

**BEFORE HEARING COMMISSIONERS
FOR WAIMAKARIRI DISTRICT COUNCIL**

UNDER the Resource Management
Act 1991

IN THE MATTER of the Proposed
Waimakariri District Plan
(Proposed WDP)

AND

IN THE MATTER Commercial and Mixed Use
Chapter and Submissions

**STATEMENT OF EVIDENCE OF HUGH ANTHONY NICHOLSON
ON BEHALF OF WAIMAKARIRI DISTRICT COUNCIL**

URBAN DESIGN AND LANDSCAPE

30 NOVEMBER 2023

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1. INTRODUCTION

- 1.1 My full name is Hugh Anthony Nicholson. I am a Director at UrbanShift which is an independent consultancy that provides urban design and landscape architecture advice to local authorities and private clients.
- 1.2 I hold a Post-Graduate Diploma of Landscape Architecture from Lincoln University and a Post-Graduate Certificate in Urban Design from the University of Sydney. I have more than twenty years' experience in both the public and private sectors. I am a registered member of the New Zealand Institute of Landscape Architects (NZILA).
- 1.3 Prior to my current role, I worked as the Design Lead for the *Ōtākaro Avon River Regeneration Plan* for Regenerate Christchurch for two years, and as a Principal Urban Designer for Christchurch City Council for ten years. Before this I worked as an Urban Designer for the Wellington City Council for seven years.
- 1.4 I am a chair / member of the Nelson City / Tasman District Urban Design Panel and the Akaroa Design Review Panel. I was a member of the advisory panel for the development of the National Guidelines for Crime Prevention through Environmental Design (CPTED) for the Ministry of Justice, and a member of the Technical Advisory Group for the Wellington Waterfront.
- 1.5 My experience includes:
 - a. Project leader for the establishment of the Christchurch Urban Design Panel which reviews significant resource consent applications and significant Council public space projects (2008);
 - b. Project leader for *Public Space Public Life Studies* in Wellington (2004) and Christchurch (2009) in association with Gehl Architects which surveyed how people used different public spaces around the city centre, and how the quality of these public spaces could be improved;

- c. Steering group and design lead for *Share an Idea* and the Draft *Christchurch Central Recovery Plan* including associated draft district plan amendments to the central city zones which were subsequently reviewed and incorporated into the *Christchurch Central Recovery Plan*;
- d. Expert urban design witness for Christchurch City Council to the Independent Hearings Panel for the Christchurch Replacement District Plan on the Strategic Directions and Central City chapters;
- e. Design reviewer for more than fifty resource consent applications for major central city rebuilds for the Christchurch City Council including the Justice & Emergency Precinct, the Central Library, the Bus Interchange and the Christchurch Hospital Outpatients and Acute Services Buildings.
- f. Urban design and landscape peer reviewer and expert witness at hearings for private plan changes¹, submissions on the Proposed Selwyn District Plan (SDP) and submissions on Variation 1 to the Proposed SDP, for the Selwyn District Council. I have been an expert witness in Environment Court mediations for two of the plan changes.
- g. Project leader and reviewer for a technical review of the visual effects of LED Billboards for the Christchurch City Council².

2. CODE OF CONDUCT

- 2.1 I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023 and that I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person.

¹ Private Plan Changes 67, 69, 71, 72, 73, 74, 79, 81 and 82

² *LED Billboard Research: Technical Review of Visual Effects*, 2016, report prepared by Boffa Miskell Ltd and Connetics Ltd for Christchurch City Council

3. SCOPE

- 3.1 I have been asked by the Waimakariri District Council to carry out a peer review of urban design and landscape matters relating to submissions on the Commercial and Mixed Use Chapters of the Proposed Waimakariri District Plan (**PWDP**).
- 3.2 In carrying out this assessment I have reviewed:
- a. Section 32, Whitua Arumoni, Whitua Ahumahi, Whitua Motuhake / Commercial, Mixed Use, Industrial, and Special Purpose (Museum and Conference Centre) Zones Chapters, Proposed WDP³;
 - b. Whitua Arumoni, Whitua Ahumahi, Whitua Motuhake / Commercial, Mixed Use, Industrial, and Special Purpose (Museum and Conference Centre) Zones Chapters, Proposed WDP;
 - c. Relevant parts of Submissions (see paragraph 4.3) to Proposed WDP;
 - d. *Commercial Urban Design Framework for Waimakariri District Council*⁴;
 - e. *Te Tangi a te Manu: Aotearoa New Zealand Landscape Assessment Guidelines* prepared by the NZILA⁵.

4. COMMERCIAL AND MIXED USE - OBJECTIVES AND POLICIES

- 4.1 In my peer review and in providing evidence I have relied upon the objectives identified in the PDP to provide for “*sustainable and self-sufficient commercial economic development*”⁶, in a scale and form that:
- a. Recognises and supports (or does not undermine) the hierarchy of centres;
 - b. Supports (or does not undermine) good quality urban environments;
 - c. Recognises the functional requirements of activities and existing built form;
 - d. Manages adverse effects on the surrounding environment.

³ Section 32, Whitua Arumoni, Whitua Ahumahi, Whitua Motuhake / Commercial, Mixed Use, Industrial, and Special Purpose (Museum and Conference Centre) Chapters, Proposed Waimakariri District Plan, 18 September 2021

⁴ *Proposed Replacement District Plan – Commercial Urban Design Framework for Waimakariri District Council*, report prepared by Planz Consultants, April 2019

⁵ *Te Tangi a te Manu: Aotearoa New Zealand Landscape Assessment Guidelines*, Tuia Pito Ora New Zealand Institute of Landscape Architects, July 2022

⁶ CMUZ-02, Proposed Waimakariri District Plan

4.2 I have also been mindful of the main issues identified for residential zones in the Section 32 report⁷:

- a. *Dispersal of typical town centre activities into other zones;*
- b. *The design and layout of development, and the attractiveness and functionality of commercial centres;*
- c. *Commercial activities and effects on amenity of nearby residential areas;*
- d. *Ensuring sufficient capacity is available to cater for projected growth / changes in commercial activities.*

4.3 The submission points that I have been asked to review relate to:

- i. Policy CMUZ-P7 – *Residential Activities* [412.140], [325.282];
- ii. Rule TCZ16 – *Residential Unit* [325.328];
- iii. Rule TCZ-BFS10 – *Residential Units* [325.335];
- iv. Rule TCZ-R1 – *Construction or Alteration of or Addition to Any Building or Other Structure* [221.150], [267.500], [282.132], [325.327], [347.790];
- v. CMUZ-MD3 *Urban design* and CMUZ-MD7 *Road boundary setback, glazing and veranda* [292.77];
- vi. Rule TCZ-BFS1 – *Height* [267.600], [325.331];
- vii. Rule TCZ-BFS2 – *Height in relation to boundary when adjoining a street* [325.332];
- viii. Rule TCZ-BFS5 – *Internal boundary landscaping* [286.800];
- ix. Rule TCZ-BFS6 – *Road boundary landscaping* [267.700], [286.900];
- x. Rule TCZ-BFS7 – *Road boundary setback, glazing and verandahs* [267.800], [286.10], [347.830].

4.4 As a strategic direction the Proposed WDP aims for development that ‘*is consolidated and integrated with well-functioning urban centres*’ that ‘*recognises planned urban form and amenity values, and is attractive and functional to residents, businesses and visitors*’⁸.

⁷ Section 32, *Whaitua Arumoni, Whaitua Ahumahi, Whaitua Motuhake / Commercial, Mixed Use, Industrial, and Special Purpose (Museum and Conference Centre) Chapters, Proposed Waimakariri District Plan, 18 September 2021, Section 4, pp. 24-28*

⁸ https://www.waimakariri.govt.nz/data/assets/pdf_file/0032/137759/STRATEGIC-DIRECTIONS-SECTION-42A-REPORT.pdf p.31

- 4.5 The general objectives for Commercial zones seek “*sustainable and self-sufficient commercial development occurring in a hierarchical network of consolidated centres*”, that supports a good quality urban environment and manages adverse effects on the surrounding environment⁹.
- 4.6 Policies CMUZ-P1, CMUZ-P2, CMUZ-P3 and CMUZ-P5 seek to establish a hierarchy of urban centres which promote a compact urban form, and to protect the primary role of town centres within the hierarchy.
- 4.7 Policy CMUZ-P6 requires new development to be well-designed and laid out to:
- (i) Respond to the existing built form within and adjacent to a site, while recognising operational requirements;
 - (ii) Ensure that street facing façades of Principal Shopping Streets, have active frontages to provide visual interest, and design features that support established character, coherence and sense of place;
 - (iii) Encourage pedestrian activity and pedestrian amenity along streets and in adjoining public spaces;
 - (iv) Locate parking areas where they do not visually dominate or disrupt the street frontage, and avoid direct frontages on Principal Shopping Streets;
 - (v) Facilitate accessibility within a site and surrounding area by a range of modes of transport;
 - (vi) Promote a safe environment through the application of CPTED principles;
 - (vii) Create a visually attractive setting when viewed from the street and other public spaces;
 - (viii) Manage the compatibility of activities within the site and surrounding areas through site layout, design measures and landscaping, and controlling noise, light and signage.

⁹ General Objectives and Policies for all Commercial and Mixed Use Zones, Proposed Waimakariri District Plan, CMUZ-01, CMUZ-02

- 4.8 Policy CMUZ-P7 encourages residential activities above ground floors in all centres provided they are well designed and reverse sensitivities are managed including noise and privacy. The policy directs that residential activities should be avoided on ground floors fronting or adjoining the street in Town Centres to maintain commercial activity at ground level.
- 4.9 I have reviewed the submissions drawing on the broad directions outlined above and where necessary I have reviewed the appropriateness of proposed objectives and policies as methods of delivering the desired outcomes based on my urban design and landscape expertise.

5. Policy CMUZ-P7 – Residential Activities and Rule TCZ16 – Residential Unit

- 5.1 Three submissions were received in support of CMUZ-P7, while two submissions sought amendments. Two submissions were received in support of TCZ-R16, while one submission sought amendments.
- 5.2 Templeton Group [412.140] is seeking amendments to CMUZ-P7 to enable residential units to be permitted at ground level in the Pegasus LCZ which they consider would provide greater flexibility and mixed use activity, and encourage more people to live in and around local centres, and would achieve a better design led outcome. Their proposed amendment would apply to all centres and would remove clause 1. which encourages residential activities to be located above ground floor.
- 5.3 Kainga Ora Homes and Communities [325.282] generally support CMUZ-P7, however, they seek amendments to provide flexibility for residential use on the ground floor where the site is not required to meet the long term needs for commercial floorspace, or where the building is designed and constructed to allow a straightforward conversion to commercial floorspace if required in the future. To this end they have proposed removing clause 2. which seeks to avoid residential activities on the ground floor of town centres, and added two qualifying matters to clause 1.

- 5.4 Kainga Ora Homes and Communities [325.328] is related to the submission above and seeks to amend Rule TCZ-R16 so that the restriction on residential activities on the ground floor would only apply to Principal Shopping Streets and not to the whole TCZ.

Assessment

- 5.5 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 periods¹⁰.
- 5.6 In my 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.
- 5.7 I note that the consent status for residential activity on the ground floor in a local centre would be restricted discretionary and consider that this is appropriate. I recommend the Templeton Group submission point [412.140] is rejected.
- 5.8 The wording proposed in the Kainga Ora submission [325.282] is more consistent with the restricted discretionary activity status for residential activities on the ground floor of centres, and the two qualifying matters have merit, however, I remain concerned that this 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. I am

¹⁰ Gehl, J., *Cities for People*, 2010, pp.75-80

also concerned 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.

- 5.9 I recommend that the Kainga Ora submission point [325.282] is rejected and consider that the qualifying matters are covered in CMUZ-MD11 and can be considered as part of a restricted discretionary consent process.
- 5.10 The second Kainga Ora submission [325.328] on TCZ-R16 is related and also seeks to enable residential activities on the ground floor of the TCZ except on Principal Shopping Streets. For the reasons outlined above I consider that this is not appropriate and recommend this submission point is rejected also.

Recommendations

- 5.11 I recommend the Templeton Group submission point [412.140] is rejected;
- 5.12 I recommend that the Kainga Ora submission points [325.282] and [325.328] are rejected.

6. RULE TCZ-BFS10 – RESIDENTIAL UNITS

- 6.1 Three submissions were received in support of TCZ-BFS10 while one submission from Kainga Ora – Homes and Communities [325.335] generally supports the standard but seeks to amend some of the minimum net floor area requirements for residential units in order to enable a variety of housing typologies. In particular they seek to delete the minimum requirements of 60m² for two bedroom units and 90m² for three or more bedroom units.

Assessment

- 6.2 As a general principal the floor area of a unit should increase relative to the number of bedrooms. This includes the kitchen, circulation space and dining and living rooms which should be sized to comfortably accommodate the anticipated number of occupants. 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.

6.3 Auckland is the largest urban area in Aotearoa New Zealand and has the greatest number of medium density developments. The Auckland Design Manual¹¹ has investigated alternative layouts for residential units including furniture and circulation space, and recommends:

	Living	Kitchen & Dining	Sub-Total	Bedrooms	Bathrooms	Laundry	WR	Entry	Min Net Internal Floor Area
Studio	11.00	5.10	16.10	9.00	3.00	0.84	0.70	0.36	30.00
1 Bed	20.00	10.80	30.80	9.00	3.00	0.84	1.00	0.36	45.00
2 Bed	24.00	13.20	37.20	9.00 x2	3.00	1.26	2.18	0.36	62.00
3 Bed	28.00	16.20	44.20	9.00 x3	3.00 x2	1.26	3.18	0.36	82.00

6.4 Wellington District Plan includes minimum unit sizes in the medium density residential zone¹² including:

- a. Studio units – 35m²,
- b. 1 bedroom units – 40m²;
- c. 2+ bedroom units – 55m².

6.5 The Christchurch Replacement District Plan¹³ and the PWDP include minimum unit sizes for residential units including:

- a. Studio units – 35m²
- b. 1 bedroom – 45m²
- c. 2 bedroom – 60m²
- d. 3+bedroom – 90m²

6.6 The Kainga Ora submission suggests that the minimum net floor areas provide unnecessary regulatory constraint and do not enable a variety of housing typologies. No evidence is provided to support this claim and the proposed built form standard provides for a range of unit sizes and types.

¹¹https://content.aucklanddesignmanual.co.nz/regulations/design-for-the-rules/Documents/Design_Element_R6-Unit_Layouts_Room_Sizes.pdf

¹² <https://eplan.wellington.govt.nz/proposed/rules/0/182/0/7121/0/33> MRZ-S12

¹³ 14.6.2.16, Plan Change 14, Proposed Christchurch District Plan

6.7 I recommend that the Kainga Ora Homes and Communities submission [352.335] is rejected. I consider that there is merit in maintaining a consistent approach to minimum net floor areas with the Christchurch City Council, however, if the Panel is of a mind to minimise the regulatory constraints, I consider that the minimum floor areas in the Auckland Design Manual represent best practice for New Zealand cities.

6.8 I note that with high-quality design it is possible to build liveable units with good amenity that are smaller than the recommended minimum net floor areas in TCZ-BFS10. In my opinion the restricted discretionary activity status for this standard together with the matters of discretion listed in CMUZ-MD11 section 2 provide an appropriate pathway to assess these exceptions.

Recommendations

6.9 I recommend that the Kainga Ora Homes and Communities submission point [352.335] is rejected.

6.10 I recommend that either TCZ-BFS10 is unchanged in order to provide a consistent approach with Christchurch, or the minimum net floor areas for residential units are changed to reflect best practice:

- a. Studio units – 30m²
- b. 1 bedroom – 45m²
- c. 2 bedroom – 62m²
- d. 3+bedroom – 82m²

7. Rule TCZ-R1 – Construction or Alteration of or Addition to Any Building or Other Structure

7.1 Three submissions were received in support of TCZ-R1 and five submission points sought amendments.

7.2 The House Movers [221.150] seek inclusion of permitted activity standards specific to moveable buildings into the relevant activity table in each zone.

- 7.3 Foodstuffs [267.500] oppose TCZ-R1. In particular they consider that the TCZ specifically provides for supermarkets as a permitted activity, yet unnecessarily restricts their development or expansion through Rule TCZ-R1. They note that new supermarkets and extensions / alterations to existing supermarkets are generally larger than 450m², as a result of need to provide for sufficient space for storage, customers, market demand and the overall function of the supermarket. They seek the removal of the GFA threshold, or alternatively (not Foodstuff's preference) the inclusion of matters of discretion relating to "scale and characteristics of the existing development" and "functional and operational requirements of the activity", or wording to similar effect.
- 7.4 Foodstuffs [267.500] also opposes the identification of part of the New World Rangiora frontage as a Principal Shopping Street and seeks deletion of this notation.
- 7.5 Woolworths [282.132] consider that none of the zones in the PWDP's CMUZ provisions would provide for a supermarket as a permitted activity. In particular in the town centres TCZ-R1 would require all of Woolworth's developments to apply for a resource consent. They consider that this approach is at odds with the widely accepted role that supermarkets play as anchor tenants, and as catalysts for investment in centres of all scales, as well as with respect to the importance of convenient and efficient access to supermarkets as an essential service.
- 7.6 Kainga Ora Homes and Communities [325.327] seeks to remove the 450m² Gross Floor Area (GFA) requirement in TCZ-R1. No explanation has been provided although based on the general approach of the submission this relates to enabling development.
- 7.7 Ravenswood Development Limited [347.790] support TCZ-R1 but seek to replace the North Woodend Outline Development Plan with a new Outline Development Plan for Ravenswood Town Centre.

Assessment

- 7.8 With regard to the The House Movers submission [221.150], the inclusion of activity standards for moveable buildings within each zone seems to be an inefficient and repetitive method of addressing an issue that could be addressed in a single location in the plan such as the definition of 'building' or 'moveable building'.
- 7.9 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. Poor building design can adversely affect the street environment and the community's enjoyment of the space.
- 7.10 Foodstuffs [267.500] and Woolworths [282.132] submissions both consider that supermarkets should be a permitted activity and consider that TCZ-R1 unnecessarily restricts their development or expansion. Supermarkets are permitted activities in Town Centres zones, however, TCZ-R1 seeks to ensure that new buildings (including supermarkets) do not compromise the quality of the urban environment. In my opinion this is an appropriate approach in town centres.
- 7.11 With regard to the inclusion of New World frontages as part of the Principal Shopping Street in Rangiora I note that currently the 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. I consider that if the supermarket is redeveloped in the future it is appropriate that the redevelopment should take account these pedestrian frontages, and recommend that the Principal Shopping Street Frontages around the New World Supermarket in Rangiora are retained.
- 7.12 With regard to the Kainga Ora [325.327] submission, it is not clear why Kainga Ora is recommending that this requirement should be deleted. I note that poor building design can adversely affect the street environment and the community's enjoyment of the space, and consider it is appropriate to

require an urban design assessment of buildings within the Town Centre zone to support a well-functioning urban environments.

- 7.13 Kainga Ora's submission does implicitly raise the question of what thresholds are appropriate for triggering an urban design assessment. Given the significance of the Principal Shopping Streets as one of the primary public spaces and an integral part of the sense of place in the relevant centres I consider that it is appropriate that all new buildings, alterations or additions on a Principal Shopping Street trigger an urban design assessment.
- 7.14 For the remainder of the Centre zones and the Large Format Retail Zone the question of when to trigger an urban design assessment is a matter of balancing the potential for adverse effects against the costs of additional regulation. A 450m² gross floor area threshold would allow a single-storey building 30m wide by 15m deep or a two-storey building 15m wide by 15m deep to be constructed as permitted activities.
- 7.15 With regard to the Town, Local and Neighbourhood Centres and the Mixed Use zones I consider 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. There are risks of poor outcomes but given it would be a single relatively small building amongst a number of buildings I consider the risk is acceptable. With this in mind I recommend that the 450m² threshold is appropriate for the TCZ, LCZ, NCZ and MUZ permitting relatively small buildings without excessive regulation while ensuring that the layout and design of the larger buildings is reviewed under CMUZ-MD3.
- 7.16 The Large Format Retail Zones generally include larger scale buildings and fewer pedestrian street environments. Although one might argue that the quality of the environment or sense of place is less important here, I note 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 I consider that it is important

that the visual interest, pedestrian and cycling amenity and landscape quality are considered.

- 7.17 I note that the scale of buildings in the LFRZ is larger than the other CMUZ zones and that the gross floor area threshold should be correspondingly larger. In general I consider that the larger stores (and associated car parks) have greater visual and amenity effects, and attract greater numbers of visitors, while smaller specialist retail or service outlets with more limited stock have less impact and attract fewer visitors.
- 7.18 With this in mind I recommend that the gross floor area threshold in LFRZ-R1 is amended 800m². I consider that this would permit most stand-alone specialist retail buildings and building alterations, while capturing the more significant large format stores including new supermarkets and hardware stores which have the potential to cause greater adverse effects.
- 7.19 I note that the potential adverse effects of visual dominance and loss of character are proportionally greater with taller buildings. In my opinion any building taller than two storeys in the TCZ, LCZ, NCZ and MUZ should trigger an urban design assessment given the potential scale of effects. This could be required through an additional clause, however, the 450m² gross floor area threshold would capture almost all buildings taller than two storeys.
- 7.20 In reviewing the relevance of the matters of discretion in CMUZ-MD3 with regard to taller buildings, I note that taller buildings may be visible from longer distances and surrounding zones. I recommend that an additional matter of discretion is added - *“takes account of longer views of taller buildings providing visual interest and supporting the character of the centre”*.
- 7.21 With regard to the Ravenswood Development Limited submission [347.790] I consider that this matter is primarily about the ODP and should be considered as part of the re-zoning hearings.

Recommendations

7.22 I recommend that:

- a. The House Movers submission point [221.150] is considered in a more appropriate section of the Plan;
- b. Foodstuffs [267.500] and Woolworths [282.132] submission points are accepted in part and accepted in part and a new gross floor area threshold of 800m² for the LFRZ is added to TCZ-R1;
- c. Foodstuffs [267.500] submission point opposing the inclusion of some of the Rangiora New World frontages as Principal Shopping Streets is rejected;
- d. Kainga Ora [325.327] submission point is rejected;
- e. A new assessment matter is added to CMUZ-MD3 for taller buildings (within the height limit) *“takes account of longer views of taller buildings providing visual interest and supporting the character of the centre”*;
- f. Ravenswood Development Limited submission point [347.790] is considered as part of the rezoning hearings.

8. CMUZ-MD3 Urban design and CMUZ-MD7 Road boundary setback, glazing and veranda and Supermarkets

8.1 Woolworths submission [282.77] seeks a new matter of discretion for supermarket activities in all Commercial and Mixed Use Zones that actively recognises the operational and functional requirements for supermarkets and presents a balanced assessment of supermarkets against centre urban design ideals. Alternatively they suggest amending 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.

Assessment

8.2 In my opinion it is not appropriate to establish different matters of discretion for a particular type of retail shop given that their functional requirements are not unique or unusual. District Plan zones are activity based, for example

retailing is a permitted activity in CMUZ, and they do not generally distinguish between types of retail store.

- 8.3 Supermarkets are permitted activities in the TCZ, MUZ, LCZ and NCZ although their floor area generally triggers a restricted discretionary consent. The matters of discretion in CMUZ-MD3 relate to urban design and signal that supermarkets are anticipated activities provided they can be designed in a way that contributes to desired CMUZ urban environment. The desired outcomes are incorporated in the matters of discretion.
- 8.4 CMUZ-MD7 sets out the matters of discretion for road boundary setbacks, glazing and verandahs in the TCZ, LCZ and NCZ. It is not triggered in the LFRZ. In my opinion 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.
- 8.5 I note that the matters of discretion are prefaced with “the extent to which...”. In my opinion this signals that a specific standard is not appropriate and that a range of solutions are possible which support the desired outcomes.
- 8.6 In my opinion CMUZ-MD3 and CMUZ-MD7 provide appropriate methods to assess supermarkets taking account of their specific functional requirements. 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.
- 8.7 I note that Mr Willis proposes to add a clause to CMUZ-MD3 and CMUZ-MD7 that addresses the functional and operational requirements of activities, as well as corner sites and sites with double frontages. While I have some concerns about how these requirements will be defined, I have reviewed the proposed wording and support the clause as proposed:
- “The extent to which any operational or functional requirements of the proposed activity, or site constraints, would justify not fully meeting the standard, including:*

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

Recommendations

8.8 I recommend that Woolworths submission point [282.77] is accepted in part and a new matter of discretion is added to CMUZ-MD3 and CMUZ-MD7 addressing the functional and operational requirements of activities (as worded in paragraph 8.7).

9. Rule TCZ-BFS1 - Height

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

9.2 Foodstuffs [267.6] oppose a requirement that new buildings or additions to existing buildings which front a Principal Shopping Street higher than 5m trigger a discretionary resource consent. They go on to support the 12m height limit as it applies to the TCZ.

9.3 Kāinga Ora submission [325.331] opposes the maximum height at 12 and 18m. Kāinga Ora seeks to enable heights of up to 6 storeys (21 metres) in order to align with the direction of the NPSUD. They submit that infringement of the height limits should be considered as a restricted discretionary activity and that the Town Centre Zone and other centres should enable the greatest degree of intensification and built form in Waimakariri.

Assessment

- 9.4 The Foodstuffs [267.6] submission appears to misinterpret Clause 1 of TCZ-BFS1 which sets a *minimum* height of 5m for any building fronting a Principal Shopping Street. They go on to say that existing supermarkets are considerably higher than 5m and to support the 12m height limit. I recommend rejecting submission Foodstuffs submission [267.6] noting that they support the 12m height limit proposed in the TCZ.
- 9.5 I agree with Kainga Ora [325.331] that the Town Centres should enable the greatest degree of intensification and built form, however, they are not city centre or mass rapid transit zones where the NPS-UD seeks six-storey buildings. In my opinion the height of buildings in the Town Centres should be commensurate with the level of expected demand or growth within the centres. Providing significantly greater potential floor area than the expected demand may lead to an uneven concentration of development in particular areas.
- 9.6 I consider 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 12m I consider that the height limits of both the NCZ and LCZ should remain at 12m in order to reflect the overall density proposed. If the height limits in the residential areas are reduced to 8m, I consider that the height limits in the NCZ and LCZ should be correspondingly reduced to 8m. I acknowledge that, if the residential areas are reduced to 8m, there is some merit to retaining the 12m height limit in the LCZ and creating a hierarchy of centres from 8m in the NCZ to 12m in the LCZ, however, on balance I consider that development of this scale in the LCZ is unlikely and would potentially attract investment away from the TCZs.
- 9.7 I consider that the height limits in the TCZ should be greater than the LCZ and NCZ in order to support the hierarchy of centres. I also support the use of a residential height bonus in the TCZ to incentivise the inclusion of residential units. I am mindful of the advice of Formative that there is unlikely to be commercial demand in the next ten years to justify the six-storey height limit requested by Kainga Ora, and that the development of four-storey

buildings is not generally viable given that the additional costs associated with developing above three-storeys are higher.

- 9.8 With these factors in mind I consider that an 15m height limit (3-4 storeys) would be appropriate in the TCZ, with 21m height limit (6+ storeys) in the Residential Height Bonus Area Precinct where at least one floor is designed and used for residential activity as part of a mixed use development. This would enable more commercial development if there is demand, and encourage more people to live in the town centre.
- 9.9 Taller buildings may be associated with adverse environmental effects. Buildings of 21m or lower do not generally cause significant wind downdrafts or funnelling. Shading is likely to be the principle adverse effect. The angle of the sun in Christchurch at the two equinoxes (March and September) is approximately 44 degrees. On a street running east-west such as High Street which is 20m wide with 21m high buildings on the north side, the sun will reach the majority of the facade of the buildings on the south side of the street at the equinoxes but the street will be in shade.
- 9.10 A road-wall height of 18m 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. In my opinion this would create a significantly more attractive pedestrian environment with higher amenity. The 18m road-wall height can be achieved by allowing a maximum height of 21metres in the Residential Height Bonus Area Precinct with a 45^o recession plane from the road boundary above the maximum road wall height of 18m.
- 9.11 In my opinion the height calculation methodology which excludes identified structures such as aerials, parapets, plant rooms, lift shafts and chimneys is an appropriate approach which facilitates functional and attractive buildings without creating undue visual dominance.
- 9.12 I consider that a restricted discretionary activity status is appropriate for breaches of the height rule and consider that an additional set of matters of

discretion would be required including the matters outlined in the recommendations below.

- 9.13 I consider that public notification may be appropriate depending on the scale of the proposed building and the size of the rule breach.

Recommendations

- 9.14 I recommend that:

- a. Foodstuffs submission point [267.6] is rejected noting that they support the 12m height limit proposed in the TCZ;
- b. Kāinga Ora submission point [325.331] is accepted in part;
- c. the maximum height limit in the TCZ is amended to 15m, with 21m maximum height limit in the Residential Height Bonus Area Precinct where at least one floor is designed and used for residential activity as part of a mixed use development;
- d. the maximum road-wall height is amended to 18m in order to facilitate sunlight access to the street;
- e. the height calculation methodology which excludes identified structures such as aerials, parapets, plant rooms, lift shafts and chimneys is maintained;
- f. a restricted activity status for breaches of the height limit is appropriate and that public notification may be appropriate depending on the scale of the proposed building and the size of the rule breach;
- g. additional height specific matters of discretion including:
 - (i) the extent to which the building affects local environmental conditions including increased shading and wind in nearby public spaces;
 - (ii) the extent to which the building affects / integrates nearby heritage buildings and values;
 - (iii) the extent to which the building undermines / supports the Principal Shopping Street and associated urban form;
 - (iv) the extent to which the building reflects a human scale through the use of building form, design and modulation;

- (v) the extent to which the design reduces visual dominance / creates visual interest / provides an attractive local landmark;
- (vi) the extent to which the building displays exemplary design quality;
- (vii) the potential for adverse commercial distribution and transport effects.

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

10.1 Three submissions were received in support of TCZ-BFS2 and one from Kainga Ora [325.332] which sought to delete the standard. Kainga Ora consider that there should not be a height in relation to boundary control adjoining 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.

Assessment

10.2 As discussed in the previous section shading is likely to be the principle adverse environmental effect of taller buildings. The angle of the sun in Christchurch at the two equinoxes (March and September) is approximately 44 degrees. On a street running east-west such as High Street which is 20m wide with 21m high buildings on the north side, the sun will reach the majority of the facade of the buildings on the south side of the street at the equinoxes but the street will be in shade.

10.3 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. In my opinion this 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.

- 10.4 I note that the standard as drafted refers to a “*45⁰ recession plane from the maximum road wall height and angling into the site in accordance with the diagrams in Appendix APP3*”. The diagram in Appendix APP3 establishes different recession planes depending on the orientation of the boundary. I consider that a 45⁰ recession plane is appropriate in the TCZ and recommend that the reference to the diagram in Appendix APP3 is deleted.
- 10.5 Although buildings on the south side of the street have a lesser impact on the degree of shading, I consider that it is appropriate to retain the same recession plane on both sides of the street in order to maintain a balanced sense of enclosure. Alternatively, the 45⁰ recession plane could be replaced with the recession planes as defined in Appendix APP3 which respond to the orientation of the boundary.

Recommendations

- 10.6 I recommend that:
- a. Kainga Ora Homes and Communities submission point [325.332] is rejected;
 - b. The reference in TCZ-BFS2 to “*in accordance with the diagrams in Appendix APP3*” is deleted.

11. Rule TCZ-BFS5 – Internal boundary landscaping

- 11.1 Three submissions were received in support of TCZ-BFS5, while one submission from Z Energy [286.8] considers the PDP should provide for alternative measures, including a combination of existing landscaping and/or fencing on existing service station sites, to achieve appropriate amenity outcomes. In particular Z Energy seeks that either a solid fence or a 2m wide landscape strip or a combination of the two would be acceptable.
- 11.2 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. Generally residential, open space and recreation zones are more sensitive environments than commercial zones, particularly when considering potential effects from a

neighbouring service station including traffic movements and noise, lights, fumes, hours of opening, car doors and general service station operations.

11.3 In my opinion it is not sufficient to rely on a solid fence 1.8m high to mitigate these effects, and I consider 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.

11.4 I note that the activity status for breaches of TCZ-BFS5 is restricted discretionary and that the matters of discretion include consideration of the proposed mitigation and likely effects. I consider this is an appropriate pathway.

Recommendations

11.5 I recommend that:

- a. the Z Energy submission point [286.8] is rejected.

12. Rule TCZ-BFS6 – Road boundary landscaping

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

12.2 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.

12.3 Z Energy [286.9] oppose TCZ-BFS6 without an 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 or alternatively, seek to exclude alterations and additions at existing service stations from TCZ-BFS6, TCZ-BFS7 and TCZ-BFS9.

Assessment

- 12.4 With regard to the submission of Foodstuffs [267.7] I note that some landscaping has been provided along the road boundaries of the New World stores in Rangiora and Kaiapoi. The standards in TCZ-BFS6 establish a baseline for an acceptable outcome on the road boundary but it is recognised that there are other possible solutions which may be acceptable.
- 12.5 Breaches of TCZ-BFS6 trigger a restricted discretionary activity status and alternative methods of providing for the design outcomes can be assessed on balance using the matters of discretion in CMUZ-MD8. In my opinion no changes are to TCZ-BFS6 are required.
- 12.6 Z Energy [286.9] accept that landscaping along the road boundary can enhance the attractiveness of a site and mitigate effects of a development, however, they consider that for existing service stations it can be difficult to incorporate trees into the road boundary landscaping without compromising visibility and traffic safety. They seek an exemption to TCZ-BFS6 for alterations and additions to existing service stations.
- 12.7 I agree that in places it may not be appropriate to plant trees where they might compromise traffic visibility or safety, however, I consider that these matters can be addressed through a restricted discretionary consent. In general I consider that traffic safety issues should take priority over amenity issues and consider that this would be resolved as part of the consent process. Alternatively additional words could be added to clause 2 TCZ-BFS6 to the effect “*except where such trees would compromise traffic safety*”.

Recommendations

12.8 I recommend that:

- a. Foodstuffs Limited submission point [267.7] is rejected;
- b. Z Energy submission point [286.9] is rejected.

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

13.1 Three submissions were received in support of TCZ-BFS7. Three submissions were received seeking changes.

13.2 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 requirements of TCZ-BFS7 as they relate to supermarkets.

13.3 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 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 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 or alternatively, seek to exclude alterations and additions at existing service stations from TCZ-BFS6, TCZ-BFS7 and TCZ-BFS9.

- 13.4 Although the RDL [347.83] submission was coded as supporting TCZ-BFS7, the submitter actually sought changes to this standard. RDL considers that unlike 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.

Assessment

- 13.1 In my opinion it is not appropriate to establish rules for a particular type of retail activity such as a supermarket given that their functional requirements are not unique or unusual. District Plan zones are activity based, for example retailing is a permitted activity in TCZ, and they do not generally distinguish between types of retail stores.
- 13.2 Supermarkets are permitted activities in the TCZ although their floor area and urban form generally triggers a restricted discretionary consent. The matters of discretion in CMUZ-MD7 signal that supermarkets are anticipated activities provided they can be designed in a way that contributes to desired TCZ urban environment. The desired outcomes are incorporated in the matters of discretion.
- 13.3 I note that the matters of discretion are prefaced with “the extent to which...”. In my opinion this signals that a specific standard may not be the only answer and that a range of solutions are possible which support the desired outcomes. I also note that Mr Willis proposes to add a clause to CMUZ-MD7 that addresses the functional and operational requirements of activities, as well as corner sites and sites with double frontages. While I have some concerns about how these requirements will be defined, I have reviewed the proposed wording and support the clause as proposed in paragraph 8.7.
- 13.4 Supermarkets are often anchor tenants in town centres, however, this should not exempt them from the rules protecting the character and amenity of the centre. A restricted discretionary consent pathway allows for flexible on-balance assessment of the extent to which the supermarket contributes to active frontages, visual interest, pedestrian connections and spaces,

streetscape and landscape. This allows the specific operational considerations of the supermarket to be addressed alongside the potential benefits of a supermarket.

- 13.5 An example of this approach is provided in the submission where Foodstuffs note that “*supermarkets 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 matters of discretion in CMUZ-MD7 enable this alternative ‘pedestrian-scale interface’ to be taken into account.
- 13.6 I recommend that the submission point Foodstuffs [267.8] is accepted in part and a new matter of discretion is added to CMUZ-MD7 addressing the functional and operational requirements of activities (as per paragraph 8.7).
- 13.7 With regard to the Z Energy [286.10] submission I consider that it is not appropriate to treat service stations differently given that their functional requirements are not unique or unusual. As with supermarkets the matters of discretion in CMUZ-MD7 allow for a range of alternative solutions to be considered on balance.
- 13.8 Z Energy [286.10] is primarily concerned with excluding alterations and additions to existing service stations from the rule. While much of the justification revolves around Z Energy Rangiora, the amended rule would apply more widely and no controls are suggested on the scale of alteration and additions.
- 13.9 In my opinion 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.
- 13.10 I recommend that the submission point Z Energy [286.10] is accepted in part and a new matter of discretion is added to CMUZ-MD7 addressing the functional and operational requirements of activities (as per paragraph 8.7).

- 13.11 Regarding the submission by RDL [347.83] the CMUZ zones are distinguished by built form, size and function. Town Centre Zones are 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.
- 13.12 In contrast Large Format Retail Zones 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.
- 13.13 The built form outcomes anticipated in TCZ-BFS7 are characteristic of pedestrian-oriented mainstreets, and are appropriate for both existing and new TCZs.
- 13.14 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 my opinion if a TCZ zoning is retained for the Ravenswood town centre then the built form standards in TCZ-BFS7 should also be retained.
- 13.15 I consider that submission point RDL [347.83] should be rejected.

Recommendations

- 13.16 I recommend that:
- a. the submission point Foodstuffs [267.8] is accepted in part and a new matter of discretion is added to CMUZ-MD7 addressing the functional and operational requirements of activities (as per paragraph 8.7);
 - b. the submission point Z Energy [286.10] is accepted in part and a new matter of discretion is added to CMUZ-MD7 addressing the functional and operational requirements of activities (as per paragraph 8.7);

c. the submission point RDL [347.83] is rejected.



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