based on provisions drafted into the Operative Plan as a result of a plan change. I therefore recommend that this submission is rejected.

657. I note that DEV-KLFR-R1, as a development area will also be subject to consideration within the S42A report for the Wāhanga waihanga Development Areas chapter currently scheduled for Hearing Stream 10.

3.11.10.3 Summary of recommendations

658. I recommend that the submission from Templeton Group [412.30] is **rejected**.

3.11.10.4 Recommended Changes to the Proposed Plan

659. No changes are recommended.

3.12 CMUZ - Matters of discretion for all Commercial and Mixed Use Zones

3.12.1 CMUZ MDs – General

3.12.1.1 Matters raised by submitters

660. One submission was received in general support of the CMUZ matters of discretion. Three submissions sought amendments.
661. CIAL [254.147] seeks to insert a matter of discretion related to bird strike risk on aircraft, applicable to any bird strike risk activities with restricted discretionary status. As set out under general submissions I understand that this will be covered in a CIAL specific Hearing Stream 10A. As such, I have not covered this submission in this report. This is set out in **Appendix B**.
662. Woolworths [282.77] seeks a new matter of discretion for supermarket activities in all CMUZs that actively recognises the operational and functional requirements for supermarkets and presents a balanced assessment of supermarkets against centre urban design ideals. They seek the following new matter of discretion for supermarket activities in all CMUZs or the amendment of CMUZ-MD3 Urban design and CMUZ-MD7 Road boundary setback, glazing and veranda to include specific reference to balancing operational and functional requirements of supermarkets with the other matters of discretion, relying on the wording below:

"The extent to which the external appearance, scale and design of buildings (including material and colour), equipment and structures:

a) provide for visual interest through a variety of styles and forms in terms of footprint, design and height

b) maintain streetscape amenity and continuity of built form

c) parking, loading and access is designed so as not to compromise pedestrian amenity and safety adjacent the site

d) integrate with adjacent activities and development in terms of the provision of entrances, publicly accessible spaces, parking, loading areas, access to public transport and pedestrian linkages

For the purposes of assessing the above criteria, regard shall be had to the following operational and functional requirements:

a) store visibility that is easily identifiable when viewed from the street and surrounding area

b) where provided, customer car parking is clearly visible and accessible to motorists approaching the store from the local roading network and to customers on site

c) where large format buildings are required, there is provision for some solid facades to facilitate internal shelving and fresh produce display

d) adequate and accessible servicing areas that are preferably separated from customer vehicle traffic and pedestrian movements."

663. KiwiRail [373.96] seeks to insert a new 'rail boundary setback' matter of discretion for all Commercial and Mixed Use Zones as follows:

"XXXX-MDXX - Rail boundary setbackRail boundary setback1. The extent to which the reduced setback will compromise the safe and efficient functioning of the rail network, including rail corridor access and maintenance."

3.12.1.2 Assessment

664. Regarding the Woolworths [282.77] submission, the submitter seeks as an alternative the amendment of CMUZ-MD3 Urban design and CMUZ-MD7 Road boundary setback, glazing and veranda to include specific reference to balancing operational and functional requirements of supermarkets with the other matters of discretion, relying on the wording suggested for their proposed matter of discretion.
665. In his evidence (section 8) Mr Nicholson assesses Woolworth's submission. He does not support having different matters of discretion for a particular type of retail shop given that their functional requirements are not unique or unusual. Mr Nicholson states that the matters of discretion relating to urban design signal that supermarkets are anticipated activities provided they can be designed in a way that contributes to the desired CMUZ urban environment. Mr Nicholson notes that the matters of discretion are prefaced with the words "the extent to which...", which in his opinion signals that a specific standard is not appropriate and that a range of solutions are possible which support the desired outcomes. Mr Nicholson considers that CMUZ-MD3 provides an appropriate degree of flexibility to assess supermarkets, taking account of their specific functional requirements, noting that the matters of discretion do not require specific standards but rather allow an 'on-balance' assessment of a range of design outcomes that support a good urban environment. Regarding CMUZ-MD7, Mr Nicholson considers that these matters of discretion are appropriate in the centre zones and signal that a supermarket in these zones needs to be carefully designed and located to support the centre and to maintain the quality of the intended urban form.
666. I note that I have recommended amending CMUZ-MD3 in response to Foodstuffs [267.50], and CMUZ-MD7 in response to Foodstuffs [267.80] to include a reference to operational and site constraint considerations. I note that Mr Nicholson supports my proposed wording (section 8). As such, I consider I have generally responded to this submission, however not in the level of detail requested, and on that basis I recommend that this submission is accepted in part.
667. Regarding the KiwiRail [373.96] submission, there is already a matter of discretion for rail boundary setbacks – CMUZ-MD13, which has the same wording as proposed by KiwiRail. As such, the submission is already met and I therefore recommend it is rejected.

3.12.1.3 Summary of recommendations

668. I recommend that the submission by Woolworths [282.77] is **accepted in part**.
669. I recommend that the submission by KiwiRail [373.96] is **rejected**.
670. Given the changes I am recommending to the CMUZ matters of discretion, I recommend that the general submission in support of these as set out in **Appendix B** is **accepted in part**.

3.12.1.4 Recommended Changes to the Proposed Plan

671. No changes are recommended from these submissions, noting the changes to the CMUZ matters of discretion already recommended earlier in this report.

3.12.2 CMUZ-MD1 – Trade suppliers and yard-based suppliers

3.12.2.1 Matters raised by submitters

672. Two submissions were received in support of CMUZ-MD1, while RDL [347.84] sought the deletion of CMUZ-MD1 as they consider that for trade suppliers, the desired urban design outcome can be more appropriately managed through TCZ-R1 and CMUZ-MD3.

3.12.2.2 Assessment

673. TCZ-R1 and CMUZ-MD3 only cover the design of buildings, whereas CMUZ-MD1 also includes consideration of the extent to which the activity adversely affects the function or capacity of the zone to provide primarily for commercial and community activities and any benefits from a trade or yard-based supplier providing a buffer between commercial activities and any adjacent industrial zones. These are relevant specific matters that are not included in CMUZ-MD3.

674. In his evidence (section 7) Mr Foy states that trade suppliers will not contribute to the role or function of the TCZ in the same positive way as retail and other commercial activities, because most customers that visit trade suppliers do so as a single purpose trip, via private vehicle, whereas other activities that are permitted in the TCZ have a greater tendency to be visited on multi-purpose trips which will support the intended role of the centre. For these reasons he supports a consent requirement for trade suppliers in the TCZ. I consider that as trade suppliers are recommended to remain restricted discretionary activities in the TCZ and the LCZ then there is a need for CMUZ-MD1. For these reasons I recommend that this submission is rejected.

3.12.2.3 Summary of recommendations

675. I recommend that the submission by RDL [347.85] is **rejected**.

676. I recommend that the submissions received in support of CMUZ-MD1 are **accepted**.

3.12.2.4 Recommended Changes to the Proposed Plan

677. No changes are recommended.

3.12.3 CMUZ-MD3 – Urban design

3.12.3.1 Matters raised by submitters

678. Two submissions were received in support of CMUZ-MD3, while RDL [347.85] generally supports CMUZ-MD3 as it reflects urban design principles but seeks that assessments against these requirements are not impeded by the outdated North Woodend Outline Development Plan. RDL seek that the Outline Development Plan for Ravenswood town centre (see point 94 and Appendix 1 and Appendix 1a in their original submission) is adopted to support the implementation of these provisions.

3.12.3.2 Assessment

679. Currently there are no Ravenswood specific matters of discretion included in CMUZ-MD3. As indicated in the procedural section of this report, the North Woodend/Ravenswood development is subject to the consent order arising from PC30. This consent order and the independent hearing panel's decision to decline PC30 was issued after the Proposed Plan was notified and related specifically to provisions within the Operative District Plan only. As such, the Proposed Plan may need to be amended to incorporate key components of the consent order. The outline development plan (together with the re-zonings) and therefore its relationship to CMUZ-MD3 is to be assessed as part of the re-zoning hearings (Hearing Stream 12). For these reasons I recommend that this submission on CMUZ-MD3 is considered as part of the re-zoning hearings. It is anticipated that further s42A recommendations will be made on the appropriateness of the CMUZ provisions for Ravenswood once the full extent of the various zonings and their locations are assessed. This will include an assessment of the scope to make changes under the RDL submissions.

3.12.3.3 Summary of recommendations

680. I recommend that the submission by RDL [347.84] is considered as part of the re-zoning hearings.

681. I recommend that the submissions in support of CMUZ-MD3 are **accepted**.

3.12.3.4 Recommended Changes to the Proposed Plan

682. No changes are recommended as a result of these submissions.

3.12.4 CMUZ-MD11 – Residential development

3.12.4.1 Matters raised by submitters

683. Two submissions were received in support of CMUZ-MD11, while three submissions sought amendments.

684. Kāinga Ora [325.344] generally supports CMUZ-MD11 but seeks to delete any reference to social housing. They seek the following amendment:

"...

2. In relation to minimum unit size, the extent to which:

...

~~d. the units are to be a part of a development delivered by the Crown of the Council as a social housing provider and have been specifically designed to meet atypical housing needs; and~~

..."

685. Templeton Group [412.28] and [412.29] seek to amend LCZ-R10 and CMUZ-MD11 to permit residential units at ground level in the Pegasus LCZ. The submitter states this is consistent with providing greater flexibility and mixed use activity, and encouraging more people to live in and around local centres. Templeton Group consider a better design led outcome can be achieved by building on the unique attributes of the township and facilities, scale of the landholding, and

by providing flexibility in the location of residential activity and enabling greater integration with the lakefront. They seek the following amendment to CMUZ-MD11:

Submission [412.28]:

"In relation to Pegasus Local Centre Zone, the extent to which:

a. the ground floor includes some commercial activities that support vibrancy and visual interest;"

Submission [412.29]:

"In relation to Pegasus Local Centre Zone, the extent to which:

a. the majority of the ground floor includes commercial activities that support vibrancy and visual interest;"

3.12.4.2 Assessment

686. Regarding the submission from Kāinga Ora [325.344], given Kāinga Ora is one of the Crown's housing providers that the clause is targeted to and they are seeking its deletion, clearly this clause is not considered necessary or useful for them as a housing provider. Given this direction from Kāinga Ora, I recommend that their submission is accepted, with the changes as set out below and in **Appendix A**.
687. Regarding the Templeton Group [412.28] and [412.29] submissions, I note that Templeton Group included submission requests for CMUZ-MD11 in submissions [419.19], [419.20] and [419.21] on the LCZ zone provisions, seeking the same outcome as [429.29] or for CMUZ-MD11 to not apply to the Pegasus town centre. As covered under those earlier submissions, I consider that the requirement for residential activity in the Pegasus town centre to be above ground floor is reasonable and that therefore a restricted discretionary activity consent is also reasonable. In terms of the appropriate matters of discretion, I do not support either of the submitter suggested amendments as they appear to suggest that some ground floor residential is appropriate as long as some or a majority of commercial activities that support vibrancy and visual interest are provided on the ground floor. In my opinion, one ground floor residential activity in the middle of the primary shopping frontage could have significant adverse effects on the shopping frontage as a whole and therefore each residential proposal should be considered as an exception, rather than indicating upfront in the matter of discretion that it is only the quantum of ground floor residential proposed that is of relevance. I therefore recommend that these submissions are rejected.

3.12.4.3 Summary of recommendations

688. I recommend that the submission by Kāinga Ora [325.344] is **accepted**.
689. I recommend that the submissions from the Templeton Group [412.28] and [412.29] are **rejected**.
690. I recommend that the submissions in support of CMUZ-MD11 as set out in **Appendix B** are **accepted in part**.

3.12.4.4 Recommended Changes to the Proposed Plan

691. Amend CMUZ-MD11 as follows and renumber the clauses accordingly:

[...]

2. In relation to minimum unit size, the extent to which:

...

~~d. the units are to be a part of a development delivered by the Crown of the Council as a social housing provider and have been specifically designed to meet atypical housing needs; and~~

[...]

692. 32AA evaluation table reference: C3.

3.12.5 CMUZ-MD13 – Rail boundary setback

3.12.5.1 Matters raised by submitters

693. Two submissions were received in support of CMUZ-MD13, while Kāinga Ora [325.345] support CMUZ-MD13 with the following amendments:

~~"1. The extent to which the reduced setback will compromise the safe and efficient functioning of the rail network, including rail corridor access and maintenance. The location, size and design of the building as it relates to the ability to safely use, access and maintain buildings without requiring access on, or over the rail corridor."~~

3.12.5.2 Assessment

694. The submitter proposed amended matter of discretion appears to narrow the focus more closely to access matters (on or over the rail corridor), as opposed to compromising the safe and efficient functioning of the rail corridor including corridor access and maintenance. I note that KiwiRail [FS99] opposed this submission. In the absence of evidence from either party on this matter, I recommend that CMUZ-MD13 is not amended and that the submission by Kāinga Ora is rejected.

3.12.5.3 Summary of recommendations

695. I recommend that the submission by Kāinga Ora [325.345] is **rejected**.

696. I recommend that the submissions in support of CMUZ-MD13 as set out in **Appendix B** are **accepted**.

3.12.5.4 Recommended Changes to the Proposed Plan

697. No changes are recommended.

4 Strategic Directions Primacy Assessment

4.1 Introduction

698. The Hearings Panel directed, via Minute 11, that s42A report authors provide their own professional opinion of the potential implications on a chapter's objectives if the Strategic Directions (SD) objectives (including Urban Form and Development (UFD)) were given primacy, or not.

699. I understand this is to be done in accordance with the approach set out in paragraph 9 of Mr Buckley's 29 September 2023 memo²¹, which set out the following different approaches to primacy for SD:

"(a) SD objectives have no "primacy" and sit on the same level as other objectives in the plan;

(b) SD objectives have "primacy" in one of the following different senses (dependent on how the district plan is crafted):

(i) SD objectives inform objectives and policies contained in other chapters;

(ii) Objectives and policies in other chapters must be expressed and achieved as being consistent with the SD objectives;

(iii) SD objectives are used to resolve conflict with objectives and policies in other chapters; and

(iv) SD objectives override all other objectives and policies in the plan."

700. I note that 'primacy' is typically defined as 'being pre-eminent or most important'.

4.2 Relevant Strategic Directions Objectives

701. The Commercial and Industrial Chapters s32 report stated the following:

"The commercial and industrial provisions help to implement Strategic Directions Objective 2 Urban Development which seeks consolidated and integrated urban development and infrastructure that:

- provides a good quality urban environment that recognises existing character, amenity and historic heritage values, and is attractive and functional to residents, businesses and visitors;*
- supports a hierarchy of urban centres, with the District's main centres in Rangiora, Kaiapoi, Oxford and Woodend being:*
 - the primary centres for community facilities;*
 - the primary focus for retail, office and other commercial activity; and*
 - the focus around which residential development and intensification can occur.*

²¹ https://www.waimakariri.govt.nz/_data/assets/pdf_file/0020/143408/RESPONSE-TO-MINUTE-10-PRIMACY-APPROACHES-FOR-PDP-CHAPTERS.pdf

- *provides opportunities for business activities to establish and prosper within a network of business and industrial areas zoned appropriate to their type and scale of activity and which support District self-sufficiency.*

They also help implement the Urban Form and Development Objective 2 - feasible development capacity for commercial and industrial activities and Urban Form and Development Policies 4 and 5 which provides for the expansion of existing town centres and guides the location for new commercial and industrial activities."

702. I also note that UFD Policy 7 – Mechanism to provide additional commercial and mixed-use zones is also relevant for the CMUZ chapters.

4.3 Implications on the CMUZ objectives from Strategic Directions objectives primacy

4.3.1 Potential implications if SD objectives are not given primacy, as per primacy approach (a)

703. In my opinion if primacy approach (a) 'SD objectives have no "primacy" and sit on the same level as other objectives in the plan' was to apply, the implications would be minimal given the most directive objectives and policies typically apply on the basis of standard interpretation requirements. In my opinion the CMUZ objectives and provisions would provide more relevant and more detailed direction than those contained in the strategic directions.

4.3.2 Potential implications if SD objectives are given primacy, as per primacy approaches (b)(i) and (b)(ii)

704. The following statement is in the introduction of all the CMUZ chapters:

"The provisions in this chapter are consistent with the matters in Part 2 - District Wide Matters - Strategic Directions and give effect to matters in Part 2 - District Wide Matters - Urban Form and Development."

705. I consider that this statement indicates that strategic objectives have some level of primacy as the Proposed Plan was developed so that the chapter provisions were consistent with them, which aligns with primacy approaches (b)(i) and (b)(ii).

706. Therefore, if the Proposed Plan's SD primacy approach of (b)(i) and (b)(ii) is retained and there is no hierarchy between objectives, I consider that the CMUZ provisions are satisfactorily provided for via its directive objectives and policies and its links to SD-O2 and UFD-O2.

4.3.3 Potential implications if SD objectives are given primacy, as per primacy approach (b)(iii) and (b)(iv)

707. In my opinion, without applying specific examples it is difficult to assess the full implications of primacy under (b)(iii) or (b)(iv). Many of the SDs are not relevant as they do not readily apply to urban environments (e.g. SD-O1 and SD-O4). While the natural hazards SD-O6 applies, the natural hazards chapter enables development in the District's commercial areas through management rather than avoidance and as such would not likely cause conflict with the CMUZ provisions. Potentially SD-O2(5) could cause issues when examined in the context of a specific proposal as it does not identify the LFRZ specifically and the relationship of this zone to the

centres (as identified by submissions on the CMUZ provisions assessed earlier in this report). Also, SD-O2(6) could cause 'mischief' as it seeks to provide opportunities for business activities to establish and prosper to support district self-sufficiency. Self-sufficiency arguments could be used to overrule arguments on commercial distribution; however, I note that UFD-Policy 7(3) includes a requirement to consider and address adverse effects that might undermine other town and local centres. I note that there is no SD support for Kaiapoi regeneration, which is a key focus of the MUZ provisions. Potentially this lack of recognition in the SDs could result in specific proposals undermining MUZ-O1 and MUZ-P1 (and the regeneration of Kaiapoi) as it could be argued that the regeneration focus is secondary to the needs of business activities in the MUZ (as this is required in SD-O2(6)).

708. Applying a theoretical lens, if the implications of SD primacy under (b)(iii) or (b)(iv) are not significant, the corollary of this is that there is no obvious value from making the SDs have greater primacy than they currently have. There is however a risk that unintended outcomes could arise when specific development proposals are assessed under a stronger primacy framework. Noting the potential issues identified above and this potential risk, I do not support applying primacy at the level identified under (b)(iii) or (b)(iv) to the CMUZ provisions.

5 Conclusions


709. Submissions have been received both in support of and in opposition to the commercial and mixed-use chapters of the Proposed Plan.
710. Having considered all the submissions and reviewed all relevant statutory and non-statutory documents, I recommend that Proposed Plan should be amended as set out in **Appendix A** of this report.
711. For the reasons set out in the Section 32AA evaluation attached at **Appendix C**, I consider that the proposed objectives and provisions, with the recommended amendments, will be the most appropriate means to:
- a. achieve the purpose of the Resource Management Act 1991 (RMA) where it is necessary to revert to Part 2 and otherwise give effect to higher order planning documents, in respect to the proposed objectives, and
 - b. achieve the relevant objectives of the Proposed Plan, in respect to the proposed provisions.

Recommendations:

I recommend that:

712. The Hearing Commissioners accept, accept in part, or reject submissions (and associated further submissions) as outlined in **Appendix B** of this report; and
713. The Proposed Plan is amended in accordance with the changes recommended in **Appendix A** of this report.

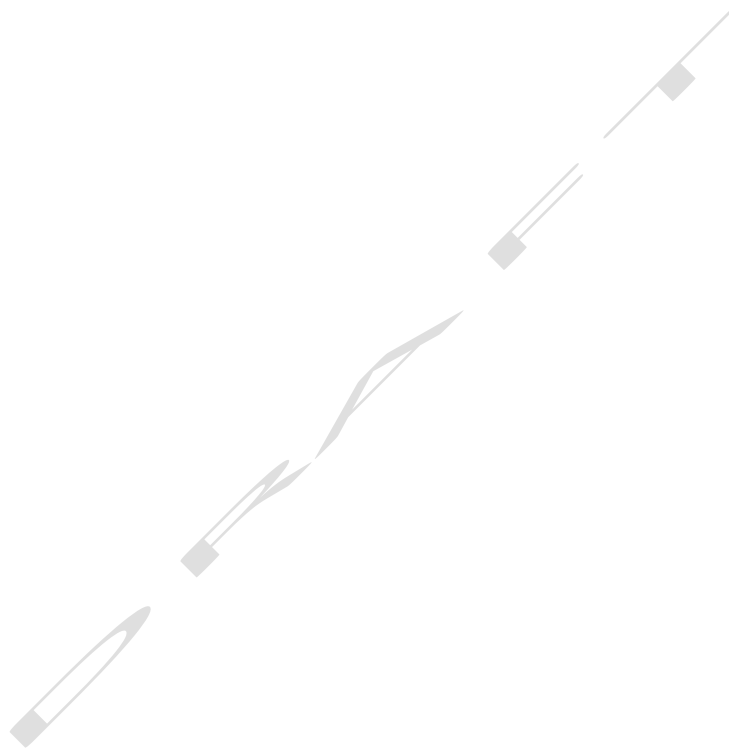
Signed:

Name and Title		Signature
Andrew Willis Consultant Planner		

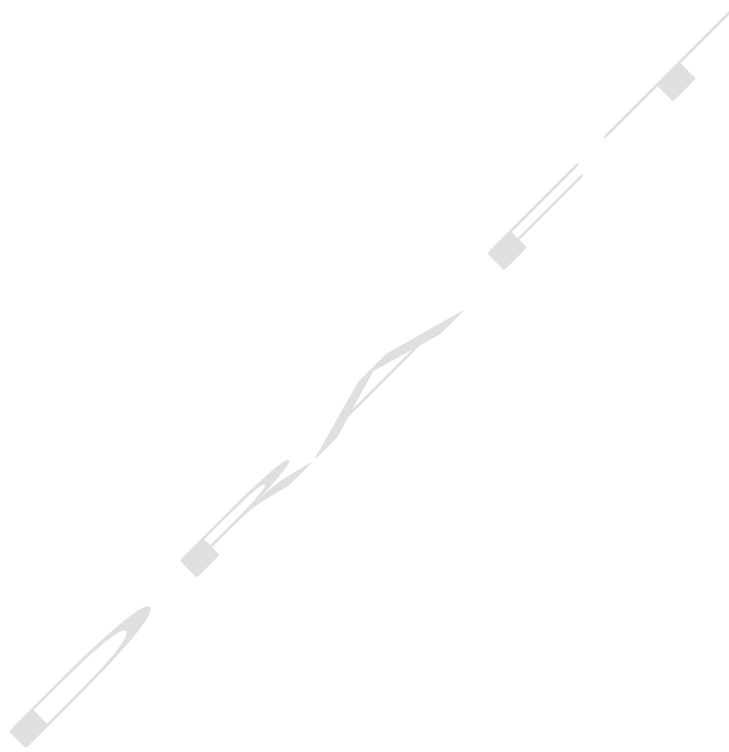
Appendix A. Recommended Amendments

Where I recommend changes in response to submissions, these are shown as follows:

- Text recommended to be added to the Proposed Plan is underlined.
- Text recommended to be deleted from the Proposed Plan is ~~struck through~~.



Appendix B. Recommended Responses to Submissions and Further Submissions



Tables B1 to B9: Recommended responses to submissions and further submissions

Appendix C. Section 32AA Evaluation

C1. Overview and purpose

This evaluation is undertaken in accordance with section 32AA of the RMA. It examines the appropriateness of the recommended amendments to the objectives, policies, rules and definitions for the commercial and mixed-use chapters following the consideration of submissions received on the Proposed Plan.

This further evaluation should be read in conjunction with Part A – Overview and Part B Commercial and Mixed-Use and Industrial Chapters of the Section 32 Report prepared for the development of the Proposed Plan.

C2. Recommended amendments

The recommended amendments include:

- Minor changes to specific definitions to improve clarity;
- Recognising that the MUZ and LFRZ can complement the centres hierarchy;
- Better provision for supermarkets (and other activities) across the commercial and mixed-use zones where these do not create significant adverse effects on the centres hierarchy;
- Recognition of functional and operational requirements and site constraints;
- Increased height limits and change of status from discretionary to restricted discretionary;
- Replacement of the food and beverage separation rule with a maximum GFA cap;
- Reduction of the urban design building GFA threshold in the LFRZ;
- Enabling education activities in the NCZ and MUZ and community corrections activities in the MUZ;
- Various wording tweaks to improve clarity;
- Additional of advice notes to clarify how the provisions are to be interpreted and applied.

C3. Statutory Tests

The District Council must ensure that prior to adopting an objective, policy, rule or other method in a district plan, that the proposed provisions meet the requirements of the RMA through an evaluation of matters outlined in Section 32.

In achieving the purpose of the RMA, the District Council must carry out a further evaluation under section 32AA if changes are made to a proposal as a result of the submissions and hearings process. This evaluation must cover all the matters in sections 32(1)-(4).

Objectives

The objectives are to be examined in relation to the extent to which they are the most appropriate way to achieve the purpose of the RMA.²² For the purposes of evaluation under section 32AA the following criteria form the basis for assessing the appropriateness of the proposed objectives:

- Relevance;
- Usefulness;
- Reasonableness; and
- Achievability.

Provisions

Each provision is to be examined as to whether it is the most appropriate method for achieving the objectives. For a proposed plan, the provisions are defined as the policies, rules, or other methods that implement, or give effect to, the objectives of the proposed plan.²³

The examination must include assessing the efficiency and effectiveness (including costs and benefits of the environmental, economic, social, and cultural effects, quantified if practicable, and the risk of acting or not acting) and a summary of the reasons for deciding the provisions.

C4. Evaluation of Recommended Amendments to Objectives

Objectives TCZ-O1, LCZ-O1 and NCZ-O1 are recommended to be amended as set out in **Appendix A**. These changes seek to improve the provisions by clarifying the relationship between the TCZ and the LFRZ in terms of scale of development, and requiring adverse distribution effects to be significant, rather than covering all effects.

The following tables provide an evaluation of the recommended amendments.

Table C 1: Recommended Amendments to Objectives

Relevance	<p>Addresses a relevant resource management issue</p> <p>The proposed amendments to TCZ-O1 seek to more accurately explain the anticipated scale of development across the commercial and mixed use zones, which helps support a centres hierarchy consistent with the CRPS, Chapter 6 commercial directives (Objectives 6.2.1, 6.2.6) and supports the efficient provision of commercial and community services.</p> <p>The proposed amendments to LCZ-O1 and NCZ-O1 seek to increase the threshold at which adverse distributional effects are to be assessed. Commercial distribution effects are a recognised RMA issue and relevant when creating and supporting a centres hierarchy in accordance the CRPS Chapter 6 commercial directives.</p>
	<p>Assists the District Council to undertake its functions under s31</p>

²² RMA s32(1)(a)

²³ RMS s32(6)(a)

	<p>The proposed amendments are within the Council's functions under s31 .</p> <p>Gives effect to higher level documents</p> <p>The proposed amendments provide greater alignment with the CRPS Chapter 6 commercial provisions (Objectives 6.2.1, 6.2.6 and Policies 6.3.1 and 6.3.6)</p>
Usefulness	<p>Guides decision-making</p> <p>The proposed amendments provide greater clarity on the outcomes sought for the commercial and mixed use zones and therefore provide more guidance for decision making.</p>
	<p>Meets best practice for objectives</p> <p>The proposed amendments provide greater clarity and direction and therefore better meet best practice requirements.</p>
Reasonableness	<p>Will not impose unjustifiably high costs on the community / parts of the community</p> <p>The proposed changes will lower the costs relative to the notified objectives as they are more enabling of development in the LCZ and NCZ.</p>
	<p>Acceptable level of uncertainty and risk</p> <p>There is no change in the uncertainty and risk with the proposed amendments.</p>
Achievability	<p>Consistent with identified tangata whenua and community outcomes</p> <p>There is no change for this criterion between the notified and proposed amended objectives.</p>
	<p>Realistically able to be achieved within the District Council's powers, skills and resources</p> <p>There is no change for this criterion between the notified and proposed amended objectives.</p>
Conclusion	<p>The recommended amended objectives are the most appropriate way to achieve the purpose of the RMA.</p>

Overall, the recommended amendments proposed to the objectives provide greater consistency with the higher order framework. For the purposes of sections 32 and 32AA, I consider that the revised objectives are the most appropriate way of achieving the purpose of the RMA.

C5. Evaluation of Policies and Rules

Below I have assessed how the recommended changes to the policies, rules and other methods are the most appropriate to implement the objectives. In undertaking this assessment I have evaluated the recommended amendments against the provisions as notified. Rather than assess each change individually, I have grouped the changes that contribute to increased development potential / ease of developing in one assessment, and assessed the changes for supermarkets separately as these are one of the main submission topic areas.

There are a number of changes I have proposed that I do not consider require a s32AA evaluation as they do not change the meaning or intent of the provision (e.g. advice notes).

Efficiency and Effectiveness of the Provisions

I have assessed the efficiency and effectiveness of the recommended amended provisions in achieving the objectives, including identification and assessment of the costs and benefits anticipated from the implementation of the provisions in Table C below.

Table C 2: Assessment of efficiency and effectiveness – better recognition of supermarkets and their place in the centres hierarchy and supporting zones

Recommended Amendments to Provisions:	
Policy changes recognising that the MUZ and LFRZ can complement the centres hierarchy and increasing the threshold of adverse distributional effects test to significant adverse distributional effects, rule changes increasing the retail thresholds in the LCZ and NCZ and recognition of functional and operational considerations and site constraints for supermarkets.	
Costs	Benefits
There may be a shift of commercial activity from centres into other commercial and mixed-use zones but these will not cause significant adverse distributional effects.	Greater flexibility and opportunities for large format retail activities to establish in the District and small supermarkets to establish in NCZs and TCZs.
Efficiency	No appreciable change identified between the notified and amended provisions.
Effectiveness	The amended provisions better align with Environment Court case law for managing adverse commercial distribution effects and therefore are more effective.
Summary	
The proposed changes improve the management of supermarkets across the various commercial and mixed-use zones and are therefore more effective and better achieve the Proposed Plan's objectives, the CRPS and the RMA.	

Table C 3: Assessment of efficiency and effectiveness – increased development potential

Recommended Amendments to Provisions:	
Increased height limits in the TCZ, LCZ and NCZ and changed status of height limit breaches from fully discretionary to restricted discretionary; reduced food and beverage restrictions in the LFRZ; increased urban design trigger threshold in the LFRZ; enabling education and community corrections activities in more zones; recognition of functional and operational considerations and site constraints.	
Costs	Benefits
Potentially some change in existing built form in the centres and therefore existing amenity, however adverse effects on public areas and sensitive zones are managed through recession planes. Potentially some minor adverse effects on centres if large agglomerated food and beverage outlets occur in LFRZs.	More enabling of commercial development and enables more opportunities to establish educational facilities in appropriate zones.
Efficiency	Development efficiency should improve through the more enabling provisions.
Effectiveness	The changes are understandable, respond to submitter requests and are more targeted and therefore should be effective.
Summary	

There are possibly amenity costs and minor distribution effects, however there will be correspondingly increased benefits through development enablement. The changes improve efficiency and can be effective and better achieve the Proposed Plan's objectives and the RMA.

Overall, taking into account the assessment above, I consider the recommended amendments to the provisions to be more efficient and effective in achieving the objectives than the notified provisions.

Adequacy of Information and Risk of Acting or Not Acting

Section 32(2)(c) of the RMA requires an assessment of the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.

Submissions from commercial operators have raised a number of matters that need to be addressed to provide clarity and a more balanced and targeted response to commercial considerations. The recommendations are informed by expert advice and I therefore consider there is sufficient information on which to base the recommended revised provisions.

C6. Conclusion

I have evaluated the recommended amendments to objectives to determine the extent to which they are the most appropriate way of achieving the purpose of the RMA where this is necessary, and otherwise to give effect to higher order planning documents. I have also evaluated the recommended amendments to the proposed provisions, including their efficiency and effectiveness of the provisions in achieving the proposed objective(s). I consider the proposed objectives as recommended to be amended are an appropriate way of achieving the purpose of the RMA and the recommended changes to provisions are the most appropriate means of achieving the objectives.

Appendix D. Technical Advice from Derek Foy (Formative)

Appendix E. Technical Advice from Hugh Nicholson (Urban Shift)

Appendix F. Report Author's Qualifications and Experience

I hold the following qualifications: Bachelor of Science in Ecology and a Masters of Science in Resource Management. I am a full member of the New Zealand Planning Institute (NZPI) and a former Deputy Chair of the NZPI Board. I received a Distinguished Service Award from the NZPI in 2017 for contributions to planning and the planning profession.

I have approximately 27 years' experience working as a planner for local and central government (in New Zealand and the UK), as well as planning consultancies. I have been the sole director of Planning Matters Limited (a town planning consultancy) since its inception in 2012. I have been engaged by the Waimakariri District Council on the district plan review since 2017 as a consultant planner within the Development Planning Unit.

My relevant work experience includes, amongst other matters:

- Drafting the commercial and industrial chapters of the Proposed Plan;
- Drafting the Waimakariri Residential Red Zone Recovery Plan;
- Drafting the Kaiapoi Town Centre Plan 2028 and Beyond;
- Drafting the s42A report for the Natural Hazards Chapter of the Proposed Plan;
- Drafting various chapters of the CRPS;
- Co-drafting the Land Use Recovery Plan and Chapter 6 of the CRPS;
- Drafting various chapters of the Timaru District Plan; and
- Hearing submissions (as an independent hearings commissioner) on various chapters of the proposed Selwyn District Plan and proposed plan changes to the Mackenzie District Plan.