

**BEFORE INDEPENDENT HEARING COMMISSIONERS  
AT RANGIORA / WAIMAKARIRI**

**I MUA NGĀ KAIKŌMIHANA WHAKAWĀ MOTUHAKE  
RANGIORA / WAIMAKARIRI**

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

**AND**

**IN THE MATTER** of the hearing of submissions and further  
submissions on the **Proposed Waimakariri  
District Plan**

**HEARING TOPIC:** **Stream 9 Commercial and Mixed Use Zones**

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**SUMMARY STATEMENT OF CLARE DALE  
ON BEHALF OF KĀINGA ORA – HOMES AND COMMUNITIES**

**PLANNING**

**29 JANUARY 2024**

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## 1. SUMMARY STATEMENT

- 1.1 My name is Clare Elizabeth Dale, and I am a Senior Planner at Novo Group Limited. I have provided written evidence for this hearing.
- 1.2 In the absence of Mr Liggett from Kāinga Ora who has presented to the panel in previous hearing streams, with me today is Josh Neville, Development Planning Team Leader for the South Island. Noting that there is no corporate evidence for this stream Mr Neville is here to answer any questions that the panel may have in regard to Kāinga Ora position or experience.
- 1.3 Further noting that Kāinga Ora have not lodged legal submissions for this stream and Mr Cameron is not present today as earlier indicated on the hearing schedule, due to Auckland Anniversary weekend. If there are any panel questions that it would be helpful for the legal team to answer we are happy to arrange this in writing/ via memo.
- 1.4 The Kāinga Ora submission supports the overall centres hierarchy taken in the PDP and Section 42A Report and there is agreement on a majority of the Commercial and Mixed Use provisions. Further in relation to most of the remaining points of difference covered in the evidence, I do not consider that the opinions and conclusions are that far apart.
- 1.5 The submission points covered in my evidence can generally be grouped into four key themes: residential activities at ground floor in the TCZ, increases to building height standards in the MUZ and TCZ, clarification of the height in relation to boundary standards; and reducing rail boundary setbacks. I have set out below a summary of the key points from that evidence that I wish to highlight.

### **Residential in TCZ:**

- 1.6 I agree with Mr Willis that residential units should not be encouraged or permitted fronting on to streets (any clarification) in the TCZ, but should be permitted behind commercial frontages as is currently drafted in R16 and R17 (with the exception of entrance ways and lobby's) . I am also of the view that the street frontages should primarily be for commercial uses and that residential units on the ground floor fronting the street in these locations would only be appropriate where effects on active frontages and availability of commercial floor space are managed. I

recommend that policy CMU-P7 is amended so that residential units on the ground floor in TCZ are not to be avoided, to reflect the above.

### **Building Height:**

- 1.7 The remaining points of difference between the Kāinga Ora submission and the Section 42A Report height recommendations relate to the MUZ and TCZ zones.
- 1.8 Based on Kaiapoi and Rangiora being the districts primary commercial centres where the greatest level of intensification/growth is anticipated and the Council's economic and urban design evidence I consider that a height limit of 18m (or 5 stories) is appropriate on the principal shopping streets in the Kaiapoi and Rangiora TCZ's and in the MUZ at Kaiapoi.

### **Height in Relation to Boundary**

- 1.9 Having given this matter some further thought, I agree with the suggested wording in the panel's question in relation to Mr Willis's paragraph 61. This would avoid the CMUZ be subject to less enabling recession planes than the adjoining residential zone where it adjoins MRZ. The different angles and measurement points for the various scenarios can be included in Appendix 3 as they are in the Selwyn District Plan and avoiding any duplication.

### **Rail Setbacks**

- 1.10 The Kāinga Ora position is to consistently oppose rail boundary setbacks that exceed 2.5m in the commercial context (and 2m in the residential context), and also seek consistent wording for the relevant Matter of Discretion. Kāinga Ora accept the need to protect this regionally significant infrastructure and are not opposed to a setback, however, Kāinga Ora questions the need for the setback to be 4m, based on other hearing processes that they have been involved with around the country where smaller setbacks of 2.5m have been agreed with KiwiRail in commercial zones.
- 1.11 I consider that NCZ-BFS7, LCZ-BFS7 and MUZ-BFS10 are unnecessary and should be deleted as these zones do not currently adjoin the rail corridor. Setback rules should only be included in zones that adjoin the rail corridor. Alternatively, the rail boundary setback could be mapped and the rail boundary setback rules could be located within the district wide infrastructure or transport chapters, thus

avoiding the need for new rules in zone chapters associated with future zone changes.

- 1.12 I consider a blanket 4 – 5m setback is an unnecessarily blunt restriction to effectively manage the issue, in the absence of any evidence to the contrary. In this regard, I consider the reduced setback supported by Kāinga Ora would provide adequate space for maintenance activities (cleaning, painting and gardening) within sites adjacent to the rail network. In doing so, it will continue to protect the safe, efficient, and effective operation of the rail infrastructure while balancing the cost on landowners (and associated restriction of development rights). Alternatively, as per above I would also support the identification and specifically mapped railway corridor setback reflecting the setback area.

**Clare Dale**

**29 January 2024**

