

**Before the Hearings Panel  
At Waimakariri District Council**

**Under** Schedule 1 of the Resource Management Act 1991

**In the matter of** The Proposed Waimakariri District Plan

**Between** **Various**

**Submitters**

**And** **Waimakariri District Council**

**Respondent**

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**Council s42A Officer's Right of Reply on the Commercial and  
Mixed-Use Zone Chapters on behalf of the Waimakariri District  
Council**

**Date: 15 March 2023**

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## **INTRODUCTION**

- 1 My name is Andrew Willis. I am a planning consultant engaged by the Council to support the development of the Commercial and Mixed-Use Zone Chapters. I am authorised to provide this evidence on behalf of the District Council.
- 2 I have read the evidence and tabled statements provided by submitters relevant to the Section 42A Report – Commercial and Mixed-Use Zone Chapters.
- 3 The purpose of this statement is to provide a right of reply to the matters raised in evidence before the PDP Hearings Panel on the Commercial and Mixed-Use Zone Chapters. It includes a response to further directions / questions from the Hearings Panel contained in Minute 20 dated 27 February, in response to evidence presented at the hearing.

## **QUALIFICATIONS, EXPERIENCE AND CODE OF CONDUCT**

- 4 I have the qualifications and experience as set out in my s42A report. I confirm that I am continuing to abide by the Code of Conduct for Expert Witnesses set out in the Environment Court's Practice Note 2023.

## **SCOPE OF REPLY**

- 5 In Minute 20 the Hearings Panel made directions / asked questions based on matters arising at the hearing and in response to submitter evidence presented. My response to these are set out below.
- 6 I have also commented on other matters arising as a result of the evidence tabled or presented and the Panel's questions of myself and other experts at the hearing.

- 7 As a result of responding to the above matters, I have recommended changes to the Commercial and Mixed-Use Zone Chapters, as set out in **Appendix A** to this report.
- 8 **Appendix B** contains a statement of evidence from Mr Nicholson on building heights in town centres.
- 9 **Appendix C** contains photos of recently constructed 4-level buildings.
- 10 **Appendix D** contains the CMUZ height limit rules for the partially operative Selwyn District Plan.

#### HEARINGS PANEL DIRECTIONS / QUESTIONS

- 11 I have responded to the directions / questions in the order provided in Minute 20, repeating the direction / question first, then providing my response.

*Direction: Please respond to KiwiRail's responses to the Panel's questions.*

- 12 KiwiRail submitted evidence and legal submissions to Hearing Stream 9 in support of their submission and chose not to appear at the hearing. They asked the Panel to put any questions of them in writing. The Panel responded with questions, requesting KiwiRail to respond to Ms Dale's evidence for Kāinga Ora in respect of the 5m railway set back sought by KiwiRail. In particular, they sought answers to the following questions:

- 1) *Address why it is appropriate now to include a setback in the MUZ, LCZ and NCZ where we understand, there is no Railway adjacent to these three zones.*
- 2) *Explain the rationale and provide evidence for why 4m is more appropriate than 2.5m in respect of maintenance and access to buildings. In doing so, please explain why and*

*how the maintenance and access to buildings and safety issues of people dropping things differs for the railway line compared to any other site boundary.*

- 3) *Address the appropriateness of a blanket set back from the railway boundary rather than the rail lines themselves, if the concern is interference with the operation of the railway line.*
- 4) *Provide evidence that there is an issue in Waimakariri District that warrants a 4 or 5m setback, noting our question below.*
- 5) *Explain why the Hearings Panel would impose a 4 or 5m setback when this is inconsistent with smaller-sized setbacks in recently approved or decided District Plans (including plan changes). Ms Dale has referenced the Whangarei, New Plymouth and Marlborough District Plans. We would also like the Selwyn and Porirua District Plans to be addressed, noting the North Island Main Trunk Line goes through Porirua.*
- 6) *In respect of Ms Grinlinton-Hancock's paragraph 4.12, please explain the relationship between a District Plan and the Property Law Act in respect to the rights of a person to access another property and please set out why this is an RMA matter. Is it appropriate that the District Plan includes rules based on the premise that someone might trespass on KiwiRail land?*

13 KiwiRail responded to these questions in a memorandum of Counsel dated 31 January 2024. As requested by the Panel, I have responded to KiwiRail's responses to the Panel's questions below.

- 1) *Including a setback in the MUZ, LCZ and NCZ*

14 KiwiRail stated that at present, the railway does not traverse these three zones. However, it can be reasonably and fairly anticipated that at some point in the future (and certainly within the life of this plan) the Council, a landowner or developer will seek to rezone land situated adjacent to the rail corridor to MUZ, LCZ or NCZ. In that case, inclusion of the setback standards in these zone provisions now will mean there is sufficient protection for both those landowners and the railway corridor at the time the land is rezoned to MUZ, LCZ or NCZ. The PDP should be reasonably forward-looking in this regard. I agree with KiwiRail – areas can be re-zoned in the future and it is beneficial to include rules now. However, as set out in paragraphs 36 to 39 below in response to a later Panel question re mapping the setback area on the planning maps, I consider this setback requirement should be located in the Energy and Infrastructure Chapter. This would resolve questions around which zones to apply it to.

*2) Why a 4m setback is more appropriate than 2.5m*

15 KiwiRail provided a detailed response to this question, referring to the risk profile of the corridor relative to other sites or land uses, the risk of building incursion and the risk of objects falling from adjacent buildings or scaffolding into the rail corridor. I am not an expert in rail corridor safety or rail operational matters. I accept the advice provided by KiwiRail.

*3) Applying a set back from the railway boundary vs the rail lines themselves*

16 In their response KiwiRail stated that: the setback must be measured from the rail designation boundary, not the track; that track can be constructed anywhere within the rail designation, and so the appropriate "measuring point" for the setback control should be the designation line itself; that there are also a range of other rail-related activities that may be lawfully undertaken by KiwiRail anywhere within the designation boundary, and so a reference to the "line" or "track" is unclear, uncertain and

ambiguous; that a setback from the rail boundary rather than the rail track ensures that there is a sufficiently safe distance from all of these rail activities and that setback standards measured from the designation boundary have been confirmed by the Environment Court in a number of plan processes. I am not an expert on rail corridor matters. However, I consider the response provided by KiwiRail sufficiently justifies requiring a corridor setback as opposed to a rail line setback. I accept the advice provided by KiwiRail.

*4) & 5) Justify a 4 or 5m setback in the Waimakariri District context with reference to smaller-sized setbacks in recently approved or decided District Plans (including plan changes) and specified Plans*

17 In their response to questions 4 and 5, KiwiRail identified other district plan setback requirements which showed a range of setbacks from 1.5m to 5m. KiwiRail stated that the different setbacks arise in different contexts, for example, the residential intensity of the zone adjoining the rail corridor, how busy the railway line is through the particular district and the likelihood of any future upgrades to the rail corridor. KiwiRail noted that the 1.5m and 2m setbacks respectively in the Porirua and New Plymouth district plans were under appeal by KiwiRail. I note that the Christchurch and Selwyn District Plans require a 4m and 5m setback respectively. I am not an expert on rail corridor matters. However, I consider the response provided by KiwiRail explains the request for a 4m corridor setback and note that this is consistent with the Christchurch District Plan (and slightly less than the recently reviewed Selwyn District plan). I accept the advice provided by KiwiRail.

*5) Explain the relationship between a District Plan and the Property Law Act in respect of access rights and why this is an RMA matter*

18 KiwiRail's response states that the setback provision is sought to appropriately manage health and safety of communities and protect the ongoing operation of the national railway. They consider that health and safety issues are clearly required to be addressed in plan-making and refer to Part 2 of the RMA. The response also identifies the Transpower National grid corridor and airports and ports which restrict activities within specified areas. I accept KiwiRail's advice that this is an RMA matter. In doing so I also note the clear CRPS direction to manage the effects of land use activities on strategic infrastructure, such as the rail network, including avoiding activities that have the potential to limit the efficient and effective, provision, operation, maintenance or upgrade of strategic infrastructure and freight hubs (see CRPS Policy 6.3.5(5)).

*Direction: Please respond to Kāinga Ora's responses to the Panel's questions.*

19 There were a number of questions of Kāinga Ora's planning witness regarding height limits in the TCZ. I understand that Kāinga Ora's planning witness supported a higher height limit to meet the requirements of the NPS-UD and considered that five and six floors were more financially viable to construct than four levels given building requirements (such as lifts for buildings with four or more floors).

20 Firstly, I note that the NPS-UD Policy 3(d) requirement is to enable building heights that are commensurate with the level of commercial activity and community services. I consider that Kāinga Ora's planning witness provided no evidence that taller buildings were more commensurate with the existing level of commercial activity and community services in the District's TCZs, nor any clear and Waimakariri-centric evidence on what a commensurate level would be in say 20 or 30 years.

21 I consider that a 15m limit generally provides for a 4-level building as permitted, rather than a 5 level or taller building. I accept that

building economics change as construction requirements change, however building costs are dependent on many factors, including land price. I note that land price is affected by the level of development that can be provided – a taller height limit can result in a higher land value which in turn affects commercial viability.

**Appendix B** includes photos of recently constructed 4-level buildings in the Christchurch City Centre. I acknowledge this is not evidence that all 4-level buildings are economically viable, but it does suggest that many 4-level buildings can be economically viable, consistent with the evidence of Mr Foy<sup>1</sup> and his advice as set out in my preliminary response to Panel questions dated 25 January 2024.

22 I also note that a breach of the proposed height limit triggers a restricted discretionary consent (as proposed in my s42A report). It is generally accepted that a restricted discretionary consent status can still be enabling, thereby enabling taller buildings to be built with resource consent.

23 **Appendix C** includes a further statement from Mr Nicholson on TCZ height limits, in response to the evidence of Ms Dale. Mr Nicholson continues to support a 15m height limit, with a 21m height limit in the Residential Height Bonus Area Precinct.

24 I continue to favour a 15m height limit. With an 18m height limit the residential height bonus is only 1 floor and I consider this is not a strong incentive to drive mixed-use development given the added fire rating complications for mixed uses (a 15m limit gives a 2-floor incentive). Based on consultation undertaken during the drafting phase, a 15m height limit was generally supported.<sup>2</sup> I note that recent new builds within the Rangiora and Kaiapoi TCZ

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<sup>1</sup> Paragraph 6.15 of Mr Foy's evidence

<sup>2</sup> See section 2.6.1 in the s32 Report *Whaitua Arumoni, Whaitua Ahumahi, Whaitua Motuhake Commercial, Mixed Use, Industrial and Special Purpose (Museum and Conference Centre) Zones Chapters*



have been 2 and 3 storeys, so the market is currently not seeking 15m or 18m height limits. I also note that the Selwyn District Plan review settled on height limits ranging from 10m to 15m for its TCZs (see my next response below) and I consider a 15m limit would be more consistent with the Selwyn District Plan.

*Direction: Please provide the Panel with details of relevant CMUZ height limits in the Partly Operative Selwyn District Plan.*

25 The height limits applying in the Partly Operative Selwyn District Plan (Appeals Version) are varied depending on the zone and location. I have set these out in the table in **Appendix D**, together with snips of the various precinct locations. For the TCZs the height limits range from 10m to 15m as follows:

- 15m - Rolleston Core
- 12m – Rolleston Fringe, Lincoln Core, Prebbleton
- 10m – Rolleston Transition, Lincoln Fringe, Darfield

26 I consider that the height limits in the PDP as proposed to be amended are comparable, or in excess of the Selwyn District Plan limits (when a development is located in the residential bonus precinct and includes at least one floor of residential activity).

*Direction: In respect to paragraph 278 of your s42A, please advise of any updates to your recommendation following the hearing in respect to the use of “plan outcomes”.*

27 Regarding the Panel’s advance questions (paragraph 278) and further discussion at the hearing, CMUZ-MD3, CMUZ-MD7 and CMUZ-MD8 were proposed to be reworded to refer to “similar plan outcomes” in the s42A recommended amendments version. Greater clarity could be provided by replacing ‘similar plan outcomes’ with the words ‘the Plan’s objectives, policies and methods’. Accordingly, I recommended an amendment to CMUZ-

MD3, CMUZ-MD7 and CMUZ-MD8 as set out in **Appendix A**, with the scope provided by the original submissions on these provisions as set out in **Appendix A**. I do not consider a separate s32AA assessment is required for this minor change which simply provides greater clarity.

*Direction: In respect of paragraph 320 of your s42A report, please advise whether there is scope to include a new definition for convenience activities, and whether you recommend such a definition be included.*

28 Bellgrove Rangiora Ltd [408.55] seek to amend LCZ-O1 to clarify what is meant by 'convenience activities'. In paragraph 320 of my s42A report I recommended rejecting the Bellgrove Rangiora Ltd [408.55] submission, as LCZ-O1 is an objective, rather than an activity standard, and in my opinion does not need to use defined terms. I preferred 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. I continue to hold that view but note that this is finely balanced. If the Panel prefers including a definition of convenience activities, consistent with my response to Panel questions I recommend the definition below (drawn from the Christchurch District Plan) is included, and I consider scope is provided by the Bellgrove Rangiora Ltd [408.55] submission. This addition is shown in **Appendix A**. I do not consider a s32AA assessment is required for this addition as it does not result in a meaningful change in the Plan, rather it clarifies an existing provision.

“Convenience activities means the use of land and/or buildings to provide readily accessible retail activities and commercial services required on a day to day basis. It excludes:

1. booking services for airlines, recreation activities and entertainment activities;

2. travel agency services;
3. real estate agents;
4. betting shops;
5. gymnasiums;
6. dry-cleaning and laundrette services (but not agencies for these services);
7. electrical goods repair services;
8. premises licensed to serve alcohol;
9. counter insurance services;
10. financial and banking facilities; and
11. copy and quick printing services.”

*Direction: In respect of paragraph 418 of your s42A report, please advise of your final recommended wording.*

29 In paragraph 418 of my s42A report I recommended changes to LCZ-BFS5 under RMA Schedule 1 clause 16 to improve clarity. In their preliminary questions, the Panel proposed alternative wording to my recommended changes. In my response to the Panel’s questions, I considered that the Panel’s version was clearer and I recommended that LCZ-BFS5 was amended accordingly. I have set out the amendments in **Appendix A**.

*Question: In respect of paragraph 501, are there any elements of education facilities that may mean it is not appropriate for them to be permitted activities in the LFRZ, for instance construction noise?*

30 Paragraph 501 in my s42A report responds to an MoE submission on the MUZ, as opposed to the LFRZ. MoE [277.54] also submitted seeking to permit education activities in the LFRZ. As set out in my s42A report (paragraphs 579 to 581) I considered that education activities are not a good fit for the LFRZ. I considered 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 noted 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 considered that a fully discretionary activity status is more appropriate, enabling education activities to be considered on their merits. I note that in the Noise s42A report the author proposes to increase the noise limit within the LFRZ zone by 5 dB (from 60 and 50 dB LAeq (daytime / nighttime) to 65 and 55 dB LAeq) in response to a submission from Woolworths [282.142]. This noise limit is the same as for the GIZ (and would be 5 dB higher than for the TCZ and MUZ). I consider this increased noise limit makes it more appropriate that noise sensitive activities such as education activities are discretionary (as opposed to permitted activities) in the LFRZ.

31 Regarding whether construction noise is an issue in the LFRZ, construction noise is controlled by NOISE-R3. NOISE-R3 expressly references all commercial and mixed-use zones, and therefore would apply to the LFRZ (and MUZ). As such, this would provide some protection for education activities (and other noise sensitive activities) during construction.

*Question: Are there any issues of natural justice and fair process were we to recommend that community corrections facilities are a permitted activity in the TCZ, given that this relief sought was not contained in the summary of submissions, but was in the submission itself? You may wish to seek legal advice in responding to this question.*

32 With reference to the missed submission point from Corrections [52] seeking to permit corrections activities within the TCZ, in his evidence Mr Dale comments on the appropriateness of community corrections activities in the TCZ (paragraphs 6.5 to 6.11). I agree that these activities are acceptable within the TCZ. Accordingly, I consider that it would be appropriate to permit these activities within the TCZ as requested in the Corrections' submission. I consider there is some ambiguity as to whether they are already permitted by virtue of community facilities being permitted under TCZ-R8. In his evidence Mr Dale states that

*“under the NPS-UD, community corrections activities fall within the ambit of “community services” as they are also included in the definition of “community facilities” under the National Planning Standards.”*

33 However, I consider including a standalone activity standard for these activities is appropriate to provide clarity and I note that they are a defined term in the National Planning Standards. I also note that I recommended including permitted activity standards for 'community corrections activities' in my S42A report for the MUZ (paragraph 500).

34 Regarding whether anybody would be prejudiced from the Council not including the submission point in the summary of submissions, I note and agree with Mr Dale's response to the Panel's questions on this – specifically that there were no further submissions on Corrections' submissions on the PDP and therefore there is low risk that this omission would cause concern. I note that there is already an existing community corrections activity in Rangiora (on Ivory Street) and existing use rights would apply to this activity on this site in any case. I therefore recommend that 'community corrections activities' are included as a permitted activity within the TCZ. Accordingly, I have recommended amendments to the TCZ as set out in **Appendix A**.

35 I have also included this missed submission in an updated s42A Appendix B which will be provided to the Panel separately. I do not consider a s32AA assessment is required for this addition as they are already permitted by virtue of community facilities being permitted under TCZ-R8 and this change simply provides greater clarity on the matter by referring to the separate National Planning Standards definition.

*Question: Do you agree with Ms Dale for Kāinga Ora that an alternative relief to the Kāinga Ora submission on the rail corridor setback could be the identification and mapping of a setback reflecting the actual setback area? Are there any issues of natural justice and fair process if the Panel was to recommend this to occur?*

36 KiwiRail Holdings made submissions on multiple zones seeking to either insert a new rail corridor setback built form standard and matters of discretion or increase an existing rail corridor setback requirement. As such there are submissions from KiwiRail covering all existing rail corridor setbacks and new proposed setbacks for these zones, but not for any special purpose zones, the GRUZ or the SARZ. Kainga Ora sought to delete the setback requirement for rail corridors in the GRZ and sought to amend the rail corridor setback distance in some other zones. No changes were sought for MRZ-BFS5 which also requires a 4m rail corridor setback (clause 6 of this rule).

37 Given this assessment, based on the KiwiRail submissions a district wide rule could be included in the Energy and Infrastructure Chapter that covers all zones with the exception of the SPZs, the SARZ and GRUZ. The SPZs do not currently border the rail corridor and are unlikely to be extended or replicated for other sites as they are discrete site-specific zones to cover specific activities (e.g. the Museum and Conference Centre Zone and the Kaiapoi Regeneration Zone). It is not clear why the SARZ and GRUZ are not covered in KiwiRail

submissions. Such a change does not involve changing the rule itself or its application, only the location of the rule in the PDP.

38 With regard to the planning maps, I note that the corridor is already shown on the planning map as a designation (KRH 12). As such, no changes are required to the Planning Map. Accordingly, I recommend that the rail corridor setback rules are deleted from the separate zones and one rule covering all zones except SPZs, SARZ and GRUZ is located in the Energy and Infrastructure Chapter as set out in **Appendix A**. I have discussed this matter with the Council's s42A author for the Energy and Infrastructure Chapter and Residential chapters and he is comfortable with this approach.

39 Given these changes are within the scope of the submissions or simply seek to relocate existing provisions into a district wide chapter I do not consider there to be any issues of natural justice and fair process if the Panel was to recommend this to occur. Furthermore, I do not consider a separate s32AA assessment is required as in my s42A report I recommended accepting KiwiRail's submissions seeking setbacks in additional zones and addressed this matter there.

*Direction: Please confirm where the maximum building height is measured from for an existing site (i.e. a site that is not part of a subdivision) in relation to the natural ground level v required filled level of a site. In particular, where Council may require a site to be filled with say 1 metre of fill is the height measured from the natural ground level or the filled level, and does the answer to this in any way affect your recommendations with respect to appropriate maximum building height level sufficient to accommodate a 5 level building?*

40 Maximum building height is measured from 'ground level', which is a National Planning Standards definition, worded as follows:

*Ground level means:*

- a. *the actual finished surface level of the ground after the most recent subdivision that created at least one additional allotment was completed (when the record of title is created);*
- b. *if the ground level cannot be identified under paragraph (a), the existing surface level of the ground;*
- c. *if, in any case under paragraph (a) or (b), a retaining wall or retaining structure is located on the boundary, the level on the exterior surface of the retaining wall or retaining structure where it intersects the boundary.*

41 Based on this definition the ground level could be the current ground level, or if a subdivision was undertaken and the land raised as part of that, the new level of the raised ground. If 1m of fill was required to raise the land outside of a new subdivision then this would presumably 'eat into' the applicable height limit. I note that for the MUZ (in Kaiapoi), the previous lots were amalgamated into super lots and as such subdivision to create smaller lots would be likely.

42 Regarding whether the PDP height limits took into account the need to manage significant flooding, including through raised ground levels or a design that essentially raises the building up over a sacrificial ground floor level, the answer is yes in part. In the PDP the Kaiapoi TCZ height limit is 12m or 18m for mixed use developments (recommended to be raised to 15m and 21m for Rangiora and Kaiapoi in the s42A report), whereas the adjacent Kaiapoi MUZ height limit was specifically notified as 15m to enable raising the building above the flood level given the greater flooding and geotechnical issues identified for this area of Kaiapoi. As such, the PDP already provides for extra height in the Kaiapoi MUZ relative to the TCZ to account for flooding issues. However, extra height has not expressly been provided in the Kaiapoi TCZ which is also subject to significant flooding.



43 Given the significant flooding issues in parts of the District and the uncertainty over whether a subdivision has or will occur with associated land raising, I recommend that an additional assessment matter is added to proposed CMUZ-MD19 as set out in **Appendix A** to allow consideration of height breaches resulting from a need to raise ground levels for flooding purposes. The scope for this amendment is provided by the Kāinga Ora [325.331] and [325.319] submissions which sought 21m height limits in the TCZ and MUZ and a restricted discretionary status for height limit breaches.

44 In my s42A report I recommended that the Kāinga Ora submissions were accepted in part (paragraphs 250 and 565) and I continue to recommend this. My s32AA assessment in Table C3 of my s42a report is applicable for this change.

*Question: In paragraph 526, do you consider the NPS-UD precludes consideration of existing amenity values, or could this Policy be amended to include reference to both existing and anticipated outcomes without offending the NPS-UD?*

45 In paragraph 526 of my s42A report I considered the appropriate interpretation and application of NPS-UD Policy 6 in response to a submission from Kāinga Ora [325.311] which sought to delete a reference to amenity values in MUZ-P1 and replace this with a reference to anticipated built form. NPS-UD Policy 6 requires decision makers to have particular regard to the planned urban built form anticipated by RMA planning documents that have given effect to the NPS-UD. Policy 6 also states that the planned urban built form in those RMA planning documents may involve significant changes to an area, and that those changes may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types and are not, of themselves, an adverse effect.

46 It appears therefore that amenity values are still a matter to consider – they are not expressly discounted, but rather are to be considered in the context of the planned built form. I consider that there could be existing amenity values that are not affected by planned built form – such as on-street amenity values, or values associated with the existing acoustic environment. As such, I consider that this Policy could be amended to include reference to both existing and anticipated amenity values without offending the NPS-UD. I have accordingly proposed a slight amendment to MUZ-P1 as set out in **Appendix A**, with the scope provided by the Kāinga Ora [325.311] submission. In paragraph 529 of my s42A report I recommended that this submission was accepted in part and I continue to recommend that.

#### **OTHER MATTERS ARISING**

47 As signalled in my summary statement presented at the CMUZ hearing, I assessed the tabled evidence of Mark Allen on behalf of Foodstuffs and met with him to discuss this. I accept his recommended amendments to CMUZ-MD3, CMUZ-MD7 and CMUZ-MD8 as set out in paragraphs 16, 18 and 20 of his evidence. These changes are shown in **Appendix A**. As these are tweaks to amendments I already proposed in my s42A report (responding to Foodstuffs [267.7] and Z Energy [286.9] submissions), my s32AA assessment (Table C3) already applies.

48 I also consider that a threshold should be included in LFRZ-R14 for up to 20% GFA expansions of existing supermarkets or department stores to exclude requiring these from needing resource consent (as per Mr Allen's paragraphs 24 to 26). Having discussed this matter with Mr Foy, I consider that the resulting commercial distribution changes from such extensions are below the threshold at which an assessment is required and note that LFRZ-R1 already covers urban design requirements for buildings or extensions over 800m<sup>2</sup> (as recommended to be amended in my s42A report in paragraphs 602 and 603). This change is included in **Appendix A**, with the scope for this change

provided by Clampett Investments Ltd [284.495] (who sought to permit both supermarkets and department stores). In my s42A report I recommended that this submission was accepted in part and I still recommend that. My s42A report s32AA assessment (Table C2) is applicable for this minor change.

49 In addition to the above changes, as a result of exploring the Panel's questions and the other changes recommended in this Right of Reply report, I recommend additional amendments are be made to the rules as set out in **Appendix A**. These comprise:

49.1 Adding 'supermarkets' to the exclusion in LFRZ-R2, which is consistent with the intent of changing the status of these activities, consistent with Foodstuffs submission [267.14];

49.2 Adding an advice note (under RMA, Schedule 1, Clause 16) to clarify that LFRZ-R23 applies in addition to other retail activity rules as retail stores less than 450m<sup>2</sup> are not large format retail activities and are intended to be non-complying in the zone to manage commercial distribution matters;

49.3 Deleting the reference to CMUZ-MD3 Urban Design in LFRZ-R14 (under RMA, Schedule 1, Clause 16) because urban design matters are already considered as part of LFRZ-R1; and

49.4 Amending the reference in the standards under TCZ-R15 visitor accommodation from 'residential activity' to 'visitor accommodation' (under RMA Schedule 1 clause 16).

50 I have become aware that a submission point from Kainga Ora [325.346] was erroneously not allocated to the CMUZ hearing stream. This submission was in support of CMUZ-MD16 and sought to retain it as notified. There were no submissions

seeking changes to CMUZ-MD16, rather, there were two other submissions supporting it, and therefore this omission does not change my S42A report recommendations.

- 51 An updated s42A Report Appendix B which takes account of the above changes will be provided separately by the Hearings administrator.



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Andrew Willis  
(Waimakariri District Council)

## **Appendix A - Recommended Amendments to the Commercial and Mixed-Use zone Chapters**

Where I recommended changes in response to submissions in my s42A report, 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~~.

Where I recommend changes in response to the Panel's questions, hearing evidence and other matters arising from the hearing these changes to the s42A version are shown in blue text (with underline and ~~strike-out~~ as appropriate).

### **CMUZ - General Objectives and Policies for all Commercial and Mixed Use Zones**

#### **Introduction**

The purpose of this chapter is to set out provisions relating to Commercial and Mixed Use Zones.

This chapter contains objectives and policies relating to:

- Centres
  - Town Centre Zone (Rangiora, Kaiapoi and Oxford are the District's identified Key Activity Centres);
  - Local Centre Zone; and
  - Neighbourhood Centre Zone.
- Other commercial zones that are not centres –
  - Large Format Retail Zone; and
  - Mixed Use Zone.

The District requires the provision of appropriate commercial opportunities in a way, and at a rate, to provide for the District's social, economic and cultural well-being. The distribution and location of commercial and civic activity plays a key role in the form, identity and growth of urban areas, provides certainty in public and private investment, and provides a strong sense of community within its town centres including Rangiora, Kaiapoi, Oxford and the emerging town centre at North Woodend. Because of this and the varied commercial activities that occur across the district, a range of distinct commercial and mixed use zones are provided.

The objectives and policies set out below apply to all Commercial and Mixed Use Zones. However, there are some specific objectives and policies that will apply to the zones and appear in each zone section along with the rules for each zone.

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.

Objectives	
<b>CMUZ-01</b>	<p><b>Commercial development and location</b> Sustainable and self-sufficient commercial economic development occurring in a hierarchical network of consolidated commercial centres.</p>
<b>CMUZ-02</b>	<p><b>Urban form, scale and design</b> A scale, form and design of development in all Commercial and Mixed Use Zones that:</p> <ol style="list-style-type: none"> <li>1. recognises and enhances the centre's role and function and the overall centres hierarchy;</li> <li>2. supports achieving a good quality urban environment;</li> <li>3. recognises the functional and operational requirements of activities and the existing built form; and</li> <li>4. manages adverse effects on the surrounding environment.</li> </ol>
Policies	
<b>CMUZ-P1</b>	<p><b>Centre function, role and hierarchy</b> 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:</p> <ol style="list-style-type: none"> <li>1. town centres as the District's principal employment and commercially focused areas, and the primary focal point for community and other activities at the highest density of development;</li> <li>2. local centres which provide for a range of activities to meet the daily/weekly shopping needs of residential or nearby rural areas, while protecting the role and function of the town centres;</li> <li>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</li> <li>4. <del>the existing commercial centre within Belfast/Northwood in the Christchurch District.</del><sup>3</sup></li> </ol>

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<sup>3</sup> RDL [347.61]

<b>CMUZ-P2</b>	<p><b>Other commercial zones function and role</b>  <u>Recognise the potential for the Mixed Use zone and Large Format Retail zone to provide a complementary role to the centres, but <del>Q</del>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 Town Centres<sup>4</sup>, and the investment in public amenities and facilities in the Town and Local Centre Zones.<sup>5</sup></u></p>
<b>CMUZ-P3</b>	<p><b>New Local and Neighbourhood Centres</b>  Provide for new Local and Neighbourhood Centres in identified development areas as specified on ODPs, where these:</p> <ol style="list-style-type: none"> <li>1. support the role and function of Town Centres, and do not undermine investment in public amenities and facilities in Town and Local Centres;</li> <li>2. achieve the Local or Neighbourhood Centre's identified function, scale and role; and</li> <li>3. provide a safe and efficient transport system which is integrated with the centre.</li> </ol>
<b>CMUZ-P4</b>	<p><b>Centre expansion</b>  Enable the expansion of the Town Centre Zone, Local Centre Zone and Neighbourhood Centre Zone only where the expansion:</p> <ol style="list-style-type: none"> <li>1. adjoins the existing centre zone and includes a clear zone boundary to demarcate the zone edge;</li> <li>2. improves access to the range of facilities, goods and services in a convenient and efficient manner;</li> <li>3. enhances or consolidates the centres' function and role as identified in CMUZ-P1, TCZ-P1, TCZ-P2, LCZ-P1 and NCZ-P1;</li> <li>4. supports the efficient use of investment in public amenities and facilities in the Town Centre;</li> <li>5. maintains or <u>otherwise appropriately mitigates adverse effects on</u>, the amenity values of adjoining Residential Zones at the interface<sup>6</sup>; and</li> <li>6. supports a safe and efficient transport system which can be integrated with the centre.</li> </ol>
<b>CMUZ-P5</b>	<p><b>Scale and form of development in all Commercial and Mixed Use Zones</b>  Support the function, role and character of all Commercial and Mixed Use Zones by enabling:</p> <ol style="list-style-type: none"> <li>1. the largest scale of built form including larger floor areas and building heights, and concentration of activities in the Town Centre Zone;</li> </ol>

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<sup>4</sup> RDL [347.62]

<sup>5</sup> Woolworths [282.9]

<sup>6</sup> RDL [347.63]

	<ol style="list-style-type: none"> <li>2. medium scale development in the Local Centre Zone and Mixed Use Zone;</li> <li>3. small scale activities and a low rise-built form in the Neighbourhood Centre Zone that respects and integrates with the suburban residential context; and</li> <li>4. larger floor areas in the Large Format Retail Zone.</li> </ol>
<p><b>CMUZ- P6</b></p>	<p><b>Design and layout</b> Require new development to be well-designed and laid out to:</p> <ol style="list-style-type: none"> <li>1. respond to the design of the existing built form within a site and the adjoining environment while recognising any operational requirements of the proposed activities;</li> <li>2. ensure that street facing façades of Principal Shopping Streets, have active frontages to provide visual interest, and design features that support the established character, coherence and sense of place of the centre;</li> <li>3. encourage pedestrian activity and pedestrian amenity along streets and in adjoining public spaces;</li> <li>4. locate parking areas where they do not visually dominate or disrupt the street frontage, and avoid parking areas that have direct frontage to Principal Shopping Streets;</li> <li>5. facilitate accessibility within a site and with the surrounding area by a range of modes of transport through well-defined, convenient and safe routes;</li> <li>6. promote a safe environment through encouraging the application of the principles of CPTED;</li> <li>7. achieve a visually attractive setting when viewed from the street and other public spaces, while managing effects on adjoining environments;</li> <li>8. manage the compatibility of activities within and between developments especially for activities adjacent to Residential Zones, through: <ol style="list-style-type: none"> <li>a. controlling site layout, landscaping and design measures, including back of house areas and storage;</li> <li>b. controls on emissions including noise and light; and</li> <li>c. the management of signs.</li> </ol> </li> <li>9. manage the adverse effects of built structures on the surrounding environment, particularly at the interface with Residential Zones and Open Space and Recreation Zones, natural waterways and sites of cultural significance to Ngāi Tūāhuriri identified in Schedule SASM-SCHED1.</li> </ol>
<p><b>CMUZ- P7</b></p>	<p><b>Residential activities</b> Residential activities are:</p> <ol style="list-style-type: none"> <li>1. Encouraged to locate above ground floor in all centres;</li> <li>2. Avoided on ground floors fronting or adjoining the street in Town Centres to maintain commercial activity at ground level; and</li> <li>3. Well-designed, sustainable and functional, and manage reverse sensitivity effects, including from higher levels of ambient noise and reduced privacy by ensuring: <ol style="list-style-type: none"> <li>a. the provision of sufficient and readily accessible outdoor living and service spaces, and internal storage;</li> </ol> </li> </ol>



	<p>b. the provision of acoustic attenuation; and</p> <p>c. minimum unit sizes.</p>
<b>CMUZ-P8</b>	<p><b>Other activities</b></p> <p>Discourage activities which have objectionable odour, dust or noise, or would give rise to significant adverse effects on the character, role, anticipated activities and amenity values of all Commercial and Mixed Use Zones.</p>

## NCZ - Neighbourhood Centre Zone

### Introduction

The purpose of the Neighbourhood Centre Zone is to provide for the smallest commercial centres in the District.

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.

As well as the provisions in this chapter, district wide chapter provisions will also apply where relevant.

<b>Objectives</b>	
<b>NCZ-O1</b>	<p><b>Neighbourhood Centre Zone activities</b></p> <p>Neighbourhood Centres:</p> <ol style="list-style-type: none"> <li>1. provide for a range of activities and scale that directly support the immediate or nearby residential neighbourhood;</li> <li>2. do not <u>provide for development that results in significant adverse effects on</u> <del>adversely affect</del><sup>7</sup> the role and function of Town and Local Centres, nor undermine investment in their public amenities and facilities; and</li> <li>3. amenity values are managed within the zone and at the interface with adjacent Residential Zones.</li> </ol>
<b>Policies</b>	
<b>NCZ-P1</b>	<p><b>Design and integration</b></p> <p>Within Neighbourhood Centres:</p> <ol style="list-style-type: none"> <li>1. enable a limited range of convenience activities that provide for the immediate residential neighbourhood and</li> </ol>

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<sup>7</sup> Woolworths [282.11]

	<p>do not <u>result in significant adverse effects on adversely affect</u><sup>8</sup> the role and function of Town and Local Centres;</p> <p>2. enable a range of Centre sizes that generally comprise up to 450m<sup>2</sup> total floor space <del>and up to five shops with a maximum retail tenancy of 350m<sup>2</sup> GFA;</del><sup>9</sup></p> <p>3. ensure activities are accessible by walking and cycling from the area served; <del>and</del></p> <p>4. adverse amenity effects are managed within the zone and at the interface with neighbouring <sup>10</sup>more sensitive zones; <del>and</del></p> <p>5. <u>enable above ground floor residential activity.</u><sup>11</sup></p>
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## 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.<sup>12</sup>

## **Activity Rules**

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<sup>8</sup> Woolworths [282.12]

<sup>9</sup> Woolworths [282.146] and [282.12] and Kāinga Ora [325.284]

<sup>10</sup> Kāinga Ora [325.284]

<sup>11</sup> Kāinga Ora [325.284]

<sup>12</sup> Woolworths [282.132]

<b>NCZ-R1 Construction or alteration of or addition to any building or other structure</b>	
<b>Activity status: PER</b> Where: 1. the activity complies with all built form standards (as applicable).	<b>Activity status when compliance not achieved: as set out in the relevant built form standards</b>
<b>NCZ-R2 Public amenities</b>	
<b>Activity status: PER</b>	<b>Activity status when compliance not achieved: N/A</b>
<b>NCZ-R3 Emergency service facility</b>	
<b>Activity status: PER</b>	<b>Activity status when compliance not achieved: N/A</b>
<b>NCZ-R4 Retail activity, <u>including supermarkets</u> <sup>13</sup></b>	
<i>This rule does not apply to large format retail provided for under NCZ-R19.</i>	
<b>Activity status: PER</b> Where: 1. the maximum activity size shall be 200m <sup>2</sup> GFA; <u>or</u> 2. <u>for supermarkets, the maximum activity size shall be less than 450m<sup>2</sup> GFA.</u> <sup>14</sup>	<b>Activity status when compliance not achieved: RDIS</b> <b>Matters of discretion are restricted to:</b> CMUZ-MD11 - Residential development CMUZ-MD12 - Commercial activity distribution

<sup>13</sup> Woolworths [282.146]

<sup>14</sup> Woolworths [282.146] and [282.72]

<b>NCZ-R5 Commercial services</b>	
<b>Activity status: PER</b> Where: 1. the floor area of the activity shall be a maximum of 200m <sup>2</sup> GFA.	<b>Activity status when compliance not achieved: RDIS</b> <b>Matters of discretion are restricted to:</b> CMUZ-MD12 - Commercial activity distribution
<b>NCZ-R6 Office</b>	
<b>Activity status: PER</b> Where: 1. the floor area of the activity shall be a maximum 200m <sup>2</sup> GFA.	<b>Activity status when compliance not achieved: RDIS</b> <b>Matters of discretion are restricted to:</b> CMUZ-MD12 - Commercial activity distribution
<b>NCZ-R7 Gymnasium</b>	
<b>Activity status: PER</b> Where: 1. the floor area of the activity shall be a maximum of 200m <sup>2</sup> GFA.	<b>Activity status when compliance not achieved: RDIS</b> <b>Matters of discretion are restricted to:</b> CMUZ-MD11 - Residential development
<b>NCZ-R8 Residential unit</b>	
<b>Activity status: PER</b> Where: 1. any residential activity shall be above the ground floor.	<b>Activity status when compliance not achieved: RDIS</b> <b>Matters of discretion are restricted to:</b> CMUZ-MD11 - Residential development  <b>Notification</b> An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified.
<b>NCZ-R9 Residential activity</b>	
<b>Activity status: PER</b> Where:	<b>Activity status when compliance not achieved: RDIS</b>

<p>1. any residential activity shall be above the ground floor.</p>	<p><b>Matters of discretion are restricted to:</b>  CMUZ-MD11 - Residential development</p> <p><b>Notification</b>  An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified.</p>
<p><b>NCZ-R10 Recreation activities</b></p>	
<p><b>Activity status: PER</b>  Where:  1. the activity is not a motorised recreation activity.</p>	<p><b>Activity status when compliance not achieved: NC</b></p>
<p><b><u>NCZ-R11 Education activities</u></b><sup>15</sup></p>	
<p><b><u>Activity status: PER</u></b></p> <p><u>Where:</u></p> <p>1. <u>the floor area of the activity shall be a maximum of 200m<sup>2</sup> GFA.</u></p>	<p><b><u>Activity status when compliance not achieved: RDIS</u></b></p> <p><b><u>Matters of discretion are restricted to:</u></b></p> <p><u>CMUZ-MD12 - Commercial activity distribution</u></p>
<p><b>NCZ-R124 Public transport facility</b></p>	
<p><b>Activity status: DIS</b></p>	<p><b>Activity status when compliance not achieved: N/A</b></p>

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<sup>15</sup> MoE [277.52] for all of NCZ-R11

<b>NCZ-R132 Entertainment activity</b>	
<b>Activity status: DIS</b>	<b>Activity status when compliance not achieved: N/A</b>
<b>NCZ-R143 Visitor accommodation</b>	
<b>Activity status: DIS</b>	<b>Activity status when compliance not achieved: N/A</b>
<b>NCZ-R154 Trade supplier</b>	
<b>Activity status: DIS</b>	<b>Activity status when compliance not achieved: N/A</b>
<b>NCZ-R165 Yard-based activity</b>	
<b>Activity status: DIS</b>	<b>Activity status when compliance not achieved: N/A</b>
<b>NCZ-R176 Any other activity not provided for in this zone as a permitted, controlled, restricted discretionary, discretionary, non-complying, or prohibited activity, except were expressly specified by a district wide provision.</b>	
<b>Activity status: DIS</b>	<b>Activity status when compliance not achieved: N/A</b>
<b>NCZ-R187 Industrial activity</b>	

Activity status: NC	Activity status when compliance not achieved: N/A
<b>NCZ-R198 Heavy industry</b>	
Activity status: NC	Activity status when compliance not achieved: N/A
<b>NCZ-R2049 Large format retail</b>	
<i>This rule does not apply to supermarkets, which are covered under NCZ-R4.<sup>16</sup></i>	
Activity status: NC	Activity status when compliance not achieved: N/A

### Built Form Standards

<b>NCZ-BFS1 Height</b>	
1. The maximum height of any building, calculated as per the height calculation, shall be <u>8</u> 12m above ground level.	<p>Activity status when compliance not achieved: <del>DIS</del> <b><u>RDIS</u></b></p> <p><b><u>Matters of discretion are restricted to:</u></b>  <u>CMUZ-MD19 - Height</u><sup>17</sup></p>
<b>NCZ-BFS2 Height in relation to boundary when adjoining residential zones, rural zo</b>	

<sup>16</sup> Woolworths [282.146]

<sup>17</sup> Kāinga Ora [325.288] for all NCZ-BFS1 changes

<p>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.</p>	<p><b>Activity status when compliance not achieved: RDIS</b></p> <p><b>Matters of discretion are restricted to:</b> CMUZ-MD4 - Height in relation to</p> <p><b>Notification</b> An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified.</p>
<p><b>NCZ-BFS3 Internal boundary building setback</b></p>	
<p>1. The minimum building setback from internal boundaries of site that adjoin any Residential Zones, Rural Zones, or Open Space and Recreation Zones shall be 3m.</p>	<p><b>Activity status when compliance not achieved: RDIS</b></p> <p><b>Matters of discretion are restricted to:</b> CMUZ-MD5 - Internal boundary setback</p> <p><b>Notification</b> An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified.</p>
<p><b>NCZ-BFS4 Internal boundary landscaping</b></p>	
<p>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 deep.</p> <p>2. Any landscape strip required in (1) shall include a minimum of one tree for every 10m of shared boundary or part thereof, spaced at a maximum distance of 5m, with the trees to be a minimum of 1.5m in height at time of planting.</p>	<p><b>Activity status when compliance not achieved: RDIS</b></p> <p><b>Matters of discretion are restricted to:</b> CMUZ-MD6 - Internal boundary landscaping</p> <p><b>Notification</b> An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified.</p>
<p><b>NCZ-BFS5 Road boundary landscaping</b></p>	
<p>1. Where a site is not built to the road boundary, landscaping shall be provided along the full</p>	<p><b>Activity status when compliance not achieved: RDIS</b></p>



<p>length of the road boundary, except for vehicle crossings, outdoor seating or dining areas, or where buildings are built to the road boundary under NCZ-BSF6. This landscape strip shall be a minimum of 2m deep.</p> <p>2. The landscape strip required in (1) shall include a minimum of one tree for every 10m of road frontage or part thereof, spaced at a maximum distance of 5m with the trees to be a minimum of 1.5m in height at time of planting.</p>	<p><b>Matters of discretion are restricted to:</b>  CMUZ-MD8 - Road boundary landscaping</p> <p><b>Notification</b>  An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified.</p>
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**NCZ-BFS6 Road boundary setback, glazing and verandah**

<p>1. All buildings shall:</p> <ol style="list-style-type: none"> <li>a. be built to the road boundary;</li> <li>b. provide pedestrian access directly from the road boundary;</li> <li>c. have visually transparent glazing for a minimum of 60% of the ground floor elevation facing the street;</li> <li>d. have a verandah that extends along the full length of the building elevation facing the road;</li> <li>e. verandahs are to extend a minimum of 3m from the building façade; and</li> <li>f. verandahs are to be set back a minimum of 0.5m from the kerb line of a public road. This rule does not apply to pedestrian laneways. The minimum depth of 3m required under (5) may be reduced where necessary to comply with this rule.</li> </ol>	<p><b>Activity status when compliance not achieved: RDIS</b></p> <p><b>Matters of discretion are restricted to:</b>  CMUZ-MD7 - Road boundary setback, glazing and verandah</p> <p><b>Notification</b>  An application for a restricted discretionary activity under this rule is precluded from being publicly or limited notified.</p>
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**NCZ-BFS7 Rail boundary setback**

<p>1. All buildings shall be set back a minimum of 4m from any site boundary with the rail corridor.</p>	<p><b>Activity status when compliance not achieved: RDIS</b>  <b>Matters of discretion are restricted to:</b>  CMUZ-MD13 - Rail boundary setback</p> <p><b>Notification</b>  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.</p>
<p><b>NCZ-BFS8 Outdoor storage areas</b></p>	
<p>1. Any outdoor storage or parking<sup>18</sup> 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.</p>	<p><b>Activity status when compliance not achieved: RDIS</b>  <b>Matters of discretion are restricted to:</b>  CMUZ-MD9 - Outdoor storage and waste management</p> <p><b>Notification</b>  An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified.</p>
<p><b>NCZ-BFS9 Residential units</b></p>	
<p>1. The minimum net floor area (excluding garages, balconies, and any communal lobbies stairwells and plant rooms) per residential unit shall be:</p> <ol style="list-style-type: none"> <li>a. studio 35m<sup>2</sup>;</li> <li>b. one bedroom 45m<sup>2</sup>;</li> <li>c. two bedrooms 60m<sup>2</sup>;</li> <li>d. three or more bedrooms 90m<sup>2</sup>.</li> </ol> <p>2. Each residential unit shall be provided with a private outdoor living space with a minimum</p>	<p><b>Activity status when compliance not achieved: RDIS</b>  <b>Matters of discretion are restricted to:</b>  CMUZ-MD9 - Outdoor storage and waste management  CMUZ-MD11 - Residential development</p> <p><b>Notification</b>  An application for a restricted discretionary activity under this rule is precluded from being publicly or limited notified.</p>

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<sup>18</sup> Bellgrove Rangiora Ltd [408.65].

<p>area of 6m<sup>2</sup> and a minimum dimension of 1.5m.</p> <p>3. Where a garage is not provided with the residential unit, each residential unit shall have:</p> <ol style="list-style-type: none"> <li>a. an internal storage space that is a minimum of 4m<sup>3</sup> and a minimum dimension of 1m; and</li> <li>b. a waste management area for the storage of rubbish and recycling of 5m<sup>2</sup> with a minimum dimension of 1.5m; and</li> <li>c. waste management areas shall be screened or located behind buildings when viewed from any road or public open space.</li> </ol>	
<p><b>NCZ-BFS10 Waste management requirement for all commercial activities</b></p>	
<p>1. All commercial activities shall provide:</p> <ol style="list-style-type: none"> <li>a. a waste management area for the storage of rubbish and recycling of <u>at least</u><sup>19</sup> 5m<sup>2</sup> with a minimum dimension of 1.5m.</li> <li>b. waste management areas shall be screened or located behind buildings when viewed from any road or public open space.</li> </ol>	<p><b>Activity status when compliance not achieved: RDIS</b>  <b>Matters of discretion are restricted to:</b>  CMUZ-MD9 - Outdoor storage and waste management</p> <p><b>Notification</b>  An application for a restricted discretionary activity under this rule is precluded from being publicly or limited notified.</p>
<p><b>NCZ-BFS11 Building coverage</b></p>	
<p>1. The maximum building coverage shall be 55%.</p>	<p><b>Activity status when compliance not achieved with: RDIS</b>  <b>Matters of discretion are restricted to:</b>  CMUZ-MD16 - Coverage</p>

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<sup>19</sup> Foodstuffs [267.10]

	<p><b>Notification</b> An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified.</p>
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## LCZ - Local Centre Zone

### Introduction

The purpose of the Local Centre Zone is to provide for activities to support local communities and small settlements at a scale between neighbourhood centres and town centres.

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.

As well as the provisions in this chapter, district wide chapter provisions will also apply where relevant.

<b>Objectives</b>	
<b>LCZ-O1</b>	<p><b>Local Centre Zone activities</b> Local Centres:</p> <ol style="list-style-type: none"> <li>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;</li> <li>1. activities do not <del>provide for development that</del> results in <u>significant</u> adversely affect <u>effects on</u> the role and function of Town Centres;<sup>20</sup> and</li> <li>3. amenity values are managed within the zone and at the interface with adjacent residential zones.</li> </ol>
<b>Policies</b>	
<b>LCZ-P1</b>	<p><b>Design and integration</b> Within Local Centres:</p> <ol style="list-style-type: none"> <li>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 <del>adversely affect</del> <u>result in significant adverse effects</u></li> </ol>

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<sup>20</sup> Woolworths [282.13]

	<p><u>on</u><sup>21</sup> the role and function of Town Centres, nor undermine investment in their public amenities and facilities;</p> <p>2. enable a range of Local Centres which, excluding the Woodend Local Centre, generally comprise 1,000m<sup>2</sup> to 4,000m<sup>2</sup> total floor space <del>and up to 15 shops with a maximum retail tenancy of 350m<sup>2</sup> GFA,</del><sup>22</sup></p> <p>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; <del>and</del></p> <p>4. <del>adverse amenity effects are managed within the zone and at the interface with neighbouring more sensitive zones;</del> <u>and</u><sup>23</sup></p> <p>5. <u>enable above ground floor residential activity.</u><sup>24</sup></p>
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## 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.<sup>25</sup>

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<sup>21</sup> Woolworths [282.14]

<sup>22</sup> Woolworths [282.14], Kāinga Ora [325.300] and Bellgrove Rangiora Ltd [408.56]

<sup>23</sup> Kāinga Ora [325.300]

<sup>24</sup> Kāinga Ora [325.300]

<sup>25</sup> Woolworths [282.132] and Bellgrove Rangiora Ltd [408.58]

## Activity Rules

<p><b>LCZ-R1 Construction or alteration of or addition to any building or other structure</b></p>	
<p><b>Activity status: PER</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. the activity complies with:             <ol style="list-style-type: none"> <li>a. all built form standards (as applicable); and</li> <li>b. the building or addition is less than 450m<sup>2</sup> GFA.</li> </ol> </li> </ol> <p><i><u>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.</u></i><sup>26</sup></p>	<p><b>Activity status when compliance not achieved with LCZ-R1(1)(a): as set out in the relevant built form standards</b></p> <p><b>Activity status when compliance not achieved with LCZ-R1(1)(b): RDIS</b></p> <p><b>Matters of discretion are restricted to:</b> CMUZ-MD3 - Urban design</p>
<p><b>LCZ-R2 Public amenities</b></p>	
<p><b>Activity status: PER</b></p>	<p><b>Activity status when compliance not achieved: N/A</b></p>
<p><b>LCZ-R3 Emergency service facility</b></p>	
<p><b>Activity status: PER</b></p>	<p><b>Activity status when compliance not achieved: N/A</b></p>
<p><b>LCZ-R4 Retail activity</b></p>	
<p><b>Activity status: PER</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. the floor area of the activity shall be within the following maximum GFA limits:</li> </ol>	<p><b>Activity status when compliance not achieved: RDIS</b></p> <p><b>Matters of discretion are restricted to:</b></p>

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<sup>26</sup> Woolworths [282.118]

<p>a. within Woodend there is no limit;</p> <p>b. for Mandeville, the maximum gross retail area for all retail activities in the zone shall be 2700m<sup>2</sup>;</p> <p>c. for all other sites the activity shall be a maximum of 300m<sup>2</sup> GFA, <u>or 1000m<sup>2</sup> for supermarkets.</u><sup>27</sup></p>	<p>CMUZ-MD11 - Residential development</p> <p>CMUZ-MD12 - Commercial activity distribution</p>
<p><b>LCZ-R5 Commercial activity</b></p>	
<p><b>Activity status: PER</b></p>	<p><b>Activity status when compliance not achieved: N/A</b></p>
<p><b>LCZ-R6 Commercial services</b></p>	
<p><b>Activity status: PER</b></p>	<p><b>Activity status when compliance not achieved: N/A</b></p>
<p><b>LCZ-R7 Office</b></p>	
<p><b>Activity status: PER</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li>the floor area of the activity shall be a maximum of 300m<sup>2</sup> GFA.</li> </ol>	<p><b>Activity status when compliance not achieved: RDIS</b></p> <p><b>Matters of discretion are restricted to:</b></p> <p>CMUZ-MD11 - Residential development</p> <p>CMUZ-MD12 - Commercial activity distribution</p>
<p><b>LCZ-R8 Gymnasium</b></p>	

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<sup>27</sup> Woolworths [282.71], Woolworths [282.13] and Woolworths [282.145]

<p><b>Activity status: PER</b></p>	<p><b>Activity status when compliance not achieved: N/A</b></p>
<p><b>LCZ-R9 Residential unit</b></p>	
<p><b>Activity status: PER</b>  Where:  1. any residential activity shall be above the ground floor.</p>	<p><b>Activity status when compliance not achieved: RDIS</b></p> <p><b>Matters of discretion are restricted to:</b>  CMUZ-MD11 - Residential development</p> <p><b>Notification</b>  An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified.</p>
<p><b>LCZ-R10 Residential activity</b></p>	
<p><b>Activity status: PER</b>  Where:  1. any residential activity shall be above the ground floor.</p>	<p><b>Activity status when compliance not achieved: RDIS</b></p> <p><b>Matters of discretion are restricted to:</b>  CMUZ-MD11 - Residential development</p> <p><b>Notification</b>  An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified.</p>
<p><b>LCZ-R11 Community facility</b></p>	
<p><b>Activity status: PER</b></p>	<p><b>Activity status when compliance not achieved: N/A</b></p>
<p><b>LCZ-R12 Visitor accommodation</b></p>	



Activity status: PER	Activity status when compliance not achieved: N/A
<b>LCZ-R13 Cultural facility</b>	
Activity status: PER	Activity status when compliance not achieved: N/A
<b>LCZ-R14 Educational facility</b>	
Activity status: PER	Activity status when compliance not achieved: N/A
<b>LCZ-R15 Health care facility</b>	
Activity status: PER	Activity status when compliance not achieved: N/A
<b>LCZ-R16 Food and beverage outlet</b>	
<p>Activity status: PER</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. the floor area of the activity shall be within the following maximum GFA limits: <ol style="list-style-type: none"> <li>a. within Woodend there is no limit;</li> <li>b. for all other sites the activity shall be a maximum of <del>300</del><u>500</u>m<sup>2</sup> GFA.<sup>28</sup></li> </ol> </li> </ol>	<p>Activity status when compliance not achieved: RDIS</p> <p><b>Matters of discretion are restricted to:</b></p> <ul style="list-style-type: none"> <li>CMUZ-MD11 - Residential development</li> <li>CMUZ-MD12 - Commercial activity distribution</li> </ul>
<b>LCZ-R17 Entertainment activity</b>	

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<sup>28</sup> Bellgrove Rangiora Ltd [408.60]

<p><b>Activity status: PER</b> Where:</p> <ol style="list-style-type: none"> <li>1. the floor area of the activity shall be within the following maximum GFA limits: <ol style="list-style-type: none"> <li>a. within Woodend there is no limit;</li> <li>b. for all other sites the activity shall be a maximum of 300m<sup>2</sup> GFA.</li> </ol> </li> </ol>	<p><b>Activity status when compliance not achieved: RDIS</b> <b>Matters of discretion are restricted to:</b> CMUZ-MD11 - Residential development</p>
<p><b>LCZ-R18 Drive through restaurants</b></p>	
<p><b>Activity status: PER</b> Where:</p> <ol style="list-style-type: none"> <li>1. the restaurant shall not be located within 30m of any Residential Zones.</li> </ol>	<p><b>Activity status when compliance not achieved: RDIS</b> <b>Matters of discretion are restricted to:</b> CMUZ-MD2 - Drive through restaurants and service stations</p>
<p><b>LCZ-R19 Service Station</b></p>	
<p><b>Activity status: PER</b> Where:</p> <ol style="list-style-type: none"> <li>1. the service station shall not be located within 30m of any Residential Zones.</li> </ol>	<p><b>Activity status when compliance not achieved: RDIS</b> <b>Matters of discretion are restricted to:</b> CMUZ-MD2 - Drive through restaurants and service stations</p>
<p><b>LCZ-R20 Recreation activities</b></p>	
<p><b>Activity status: PER</b> Where:</p> <ol style="list-style-type: none"> <li>1. the activity is not a motorised recreation activity.</li> </ol>	<p><b>Activity status when compliance not achieved: NC</b></p>
<p><b>LCZ-R21 Trade supplier</b></p>	
<p><b>Activity status: RDIS</b> <b>Matters of discretion are restricted to:</b></p>	<p><b>Activity status when compliance not achieved: N/A</b></p>

<p>CMUZ-MD1 - Trade suppliers and Yard based suppliers</p>	
<p><b>LCZ-R22 Yard-based activity</b></p>	
<p><b>Activity status: RDIS</b></p> <p><b>Matters of discretion are restricted to:</b>  CMUZ-MD1 - Trade suppliers and Yard based suppliers</p>	<p><b>Activity status when compliance not achieved: N/A</b></p>
<p><b>LCZ-R23 Parking lot and Parking building</b></p>	
<p><b>Activity status: RDIS</b></p> <p><b>Matters of discretion are restricted to:</b>  CMUZ-MD18 - Parking lots and Parking buildings</p>	<p><b>Activity status when compliance not achieved: N/A</b></p>
<p><b>LCZ-R24 Any other activity not provided for in this zone as a permitted, controlled, restricted discretionary, discretionary, non-complying, or prohibited activity, except were expressly specified by a district wide provision.</b></p>	
<p><b>Activity status: DIS</b></p>	<p><b>Activity status when compliance not achieved: N/A</b></p>
<p><b>LCZ-R25 Industrial activity</b></p>	
<p><b>Activity status: NC</b></p>	<p><b>Activity status when compliance not achieved: N/A</b></p>
<p><b>LCZ-R26 Heavy industry</b></p>	

<b>Activity status: NC</b>	<b>Activity status when compliance not achieved: N/A</b>
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### Built Form Standards

<b>LCZ-BFS1 Height</b>	
1. The maximum height of any building, calculated as per the height calculation, shall be <del>40</del> <u>12</u> m above ground level.	<b>Activity status when compliance not achieved: <del>DIS</del> <u>RDIS</u></b>  <b><u>Matters of discretion are restricted to:</u></b> <b><u>CMUZ-MD19 - Height</u></b> <sup>29</sup>
<b>LCZ-BFS2 Height in relation to boundary when adjoining residential zones, rural zones or open space and recreation zones</b>	
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.	<b>Activity status when compliance not achieved: RDIS</b>  <b>Matters of discretion are restricted to:</b> CMUZ-MD4 - Height in relation to boundary  <b>Notification</b> An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified.
<b>LCZ-BFS3 Internal boundary setback</b>	
1. The minimum building setback from internal boundaries of sites that adjoin Residential Zones, Rural Zones, or Open Space	<b>Activity status when compliance not achieved: RDIS</b>  <b>Matters of discretion are restricted to:</b>

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<sup>29</sup> Belgrove Rangiora Ltd [408.610], Kāinga Ora [325.304] and Templeton Group Ltd [412.22] for all changes

<p>and Recreation Zones shall be 3m.</p>	<p>CMUZ-MD5 - Internal boundary setback</p> <p><b>Notification</b> An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified.</p>
<p><b>LCZ-BFS4 Internal boundary landscaping</b></p>	
<p>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 deep.</p> <p>2. Any landscape strip required in (1) shall include a minimum of one tree for every 10m or part thereof, spaced at a maximum distance of 5m of shared boundary, with the trees to be a minimum of 1.5m in height at time of planting.</p>	<p><b>Activity status when compliance not achieved: RDIS</b></p> <p><b>Matters of discretion are restricted to:</b> CMUZ-MD6 - Internal boundary landscaping</p> <p><b>Notification</b> An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified.</p>
<p><b>LCZ-BFS5 Road boundary landscaping</b></p>	
<p>1. Where a site <u>does not have a building is not built along the entire to a road boundary</u>, landscaping shall be provided along the <u>full</u> length of the road boundary <u>not occupied by building</u>,<sup>30</sup> except for vehicle crossings, outdoor seating or dining areas. This landscape strip shall be a minimum of 2m deep.</p> <p>2. The landscape strip required in (1) shall include a minimum of one tree for every 10m of road frontage or part thereof, spaced at a maximum distance of 5m, with the trees to be a</p>	<p><b>Activity status when compliance not achieved: RDIS</b></p> <p><b>Matters of discretion are restricted to:</b> CMUZ-MD8 - Road boundary landscaping</p> <p><b>Notification</b> An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified.</p>

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<sup>30</sup> RMA Schedule 1 Clause 16 (and Bellgrove Rangiora Ltd [408.64])

<p>minimum of 1.5m in height at time of planting.</p>	
<p><b>LCZ-BFS6 Road boundary setback, glazing and verandah</b></p>	
<p>1. All buildings shall:</p> <ol style="list-style-type: none"> <li>a. be built to the road boundary;</li> <li>b. provide pedestrian access directly from the road boundary;</li> <li>c. have visually transparent glazing for a minimum of 60% of the ground floor elevation facing the road;</li> <li>d. have a verandah that extends along the full length of the building elevation facing the road;</li> <li>e. verandahs are to extend a minimum of 3m from the building façade; and</li> <li>f. verandahs are to be set back a minimum of 0.5m from the kerb line of a public road. This rule does not apply to pedestrian laneways. The minimum depth of 3m required under (e) may be reduced where necessary to comply with this rule.</li> </ol>	<p><b>Activity status when compliance not achieved: RDIS</b></p> <p><b>Matters of discretion are restricted to:</b>  CMUZ-MD7 - Road boundary setback, glazing and verandah</p> <p><b>Notification</b>  An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified.</p>
<p><b>LCZ-BFS7 Rail boundary setback</b></p>	
<p>1. All buildings shall be set back a minimum of 4m from any site boundary with the rail corridor.</p>	<p><b>Activity status when compliance not achieved: RDIS</b></p> <p><b>Matters of discretion are restricted to:</b>  CMUZ-MD13 - Rail boundary setback</p> <p><b>Notification</b>  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.</p>

<b>LCZ-BFS8 Outdoor storage areas</b>	
<p>1. Any outdoor storage or parking<sup>31</sup> 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.</p>	<p><b>Activity status when compliance not achieved: RDIS</b></p> <p><b>Matters of discretion are restricted to:</b>  CMUZ-MD9 - Outdoor storage and waste management</p> <p><b>Notification</b>  An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified.</p>
<b>LCZ-BFS9 Residential units</b>	
<p>1. The minimum net floor area (excluding garages, balconies, and any communal lobbies stairwells and plant rooms) per residential unit shall be:</p> <ol style="list-style-type: none"> <li>a. studio 35m<sup>2</sup>;</li> <li>b. one bedroom 45m<sup>2</sup>;</li> <li>c. two bedroom 60m<sup>2</sup>;</li> <li>d. three or more bedrooms 90m<sup>2</sup>.</li> </ol> <p>2. Each residential unit shall be provided with a private outdoor living space with a minimum area of 6m<sup>2</sup> and a minimum dimension of 1.5m.</p> <p>3. Where a garage is not provided with the residential unit, each residential unit shall have:</p> <ol style="list-style-type: none"> <li>a. an internal storage space that is a minimum of 4m<sup>3</sup> and a minimum dimension of 1m; and</li> <li>b. a waste management area for the storage of rubbish and recycling of 5m<sup>2</sup> with a minimum dimension of 1.5m; and</li> </ol>	<p><b>Activity status when compliance not achieved: RDIS</b></p> <p><b>Matters of discretion are restricted to:</b>  CMUZ-MD9 - Outdoor storage and waste management  CMUZ-MD11 - Residential development</p> <p><b>Notification</b>  An application for a restricted discretionary activity under this rule is precluded from being publicly or limited notified.</p>

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<sup>31</sup> Bellgrove Rangiora Ltd [408.65]

<p>c. waste management areas shall be screened or located behind buildings when viewed from any road or public open space.</p>	
<p><b>LCZ-BFS10 Waste management requirements for all commercial activities</b></p>	
<p>1. All commercial activities shall provide:</p> <p>a. a waste management area for the storage of rubbish and recycling of <u>at least</u><sup>32</sup> 5m<sup>2</sup> with a minimum dimension of 1.5m.</p> <p>b. waste management areas shall be screened or located behind buildings when viewed from any road or public open space.</p>	<p><b>Activity status when compliance not achieved: RDIS</b></p> <p><b>Matters of discretion are restricted to:</b>  CMUZ-MD9 - Outdoor storage and waste management</p> <p><b>Notification</b>  An application for a restricted discretionary activity under this rule is precluded from being publicly or limited notified.</p>
<p><b>LCZ-BFS11 Building coverage</b></p>	
<p>1. The maximum building coverage shall be 55%.</p>	<p><b>Activity status when compliance not achieved with: RDIS</b></p> <p><b>Matters of discretion are restricted to:</b>  CMUZ-MD16 – Coverage</p> <p><b>Notification</b>  An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified.</p>
<p><b>LCZ-BFS12 Mandeville North</b></p>	
<p>1. Development in the zone shall meet the following requirements:</p>	<p><b>Activity status when compliance not achieved: RDIS</b></p>

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<sup>32</sup> Foodstuffs [267.10]



a. any outdoor storage area for the temporary or permanent storage of goods shall not be located within any required structure setbacks or landscaping areas;

b. landscaping, footpath, and Mandeville Road access design shall occur:

i. for a minimum depth of 2m, with a minimum average depth of 4m along the length of the Tram Road boundary except for the vehicle entrance locations, including:

- a. trees to be capable of reaching a minimum height of 8m;
- b. a minimum of one tree per 10m of road boundary frontage; and
- c. a maximum tree spacing of 15m.

ii. by a landscaping strip between the vehicle accessway linking Mandeville Road and the south-eastern boundary with a minimum depth of 950mm.

iii. by an accessway with a minimum width of 6m.

iv. by a landscaping strip with a minimum width of 1.7m between the vehicle accessway linking Mandeville Road and the proposed footpath, which shall be planted with

**Matters of discretion are restricted to:**

CMUZ-MD17 - Mandeville North Business Area

**Notification**

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

<p>specimen trees, capable of reaching a height of 3m, planted at maximum intervals of 10m.</p> <ul style="list-style-type: none"> <li>v. as a 3m wide footpath adjacent to the north-western boundary;</li> <li>c. the site shall be fenced to prevent pedestrian access from and onto Tram Road;</li> <li>d. any building shall be finished to achieve a light reflectance value of less than 45%;</li> <li>e. within the car parking area, there shall be a minimum of one tree, planted for every 10 parking spaces provided;</li> <li>f. any access from Tram Road shall be formed to prevent right hand turn vehicle movements from Tram Road.</li> </ul>	<p><b>Advisory Note</b></p> <ol style="list-style-type: none"> <li>1. For the avoidance of doubt, where an Activity or Built Form Standard is in conflict with this specific rule, this specific rule shall substitute the provision.</li> </ol>
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## LFRZ - Large Format Zone

### Introduction

The purpose of the Large Format Zone is to provide areas for large format retail activities.

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.

As well as the provisions in this chapter, district wide chapter provisions will also apply where relevant.

<b>Objectives</b>	
<b>LFRZ-O1</b>	<p><b>Large Format Retail Zone integration</b> Large format retail activities are enabled in the zone, while ensuring:</p> <ol style="list-style-type: none"> <li>1. activities do not compromise Town Centre role and function;</li> <li>2. activities do not undermine investment in public amenities and facilities in the Town and Local Centre Zones;</li> <li>3. amenity values are managed within the zone and at the interface with adjacent residential zones; and</li> <li>4. activities are integrated with the surrounding transport network.</li> </ol>
<b>Policies</b>	
<b>LFRZ-P1</b>	<p><b>Large Format Retail Zone function</b> 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 <u>and other commercial activities that are more suited to out of centre locations</u>,<sup>33</sup> while;</p> <ol style="list-style-type: none"> <li>1. avoiding small scale retailing, offices, <u>and</u> community facilities, <u>and managing new</u> <sup>34</sup>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;</li> <li>2. requiring large scale development to be of a design quality that is commensurate with the prominence and visual effects of the development; and</li> <li>3. requiring the potential adverse effects on the transport system to be avoided or mitigated.</li> </ol>

### 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

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<sup>33</sup> Woolworths [282.99] and [282.115]

<sup>34</sup> Clampt Investments Ltd [284.494] and Woolworths [282.76]

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.<sup>35</sup>

### Activity Rules

<b>LFRZ-R1 Construction or alteration of or addition to any building or other structure</b>	
<p><b>Activity status: PER</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. the activity complies with:             <ol style="list-style-type: none"> <li>a. all built form standards (as applicable); and</li> <li>b. any building or addition is less than 450800m<sup>2</sup> GFA.<sup>36</sup></li> </ol> </li> </ol> <p><i><u>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.</u></i><sup>37</sup></p>	<p><b>Activity status when compliance not achieved with LFRZ-R1(1)(a): as set out in the relevant built form standards</b></p> <p><b>Activity status when compliance not achieved with LFRZ-R1(1)(b): RDIS</b></p> <p><b>Matters of discretion are restricted to:</b> CMUZ-MD3 - Urban design</p>
<b>LFRZ-R2 Large format retail</b>	

<sup>35</sup> Woolworths [282.132]

<sup>36</sup> Foodstuffs [267.13] and Woolworths [282.75]

<sup>37</sup> Woolworths [282.118]

*This rule does not apply to [supermarkets](#) or department stores provided for under LFRZ-R146<sup>38</sup>; or any supermarket provided for under LFRZ-R19.<sup>39</sup>*

<b>Activity status: PER</b>	<b>Activity status when compliance not achieved: N/A</b>
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**LFRZ-R3 Trade supplier**

<b>Activity status: PER</b>	<b>Activity status when compliance not achieved: N/A</b>
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**LFRZ-R4 Yard-based activity**

<b>Activity status: PER</b>	<b>Activity status when compliance not achieved: N/A</b>
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**LFRZ-R5 Gymnasium**

<b>Activity status: PER</b>	<b>Activity status when compliance not achieved: N/A</b>
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**LFRZ-R6 Parking lot and parking building**

<b>Activity status: PER</b>	<b>Activity status when compliance not achieved: N/A</b>
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**LFRZ-R7 Emergency service facility**

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<sup>38</sup> Foodstuffs [267.14]

<sup>39</sup> Clampt Investments Ltd [284.495] and Woolworths [282.76]

<b>Activity status: PER</b>	<b>Activity status when compliance not achieved: N/A</b>
<b>LFRZ-R8 Ancillary office</b>	
<b>Activity status: PER</b>  Where: <ol style="list-style-type: none"> <li>1. a maximum of 250m<sup>2</sup> or 25% of building GFA (whichever is lesser).</li> </ol>	<b>Activity status when compliance not achieved: RDIS</b>  <b>Matters of discretion are restricted to:</b> CMUZ-MD12 - Commercial activity distribution
<b>LFRZ-R9 Food and beverage outlet</b>	
<b>Activity status: PER</b>  Where: <ol style="list-style-type: none"> <li>1. the activity shall occupy a maximum of 150m<sup>2</sup> GFA; and</li> <li>2. <del>the activity shall not be located within 50m of another food and beverage outlet</del> <u>the total food and beverage GFA for 'Waimak Junction' shall not exceed 2,000m<sup>2</sup>; and</u></li> <li>3. <u>the total food and beverage GFA for Southbrook shall not exceed 1,500m<sup>2</sup>.</u><sup>40</sup></li> </ol>	<b>Activity status when compliance not achieved: DIS</b>
<b>LFRZ-R10 Drive through restaurants</b>	
<b>Activity status: PER</b>  Where: <ol style="list-style-type: none"> <li>1. it shall not be located within 30m of any Residential Zones.</li> </ol>	<b>Activity status when compliance not achieved: DIS</b>
<b>LFRZ-R11 Service station</b>	

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<sup>40</sup> Clampett Investments Ltd [284.502]

<b>Activity status: PER</b>  Where: 1. it shall not be located within 30m of any Residential Zones.	<b>Activity status when compliance not achieved: DIS</b>
<b>LFRZ-R12 Recreation activities</b>	
<b>Activity status: PER</b>  Where: 1. the activity is not a motorised recreation activity.	<b>Activity status when compliance not achieved: NC</b>
<b>LFRZ-R13 Commercial services</b>	
<b>Activity status: RDIS</b>  <b>Matters of discretion are restricted to:</b> CMUZ-MD12 - Commercial activity distribution	<b>Activity status when compliance not achieved: N/A</b>
<b>LFRZ-R14 <del>Expansion of an existing</del> <u>New</u> supermarket or department store, <u>or expansion of an existing supermarket or department store by more than 20% GFA</u><sup>41</sup></b>	
<b>Activity status: RDIS</b>  <b>Matters of discretion are restricted to:</b> <del>CMUZ-MD3 – Urban design</del> <sup>42</sup> CMUZ-MD12 - Commercial activity distribution	<b>Activity status when compliance not achieved: N/A</b>
<b>LFRZ-R15 Department store</b> <sup>43</sup>	
<b>Activity status: DIS</b>	<b>Activity status when compliance not achieved: N/A</b>

<sup>41</sup> Clampett Investments Ltd [284.495] and Woolworths [282.76]

<sup>42</sup> RMA, Schedule 1, Clause 16

<sup>43</sup> Clampett Investments Ltd [284.495]

<b>LFRZ-R156 Entertainment activity</b>	
<b>Activity status: DIS</b>	<b>Activity status when compliance not achieved: N/A</b>
<b>LFRZ-R167 Community facility</b>	
<b>Activity status: DIS</b>	<b>Activity status when compliance not achieved: N/A</b>
<b>LFRZ-R18 New supermarket <sup>44</sup></b>	
<b>Activity status: DIS</b>	<b>Activity status when compliance not achieved: N/A</b>
<b>LFRZ-R179 Residential unit</b>	
<b>Activity status: DIS</b>	<b>Activity status when compliance not achieved: N/A</b>
<b>LFRZ-R1820 Residential activity</b>	
<b>Activity status: DIS</b>	<b>Activity status when compliance not achieved: N/A</b>
<b>LFRZ-R1924 Visitor accommodation</b>	
<b>Activity status: DIS</b>	<b>Activity status when compliance not achieved: N/A</b>
<b>LFRZ-R202 Health care facility</b>	
<b>Activity status: DIS</b>	<b>Activity status when compliance not achieved: N/A</b>
<b>LFRZ-R213 Any other activity not provided for in this zone as a permitted, controlled, restricted discretionary, discretionary, non-</b>	

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<sup>44</sup> Clampett Investments Ltd [284.495] and Woolworths [282.76]



complying, or prohibited activity, except where expressly specified by a district wide provision.	
Activity status: DIS	Activity status when compliance not achieved: N/A
LFRZ-R224 Office	
Activity status: NC	Activity status when compliance not achieved: N/A
LFRZ-R235 Retail activity comprising less than 450m <sup>2</sup> GFA	
Activity status: NC  <i><a href="#">Advice note: this minimum size requirement rule applies to all new retail activities, irrespective of whether the retail activity is covered by another rule in this zone.</a></i> <sup>45</sup>	Activity status when compliance not achieved: N/A
LFRZ-R246 Heavy industry	
Activity status: NC	Activity status when compliance not achieved: N/A

### Built Form Standards

LFRZ-BFS1 Height	
<ol style="list-style-type: none"> <li>1. The maximum height of any building, calculated as per the height calculations, shall be: <ol style="list-style-type: none"> <li>a. 10m above ground level in the Large Format Retail Zone at Smith Street, Kaiapoi where located within 30m of the southern boundary of the zone.</li> </ol> </li> </ol>	Activity status when compliance not achieved: DIS

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<sup>45</sup> RMA, Schedule 1, Clause 16

<p>b. 12m above ground level in the all other Large Format Retail Zones, except where specified in LFRZ-BFS2.</p>	
<p><b>LFRZ-BFS2 Height in relation to boundary when adjoining residential zones, rural zones or open space and recreation zones</b></p>	
<p>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.</p>	<p><b>Activity status when compliance not achieved: RDIS</b></p> <p><b>Matters of discretion are restricted to:</b>  CMUZ-MD4 - Height in relation to boundary</p> <p><b>Notification</b>  An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified.</p>
<p><b>LFRZ-BFS3 Internal boundary setback</b></p>	
<p>1. The minimum building setback from internal boundaries of sites that adjoin Residential Zones, Rural Zones, or Open Space and Recreation Zones shall be 10m.</p> <p>2. In the Large Format Retail Zone at Smith Street, Kaiapoi, any outdoor storage area shall not be located within the 10m building setback.</p>	<p><b>Activity status when compliance not achieved: RDIS</b></p> <p><b>Matters of discretion are restricted to:</b>  CMUZ-MD5 - Internal boundary setback</p> <p><b>Notification</b>  An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified.</p>
<p><b>LFRZ-BFS4 Internal boundary landscaping</b></p>	
<p><i>This rule shall not apply to the Large Format Retail Zone at Smith Street Kaiapoi which is instead covered by LFRZ-BFS9.</i></p>	
<p>1. Landscaping shall be provided along the full length of all</p>	<p><b>Activity status when compliance not achieved: RDIS</b></p>

<p>internal boundaries that adjoin Residential Zones, Rural Zones, or Open Space and Recreation Zones. This landscape strip shall be a minimum of 2m deep.</p> <p>2. Any landscape strip required in (1) shall include a minimum of one tree for every 10m of shared boundary or part thereof, spaced at a maximum distance of 5m with the trees to be a minimum of 1.5m in height at time of planting.</p>	<p><b>Matters of discretion are restricted to:</b> CMUZ-MD6 - Internal boundary landscaping</p> <p><b>Notification</b> An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified.</p>
<p><b>LFRZ-BFS5 Road boundary landscaping</b></p>	
<p><i>This rule does not apply to the Large Format Retail Zone at Smith Street Kaiapoi which is provided for under LFRZ-BFS9.</i></p>	
<p>1. Landscaping shall be provided along the full length of the road boundary, except from vehicle crossings or where buildings are built to the road boundary under LFRZ-BFS6 (1)(d). This landscape strip shall be a minimum of 2m deep.</p> <p>2. The landscape strip required in (1) shall include a minimum of one tree for every 10m of road frontage or part thereof, spaced at a maximum distance of 5m with the trees to be a minimum of 1.5m in height at time of planting.</p>	<p><b>Activity status when compliance not achieved: RDIS</b></p> <p><b>Matters of discretion are restricted to:</b> CMUZ-MD8 - Road boundary landscaping</p> <p><b>Notification</b> An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified.</p>
<p><b>LFRZ-BFS6 Road boundary setback</b></p>	
<p>1. All buildings shall be set back a minimum of:</p> <ol style="list-style-type: none"> <li>a. 10m from the road boundary with any arterial road or collector road;</li> <li>b. 10m from the road boundary where the road is separating the site from Residential Zones, Rural Zones or Open Space and Recreation Zones;</li> </ol>	<p><b>Activity status when compliance not achieved: RDIS</b></p> <p><b>Matters of discretion are restricted to:</b> CMUZ-MD7 - Road boundary setback, glazing and verandah</p> <p><b>Notification</b> An application for a restricted discretionary activity under this rule</p>

<p>c. 3m from the road boundary of all other roads;</p> <p>d. no building setback is required under (a), (b) or (c) above where the road-facing façade is at least 40% glazed.</p> <p>2. In the Large Format Retail Zone at Smith Street, Kaiapoi, any outdoor storage area shall not be located within the building setback.</p>	<p>is precluded from being publicly notified, but may be limited notified.</p>
<p><b>LFRZ-BFS7 Rail boundary setback</b></p>	
<p>1. All buildings shall be set back a minimum of 4m from any site boundary with the rail corridor.</p>	<p><b>Activity status when compliance not achieved: RDIS</b></p> <p><b>Matters of discretion are restricted to:</b> CMUZ-MD13 - Rail boundary setback</p> <p><b>Notification</b> 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.</p>
<p><b>LFRZ-BFS8 Waste management requirements for all commercial activities</b></p>	
<p>1. All commercial activities shall provide:</p> <p>a. a waste management area for the storage of rubbish and recycling of <u>at least</u><sup>46</sup> 5m<sup>2</sup> with a minimum dimension of 1.5m.</p> <p>b. waste management areas shall be screened or located behind buildings</p>	<p><b>Activity status when compliance not achieved: RDIS</b></p> <p><b>Matters of discretion are restricted to:</b> CMUZ-MD9 - Outdoor storage and waste management</p> <p><b>Notification</b></p>

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<sup>46</sup> Foodstuffs [267.17]

<p>when viewed from any road or public open space.</p>	<p>Any application arising from this rule shall not be limited or publicly notified.</p>
<p><b>LFRZ-BFS9 Additional requirements for the Large Format Retail Zone at Smith Street, Kaiapoi.</b></p>	
<p>1. Within the Large Format Retail Zone at Smith Street, Kaiapoi:</p> <p>a. a 5m deep Landscape Area along the southern zone boundary shall be provided with:</p> <ul style="list-style-type: none"> <li>i. a minimum of one native specimen tree for every 10m, spaced at a maximum distance of 10m apart, or a minimum distance of 8m;</li> <li>ii. at least 50% of other plants capable of growing to at least 1.5m at maturity selected from the plant schedule in Table LFRZ-1; and</li> <li>iii. trees required shall be at least 1.8m high at the time of planting and of a species capable of growing to at least 8m at maturity.</li> </ul> <p>b. tree planting shall be provided along the Smith Street boundary and the Council reserve (west) boundary:</p> <ul style="list-style-type: none"> <li>i. at a minimum of one tree for every 15m;</li> <li>ii. spaced at a maximum of 15m apart or a minimum of 13m; and</li> <li>iii. the drip line of any tree shall not encroach within 2m of the centre line of</li> </ul>	<p><b>Activity status when compliance not achieved: RDIS</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ul style="list-style-type: none"> <li>CMUZ-MD6 - Internal boundary landscaping</li> <li>CMUZ-MD8 - Road boundary landscaping</li> </ul> <p><b>Notification</b></p> <p>Any application arising from this rule shall not be limited or publicly notified.</p>

<p>any water or stormwater pipeline.</p> <p>c. any building walls within 20m distance from the 10m setback along the southern zone boundary, and which face directly or are generally parallel to the Kaiapoi River, shall be painted or finished in recessive colours in the natural range of browns, greens and greys, with a reflectivity of no more than 35%.</p> <p>d. any fencing within 10m of the zone boundary shall be limited to stock fencing or wire mesh security fencing. Security fencing shall not exceed 2.7m in height and shall be located on the inside of the 5m Landscape Area along the southern boundary.</p>	
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**Table LFRZ-1: Plant schedule**

<b>Botanical</b>	<b>Common Name</b>
<b>Trees and Shrubs</b>	
<i>Austoderia richardii</i>	toi toi
<i>Coprosma robusta</i>	karamū
<i>Cordyline australis</i>	cabbage tree
<i>Hebe salicifolia</i>	koromiko
<i>Hoheria angustifolia</i>	lacebark
<i>Pittosporum eugenioides</i>	lemonwood
<i>Pittosporum tenuifolium</i>	kōhūhū
<i>Podocarpus totara</i>	tōtara
<i>Sophora microphylla</i>	kōwhai
<b>Wet Tolerant Planting</b>	
<i>Carex secta</i>	sedge
<i>Juncus edgariea</i>	common rush

## KLFR - Kaiapoi LFR Development Area

### Introduction

The Kaiapoi LFR Development Area is Large Format Retail Zone and is located to the north-west of the Kaiapoi Town Centre Zone.

The ODP includes provisions for:

- a road accessing off Smith Street;
- internal roading providing site access;
- pedestrian and cycleway access;
- a local reserve;
- a stormwater management area and other infrastructure;
- an area subject to a maximum building height; and
- a landscape area.

### Activity Rules

<b>DEV-KLFR-R1 ODP - Kaiapoi Large Format Retail Zone</b>	
<p><b>Activity status: PER</b> Where:</p> <ol style="list-style-type: none"><li>1. Within the Kaiapoi Large Format Retail Zone on Smith Street, the development of land shall be in accordance with DEV-KLFR-APP1 and shall meet the following standards:<ol style="list-style-type: none"><li>a. new buildings shall connect to the stormwater management system shown on DEV-KLFR-APP1;</li><li>b. any outdoor storage area shall not be located within the 10m Building Setback;</li><li>c. tree planting shall be provided along the Smith Street boundary and the Council reserve (west) boundary:<ol style="list-style-type: none"><li>i. at a minimum of one tree for every 15m;</li><li>ii. no more than 15m apart or closer than 13m; and</li><li>iii. the drip line of any tree shall not</li></ol></li></ol></li></ol>	<p><b>Activity status when compliance not achieved: RDIS</b></p> <p><b>Matters of discretion are restricted to:</b> CMUZ-MD14 - Kaiapoi large format retail</p>

<p>encroach within 2m of the centre line of any water or stormwater pipeline;</p> <p>d. trees required by (c) above shall be at least 1.5m high at the time of planting and of a species capable of growing to at least 8m at maturity; and</p> <p>e. any building walls within 20m distance from the 10m setback along the southern zone boundary, and which face directly or are generally parallel to the Kaiapoi River, shall be painted or finished in recessive colours in the natural range of browns, greens and greys, with a reflectivity of no more than 35%.</p>	
<p><b>Advisory Note</b></p> <p>1. For the avoidance of doubt, where an Activity or Built Form Standard is in conflict with this specific rule, this specific rule shall substitute the provision.</p>	

**Built Form Standards**

*There are no area-specific built form standards for the Kaiapoi Large Format Retail ODP.*

**Appendix**

**DEV-KLFR-APP1 - Kaiapoi Large Format Retail Zone ODP**





## MUZ - Mixed Use Zone

### Introduction

The purpose of the Mixed Use Zone is to provide for land that was 'red' zoned following the Canterbury Earthquakes 2010/2011. It is located adjacent to the Kaiapoi Town Centre. The Mixed Use Zone is intended to provide for a wide range of business, commercial and residential uses that support the regeneration of the Kaiapoi Town Centre.

The zone contains one remaining residential activity (identified in APP1 - Regeneration Area Remaining Private Residences and Alternate Zone). For this site, the chapter also refers to rules and built form standards in the General Residential Zone.

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.

As well as the provisions in this chapter, district wide chapter provisions will also apply where relevant.

### Objectives

<b>MUZ-01</b>	<b>Kaiapoi regeneration support</b> Development within the Mixed Use Zone supports the regeneration of the area and supports the role, function and continued viability and vitality of the Kaiapoi Town Centre.
<b>MUZ-02</b>	<b>Existing residential activities</b> Pre-earthquake residential activities on privately-owned sites are able to continue.
<b>Policies</b>	
<b>MUZ-P1</b>	<b>Integration with the town centre</b> Provide for a mixture of commercial, <u>community</u> <sup>47</sup> and residential activities in the Mixed Use Zone where these: <ol style="list-style-type: none"> <li>1. support the Kaiapoi Town Centre’s identified function, role, <u>anticipated built form</u> and <u>associated existing and anticipated</u> amenity values;<sup>48</sup></li> <li>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 Centre; and</li> <li>3. support the ongoing regeneration of the Kaiapoi township.</li> </ol>
<b>MUZ-P2</b>	<b>Amenity values</b> Promote a high standard of amenity within the zone, adjacent to residential and open space and recreation zones, and existing sites in private ownership that are listed in MUZ-APP1 by: <ol style="list-style-type: none"> <li>1. requiring an urban design assessment for large buildings;</li> <li>2. requiring development to be in accordance with MUZ-APP1; and</li> <li>3. setting built form standards to manage adverse boundary effects.</li> </ol>

### 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

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<sup>47</sup> Corrections [52.10]

<sup>48</sup> Kāinga Ora [325.311]

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.<sup>49</sup>

### Activity Rules

<b>MUZ-R1 Construction or alteration of or addition to any building or other structure</b>	
<b>Activity status: PER</b> Where: <ol style="list-style-type: none"> <li>1. the activity complies with:             <ol style="list-style-type: none"> <li>a. all built form standards (as applicable); and</li> <li>b. any building or addition is less than 450m<sup>2</sup> GFA.</li> </ol> </li> </ol> <p><i><u>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.<sup>50</sup></u></i></p>	<b>Activity status when compliance not achieved with MUZ-R1(1)(a): as set out in the relevant built form standards</b>  <b>Activity status when compliance not achieved with MUZ-R1(1)(b): RDIS</b>  <b>Matters of discretion are restricted to:</b> CMUZ-MD3 - Urban design
<b>MUZ-R2 Large format retail</b>	
<b>Activity status: PER</b>	<b>Activity status when compliance not achieved: N/A</b>
<b>MUZ-R3 Emergency service facility</b>	

<sup>49</sup> Woolworths [282.132]

<sup>50</sup> Woolworths [282.118]

Activity status: PER	Activity status when compliance not achieved: N/A
<b>MUZ-R4 Commercial services</b>	
Activity status: PER	Activity status when compliance not achieved: N/A
<b>MUZ-R5 Office</b>	
<p>Activity status: PER</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. in Kaiapoi East office activities shall occupy a maximum of 3,500m<sup>2</sup> net GFA across the entire area;</li> <li>2. in Kaiapoi South office activities shall occupy a maximum of 2,500m<sup>2</sup> net GFA across the entire area; and</li> <li>3. in Kaiapoi West office activities shall occupy a maximum of 1,000m<sup>2</sup> net GFA across the entire area.</li> </ol>	<p>Activity status when compliance not achieved: RDIS</p> <p><b>Matters of discretion are restricted to:</b></p> <p style="padding-left: 40px;">CMUZ-MD12 - Commercial activity distribution</p>
<b>MUZ-R6 Gymnasium</b>	
Activity status: PER	Activity status when compliance not achieved: N/A
<b>MUZ-R7 Recreation activities and recreation facilities</b>	
Activity status: PER	Activity status when compliance not achieved: N/A
<b>MUZ-R8 Community facility</b>	

Activity status: PER	Activity status when compliance not achieved: N/A
<b>MUZ-R9 Visitor accommodation</b>	
Activity status: PER	Activity status when compliance not achieved: N/A
<b>MUZ-R10 Food and beverage outlet</b>	
Activity status: PER	Activity status when compliance not achieved: N/A
<b>MUZ-R11 Entertainment activity</b>	
Activity status: PER	Activity status when compliance not achieved: N/A
<b>MUZ-R12 Retail activity</b>	
<i>This rule does not apply to Large Format Retail provided for by MUZ-R2; or Food and beverage outlets provided for by MUZ-R10.</i>	
<p>Activity status: PER</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. in Kaiapoi East, retail activities shall occupy a maximum of 3,500m<sup>2</sup> GFA across the entire area;</li> <li>2. in Kaiapoi South, retail activities shall occupy a maximum of 2,500m<sup>2</sup> GFA across the entire area; and</li> <li>3. in Kaiapoi West, retail activities shall occupy a maximum of 1,000m<sup>2</sup> GFA across the entire area.</li> </ol>	<p>Activity status when compliance not achieved: RDIS</p> <p><b>Matters of discretion are restricted to:</b></p> <p>CMUZ-MD12 - Commercial activity distribution</p>

<b>MUZ-R13 Residential unit</b>	
<b>Activity status: PER</b> Where: <ol style="list-style-type: none"> <li>the activity shall comprise a maximum of 75% of the GFA of all buildings on the site.</li> </ol>	<b>Activity status when compliance not achieved: RDIS</b>  <b>Matters of discretion are restricted to:</b> CMUZ-MD11 - Residential development  <b>Notification</b> An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified.
<b>MUZ-R14 Residential activity</b>	
<b>Activity status: PER</b> Where: <ol style="list-style-type: none"> <li>the activity shall comprise a maximum of 75% of the GFA of all buildings on the site.</li> </ol>	<b>Activity status when compliance not achieved: RDIS</b>  <b>Matters of discretion are restricted to:</b> CMUZ-MD11 - Residential development  <b>Notification</b> An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified.
<b>MUZ-R15 Any activity on a site listed in Appendix-APP1</b>	
<i>That is permitted in the General Residential Zone in GRZ-R1 to GRZ-R10, GRZ-R14 and GRZ-R15.</i>	
<b>Activity status: PER</b> Where: <ol style="list-style-type: none"> <li>the activity shall meet the applicable activity specific standards of the General Residential Zone.</li> </ol>	<b>Activity status when compliance not achieved: As set out in the applicable rules of the General Residential Zone</b>  <b>Matters of discretion are restricted to:</b> As set out in the applicable matters of discretion of the General Residential Zone

<b>MUZ-R16 Any activity on a site listed in Appendix-APP1</b>	
<b>Activity status: PER</b> Where: 1. the activity shall meet the applicable built form standards and district wide standards applying to the General Residential Zone.	<b>Activity status when compliance not achieved: As set out in the applicable rules of the General Residential Zone</b>  <b>Matters of discretion are restricted to:</b> As set out in the applicable matters of discretion applying to the General Residential Zone
<b>MUZ-R17 Drive through restaurants</b>	
<b>Activity status: PER</b> Where: 1. the activity shall not be located within 30m of any Residential Zones.	<b>Activity status when compliance not achieved: RDIS</b>  <b>Matters of discretion are restricted to:</b> CMUZ-MD2 - Drive through restaurants and service stations
<b>MUZ-R18 Public transport facility</b>	
<b>Activity status: PER</b>	<b>Activity status when compliance not achieved: DIS</b>
<b>MUZ-R19 Parking lot and parking building</b>	
<b>Activity status: PER</b> Where: 1. the activity is not to be located adjacent to or across a road from the Natural Open Space Zone; 2. the activity is not to be located adjacent to or across a road from a site identified in Appendix-APP1.	<b>Activity status when compliance not achieved: RDIS</b>  <b>Matters of discretion are restricted to:</b> CMUZ-MD3 - Urban design
<b>MUZ-R20 Recreation activities</b>	

<b>Activity status: PER</b> Where: 1. the activity is not a motorised recreation activity.	<b>Activity status when compliance not achieved: NC</b>
<b><u>MUZ-R21 Community Corrections Activities</u></b> <sup>51</sup>	
<b><u>Activity status: PER</u></b>	<b><u>Activity status when compliance not achieved: N/A</u></b>
<b><u>MUZ-R22 Educational facility</u></b> <sup>52</sup>	
<b><u>Activity status: PER</u></b>	<b><u>Activity status when compliance not achieved: N/A</u></b>
<b><u>MUZ-R234 Trade supplier</u></b>	
<b>Activity status: RDIS</b>  <b>Matters of discretion are restricted to:</b> CMUZ-MD1 - Trade suppliers and yard based suppliers	<b>Activity status when compliance not achieved: N/A</b>
<b><u>MUZ-R242 Yard-based activity</u></b>	
<b>Activity status: RDIS</b>  <b>Matters of discretion are restricted to:</b> CMUZ-MD1 - Trade suppliers and yard based suppliers	<b>Activity status when compliance not achieved: N/A</b>
<b><u>MUZ-R253 Industrial activity</u></b>	

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<sup>51</sup> Corrections [52.11]

<sup>52</sup> MoE [277.55]



<p><b>Activity status: RDIS</b></p> <p><b>Matters of discretion are restricted to:</b> CMUZ-MD3 - Urban design</p>	<p><b>Activity status when compliance not achieved: N/A</b></p>
<p><b>MUZ-R264</b> Any other activity not provided for in this zone as a permitted, controlled, restricted discretionary, discretionary, non-complying, or prohibited activity, except were expressly specified by a district wide provision.</p>	
<p><b>Activity status: DIS</b></p>	<p><b>Activity status when compliance not achieved: N/A</b></p>
<p><b>MUZ-R275</b> Heavy industry</p>	
<p><b>Activity status: NC</b></p>	<p><b>Activity status when compliance not achieved: N/A</b></p>

**Built Form Standards**

<p><b>MUZ-BFS1 Height</b></p>	
<p>1. The maximum height of any building, calculated as per the height calculation, shall be 15m above ground level.</p>	<p><b>Activity status when compliance not achieved: <del>DIS</del> <u>RDIS</u></b></p> <p><b><u>Matters of discretion are restricted to:</u></b> <u>CMUZ-MD19 - Height</u> <sup>53</sup></p>

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<sup>53</sup> Kāinga Ora [325.319]

<b>MUZ-BFS2 Height in relation to boundary when adjoining Residential Zones, Rural Zones or Open Space and Recreation Zones</b>	
<p>1. Where an internal boundary adjoins any 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.</p>	<p><b>Activity status when compliance not achieved: RDIS</b></p> <p><b>Matters of discretion are restricted to:</b> CMUZ-MD4 - Height in relation to boundary</p> <p><b>Notification</b> An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified.</p>
<b>MUZ-BFS3 Internal boundary setback</b>	
<p>1. The minimum building setback from internal boundaries of sites that adjoins any Residential Zones, Rural Zones, or Open Space and Recreation Zones shall be 3m.</p>	<p><b>Activity status when compliance not achieved: RDIS</b></p> <p><b>Matters of discretion are restricted to:</b> CMUZ-MD5 - Internal boundary setback</p> <p><b>Notification</b> An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified.</p>
<b>MUZ-BFS4 Internal boundary landscaping</b>	
<p>1. Landscaping shall be provided along the full length of all internal boundaries with Residential Zones or Open Space and Recreation Zones. This landscape strip shall be a minimum of 2m deep.</p> <p>2. Any landscape strip required in (1) shall include a minimum of one tree for every 10m of shared boundary or part</p>	<p><b>Activity status when compliance not achieved: RDIS</b></p> <p><b>Matters of discretion are restricted to:</b> CMUZ-MD6 - Internal boundary landscaping</p> <p><b>Notification</b> An application for a restricted discretionary activity under this rule</p>

<p>thereof, spaced at a maximum distance of 5m, with the trees to be a minimum of 1.5m in height at time of planting.</p>	<p>is precluded from being publicly notified, but may be limited notified.</p>
<p><b>MUZ-BFS5 Road boundary landscaping</b></p>	
<ol style="list-style-type: none"> <li>1. Landscaping shall be provided along the full length of the road boundary, except from vehicle crossings or where buildings are built to the road boundary under MUZ-BFS6 (e).</li> <li>2. The landscape strip required under (1) shall be: <ol style="list-style-type: none"> <li>a. 3m along Hilton Street to the west of Black Street;</li> <li>b. as specified in MUZ-APP1; or</li> <li>c. if not specified under (a) and (b), a minimum of 2m.</li> </ol> </li> <li>3. The landscape strip required in (1) shall include a minimum of one tree for every 10m of road frontage or part thereof, spaced at a maximum distance of 5m with the trees to be a minimum of 1.5m in height at time of planting.</li> </ol>	<p><b>Activity status when compliance not achieved: RDIS</b></p> <p><b>Matters of discretion are restricted to:</b>  CMUZ-MD8 - Road boundary landscaping</p> <p><b>Notification</b>  An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified.</p>
<p><b>MUZ-BFS6 Road boundary setback</b></p>	
<ol style="list-style-type: none"> <li>1. All buildings shall be set back a minimum of: <ol style="list-style-type: none"> <li>a. 10m from the road boundary with any arterial road or collector road;</li> <li>b. 10m from the road boundary where the road is separating the site from Residential Zones, Rural Zones or Open Space and Recreation Zones;</li> <li>c. 3m from the road boundary of all other roads; or</li> <li>d. the distance specified in MUZ-APP1;</li> <li>e. no building setback is required under (a) to (c) above where the road-</li> </ol> </li> </ol>	<p><b>Activity status when compliance not achieved: RDIS</b></p> <p><b>Matters of discretion are restricted to:</b>  CMUZ-MD7 - Road boundary setback, glazing and verandah</p>

facing façade is at least 40% glazed.	
<b>MUZ-BFS7 Outdoor storage areas</b>	
<p>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, Open Space and Recreation Zones or Commercial and Mixed Use Zones or the road boundary.</p>	<p><b>Activity status when compliance not achieved: RDIS</b></p> <p><b>Matters of discretion are restricted to:</b>  CMUZ-MD9 - Outdoor storage and waste management</p> <p><b>Notification</b>  An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified.</p>
<b>MUZ-BFS8 Residential units</b>	
<p>1. The minimum net floor area (excluding garages, balconies, and any communal lobbies stairwells and plant rooms) per residential unit shall be:</p> <ol style="list-style-type: none"> <li>a. studio 35m<sup>2</sup>;</li> <li>b. one bedroom 45m<sup>2</sup>;</li> <li>c. two bedroom 60m<sup>2</sup>;</li> <li>d. three or more bedrooms 90m<sup>2</sup>.</li> </ol> <p>2. Each residential unit shall be provided with a private outdoor living space with a minimum area of 6m<sup>2</sup> and a minimum dimension of 1.5m.</p> <p>3. Where a garage is not provided with the residential unit, each residential unit shall have:</p> <ol style="list-style-type: none"> <li>a. an internal storage space that is a minimum of 4m<sup>3</sup> and a minimum dimension of 1m; and</li> <li>b. a waste management area for the storage of rubbish and recycling of 5m<sup>2</sup> with a minimum dimension of 1.5m; and</li> <li>c. waste management areas shall be screened or</li> </ol>	<p><b>Activity status when compliance not achieved: RDIS</b></p> <p><b>Matters of discretion are restricted to:</b>  CMUZ-MD11 - Residential development</p> <p><b>Notification</b>  Any application arising from this rule shall not be limited or publicly notified.</p>

<p>located behind buildings when viewed from any road or public open space.</p>	
<p><b>MUZ-BFS9 Waste management requirements for all commercial activities</b></p>	
<p>1. All commercial activities shall provide:</p> <p>a. a waste management area for the storage of rubbish and recycling of <u>at least</u><sup>54</sup> 5m<sup>2</sup> with a minimum dimension of 1.5m.</p> <p>b. waste management areas shall be screened or located behind buildings when viewed from any road or public open space.</p>	<p><b>Activity status when compliance not achieved: RDIS</b></p> <p><b>Matters of discretion are restricted to:</b>  CMUZ-MD9 - Outdoor storage and waste management</p> <p><b>Notification</b>  Any application arising from this rule shall not be limited or publicly notified.</p>
<p><b><u>MUZ-BFS10 Rail boundary setback</u></b><sup>55</sup></p>	
<p><u>1. All buildings shall be set back a minimum of 4m from any site boundary with the rail corridor.</u></p>	<p><b><u>Activity status when compliance not achieved: RDIS</u></b></p> <p><b><u>Matters of discretion are restricted to:</u></b></p> <p><u>CMUZ-MD13 - Rail boundary setback</u></p>

<sup>54</sup> Foodstuffs [267.10]

<sup>55</sup> KiwiRail [373.92]

	<p><b><u>Notification</u></b></p> <p><u>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.</u></p>
<p><b>MUZ-BFS110-ODP Kaiapoi regeneration area</b></p>	
<p>1. Development shall be in accordance with the fixed elements of MUZ-APP1.</p>	<p><b>Activity status when compliance not achieved: RDIS</b></p> <p><b>Matters of discretion are restricted to:</b>  CMUZ-MD15 - Kaiapoi regeneration areas</p> <p><b>Notification</b>  An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified.</p>

**MUZ-APP1 - Kaiapoi Mixed Use Business ODP**



## TCZ - Town Centre Zone

### Introduction

The purpose of the Town Centre Zone is to provide for the District's principal employment and commercially focused areas. They are the primary focal points for community and other activities at the highest density of development. Town Centre Zones are located in Rangiora, Kaiapoi, Oxford and Woodend.

The Town Centre Zones of Rangiora, Kaiapoi and Oxford are Key Activity Centres as identified in the RPS. For the life of this District Plan the emerging Woodend Town Centre located at North Woodend will play a secondary role to the established centres of Rangiora and Kaiapoi, where there is significant existing public expenditure and community services.

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.

As well as the provisions in this chapter, district wide chapter provisions will also apply where relevant.

### Objectives

<b>TCZ-O1</b>	<p><b>Town Centre Zone activities and function</b></p> <p>Town Centres:</p> <ol style="list-style-type: none"> <li>1. are the District's principal focal point for a wide range of commercial and community activities, supported by recreation, residential and service activities;</li> <li>2. provide the primary retail destination for comparison and convenience shopping in the district with the greatest mix and concentration of activities;</li> <li>3. provide the greatest scale of built form of all zones; and</li> <li>4. are accessible by a range of modes of transport including public transport.</li> </ol>
<b>Policies</b>	
<b>TCZ-P1</b>	<p><b>Town Centre Zone hierarchy</b></p> <p>Recognise that:</p> <ol style="list-style-type: none"> <li>1. Rangiora and Kaiapoi are the District's principal town centres with significant established community services and public expenditure;</li> <li>1. North Woodend is a new emerging centre that will provide opportunities over time for town centre activities in the Woodend/Pegasus commercial catchment.</li> </ol>
<b>TCZ-P2</b>	<p><b>Town Centre Zone activities and form</b></p> <p>Within Town Centres:</p> <ol style="list-style-type: none"> <li>2. enable the widest range of retail, commercial, community, recreation and service activities, with the greatest concentration and scale of built form;</li> <li>3. encourage medium and high density residential activity where this does not foreclose the provision of active frontages, or compromise achieving a concentration of commercial activities;</li> <li>4. provide for other activities only where these do not adversely affect amenity and streetscape values, or compromise the function and capacity of the zone to provide for primarily commercial and community activities;</li> <li>5. have well designed large buildings and active frontages to principal shopping streets;</li> <li>6. provide for pedestrian priority within the retail core while ensuring accessibility by a range of modes of transport;</li> <li>7. support patronage of public transport by encouraging a well located and connected transport interchange;</li> <li>8. encourage the provision of shared parking and loading to the side or rear of primary building facades in order to avoid visually or physically dominating the streetscape;</li> <li>9. manage the effects of buildings and activities at the interface with more sensitive zones; and</li> <li>10. avoid activities that are incompatible with the zone.</li> </ol>
<b>TCZ-P3</b>	<p><b>Rangiora Central ODP</b></p> <p>Ensure development covered by the TCZ-APP1:</p> <ol style="list-style-type: none"> <li>1. contributes positively to the amenity values of the area, and to the quality and enjoyment of the environment, for those living, working or visiting the area; and</li> </ol>



	2. creates active frontages at ground floor level and visual interest in building design.
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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.<sup>56</sup>

**Activity Rules**

<b>TCZ-R1 Construction or alteration of or addition to any building or other structure</b>	
<b>Activity status: PER</b>  Where: <ol style="list-style-type: none"> <li>1. the activity complies with:             <ol style="list-style-type: none"> <li>a. all built form standards (as applicable);</li> <li>b. any building or addition is less than 450m<sup>2</sup> GFA;</li> </ol> </li> <li>and</li> </ol>	<b>Activity status when compliance not achieved with TCZ-R1(1)(a): as set out in the relevant built form standards</b>  <b>Activity status when compliance not achieved with TCZ-R1(1)(b) and TCZ-R1(1)(c): RDIS</b>

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<sup>56</sup> Woolworths [282.132]

<p>c. any new building or addition does not have frontage to a Principal Shopping Street.</p> <p><i>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.<sup>57</sup></i></p>	<p><b>Matters of discretion are restricted to:</b> CMUZ-MD3 - Urban design</p>
<p><b>TCZ-R2 Retail activity</b></p>	
<p><b>Activity status: PER</b></p>	<p><b>Activity status when compliance not achieved: N/A</b></p>
<p><b>TCZ-R3 Commercial services</b></p>	
<p><b>Activity status: PER</b></p>	<p><b>Activity status when compliance not achieved: N/A</b></p>
<p><b>TCZ-R4 Office</b></p>	
<p><b>Activity status: PER</b></p>	<p><b>Activity status when compliance not achieved: N/A</b></p>
<p><b>TCZ-R5 Public amenities</b></p>	
<p><b>Activity status: PER</b></p>	<p><b>Activity status when compliance not achieved: N/A</b></p>
<p><b>TCZ-R6 Emergency service facility</b></p>	

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<sup>57</sup> Woolworths [282.118]

<p><b>Activity status: PER</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. the emergency service facility is not located on Principal Shopping Street frontage.</li> </ol>	<p><b>Activity status when compliance not achieved: DIS</b></p>
<p><b>TCZ-R7 Gymnasium</b></p>	
<p><b>Activity status: PER</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. the gymnasium shall not be located on the ground floor of a Principal Shopping Street.</li> </ol>	<p><b>Activity status when compliance not achieved: RDIS</b></p> <p><b>Matters of discretion are restricted to:</b> CMUZ-MD3 - Urban design</p>
<p><b>TCZ-R8 Community facility</b></p>	
<p><b>Activity status: PER</b></p>	<p><b>Activity status when compliance not achieved: N/A</b></p>
<p><b>TCZ-R9 Cultural facility</b></p>	
<p><b>Activity status: PER</b></p>	<p><b>Activity status when compliance not achieved: N/A</b></p>
<p><b>TCZ-R10 Entertainment activity</b></p>	
<p><b>Activity status: PER</b></p>	<p><b>Activity status when compliance not achieved: N/A</b></p>
<p><b>TCZ-R11 Educational facility</b></p>	
<p><b>Activity status: PER</b></p>	<p><b>Activity status when compliance not achieved: N/A</b></p>

<b>TCZ-R12 Childcare facility</b>	
<b>Activity status: PER</b>	<b>Activity status when compliance not achieved: N/A</b>
<b>TCZ-R13 Health care facility</b>	
<b>Activity status: PER</b>	<b>Activity status when compliance not achieved: N/A</b>
<b>TCZ-R14 Commercial activity</b>	
<b>Activity status: PER</b>	<b>Activity status when compliance not achieved: N/A</b>
<b>TCZ-R15 Visitor accommodation</b>	
<b>Activity status: PER</b>  Where: <ol style="list-style-type: none"> <li>any <a href="#">visitor accommodation residential activity</a><sup>58</sup> shall be above ground floor on Principal Shopping Street frontages; or</li> <li>any <a href="#">visitor accommodation residential activity</a><sup>59</sup> shall be located to the rear of commercial activities on Principal Shopping Street.</li> </ol>	<b>Activity status when compliance not achieved: RDIS</b>  <b>Matters of discretion are restricted to:</b> CMUZ-MD11 - Residential development
<b>TCZ-R16 Residential unit</b>	
<b>Activity status: PER</b>	<b>Activity status when compliance not achieved: RDIS</b>

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<sup>58</sup> RMA Schedule 1 clause 16

<sup>59</sup> RMA Schedule 1 clause 16

<p>Where:</p> <ol style="list-style-type: none"> <li>any residential activity shall be above ground floor or located to the rear of commercial activities fronting the street.</li> </ol>	<p><b>Matters of discretion are restricted to:</b> CMUZ-MD11 - Residential development</p>
<p><b>TCZ-R17 Residential activity</b></p>	
<p><b>Activity status: PER</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li>any residential activity shall be above ground floor or located to the rear of commercial activities fronting the street.</li> </ol>	<p><b>Activity status when compliance not achieved: RDIS</b></p> <p><b>Matters of discretion are restricted to:</b> CMUZ-MD11 - Residential development</p>
<p><b>TCZ-R18 Drive through restaurants</b></p>	
<p><b>Activity status: PER</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li>the drive through restaurant shall not be located within 30m of any Residential Zones.</li> </ol>	<p><b>Activity status when compliance not achieved: RDIS</b></p> <p><b>Matters of discretion are restricted to:</b> CMUZ-MD2 - Drive through restaurants and service stations</p>
<p><b>TCZ-R19 Service station</b></p>	
<p><b>Activity status: PER</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li>the service station shall not be located within 30m of any Residential Zones.</li> </ol>	<p><b>Activity status when compliance not achieved: RDIS</b></p> <p><b>Matters of discretion are restricted to:</b> CMUZ-MD2 - Drive through restaurants and service stations</p>
<p><b>TCZ-R20 Public transport facility</b></p>	
<p><b>Activity status: PER</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li>the public transport facility shall be located within 400m of a Principal Shopping Street.</li> </ol>	<p><b>Activity status when compliance not achieved: DIS</b></p>

**TCZ-R21 Parking lots and parking buildings**

<b>Activity status: PER</b>  Where: 1. the parking lot or parking building shall not have any frontage on a Principal Shopping Street.	<b>Activity status when compliance not achieved: DIS</b>
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**TCZ-R22 Development in Rangiora Central**

<b>Activity Standard: PER</b>  Where: 1. activities within Sub-Areas A to D of the TCZ-APP1, shall be limited to: a. Sub-Area A: i. retail activities, including food and beverage at identified building corner ground floor locations; ii. a range of activities on upper floors; and iii. public open space. b. Sub-Area B: i. retail activities at the ground floor; ii. a range of activities on upper floors; and iii. loading and manoeuvring for service vehicles. c. Sub-Area C: i. retail activities at the ground floor; ii. a range of activities on upper floors potentially including public car parking and residential; and iii. loading and manoeuvring for service vehicles. d. Sub-Area D: i. retail activities, including food and beverage at	<b>Activity Status when compliance not achieved: DIS</b>
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<ul style="list-style-type: none"> <li>ii. identified building corner ground floor locations;</li> <li>iii. a range of activities on upper floors; and</li> <li>loading and manoeuvring for service vehicles.</li> </ul> <p>2. development in all other respects shall be in accordance with TCZ-APP1 - Rangiora Central ODP.</p>	
<p><b>Advisory Note</b> For the avoidance of doubt, where an Activity or Built Form Standard is in conflict with the TCZ-APP1 - Rangiora Central ODP, the ODP substitutes the provision.</p>	
<p><b>TCZ-R23 Recreation activities</b></p>	
<p><b>Activity status: PER</b></p> <p>Where:</p> <ul style="list-style-type: none"> <li>1. the activity is not a motorised recreation activity.</li> </ul>	<p><b>Activity status when compliance not achieved: NC</b></p>
<p><b><u>TCZ-R24 Community Corrections activities</u></b></p>	
<p><b><u>Activity status: PER</u></b></p>	<p><b><u>Activity status when compliance not achieved: N/A</u></b></p>
<p><b>TCZ-R2<del>5</del><sup>4</sup> Trade supplier</b></p>	
<p><b>Activity status: RDIS</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ul style="list-style-type: none"> <li>CMUZ-MD1 - Trade suppliers and Yard based suppliers</li> </ul>	<p><b>Activity status when compliance not achieved: N/A</b></p>
<p><b>TCZ-R2<del>6</del><sup>5</sup> Yard-based activity</b></p>	
<p><b>Activity status: RDIS</b></p> <p><b>Matters of discretion are restricted to:</b></p>	<p><b>Activity status when compliance not achieved: N/A</b></p>

CMUZ-MD1 - Trade suppliers and Yard based suppliers	
<b>TCZ-R276</b> Any other activity not provided for in this zone as a permitted, controlled, restricted discretionary, discretionary, non-complying, or prohibited activity, except where expressly specified by a district wide provision.	
Activity status: DIS	Activity status when compliance not achieved: N/A
<b>TCZ-R287</b> Industrial activity	
Activity status: NC	Activity status when compliance not achieved: N/A
<b>TCZ-R298</b> Heavy industry	
Activity status: NC	Activity status when compliance not achieved: N/A

### Built Form Standards

<b>TCZ-BFS1 Height</b>	
<ol style="list-style-type: none"> <li>1. The minimum height of any building fronting a Principal Shopping Street shall be 5m above ground level.</li> <li>2. The maximum height of any building, shall be: <ol style="list-style-type: none"> <li>a. for Rangiora and Kaiapoi: <ol style="list-style-type: none"> <li>i. <del>4</del><u>2</u>15m above ground level, except as specified under (ii) below;</li> <li>ii. <del>4</del><u>8</u>21m above ground level in the</li> </ol> </li> </ol> </li> </ol>	<p>Activity status when compliance not achieved: <del>DIS</del><u>RDIS</u></p> <p><u>Matters of discretion are restricted to:</u></p>



<p>Residential Height Bonus Area Precinct where:</p> <ol style="list-style-type: none"> <li>1. at least one floor is designed and used for residential activity as part of a mixed-use commercial and residential development; and</li> <li>2. the maximum road wall height of any building shall be <u>4218m</u>;</li> </ol> <p>b. for all other areas, 12m above ground level.</p> <p>3. All heights shall be calculated as per the height calculation.</p>	<p><u>CMUZ-MD19 - Height</u> <sup>60</sup></p>
<p><b>TCZ-BFS2 Height in relation to boundary when adjoining a street</b></p>	
<p>1. 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 <del>in accordance with the diagrams in Appendix APP3,</del><sup>61</sup> except that this rule shall not apply to access ways or service lanes.</p>	<p><b>Activity status when compliance not achieved: RDIS</b></p> <p><b>Matters of discretion are restricted to:</b></p> <p style="padding-left: 40px;">CMUZ-MD4 - Height in relation to boundary</p>
<p><b>TCZ-BFS3 Height in relation to boundary when adjoining Residential Zones, Rural Zones or Open Space and Recreation Zones</b></p>	
<p>1. Where an internal boundary adjoins any Residential Zones, Rural Zones or Open</p>	<p><b>Activity status when compliance not achieved: RDIS</b></p>

<sup>60</sup> Kāinga Ora [325.331] for all the changes to TCZ-BFS1

<sup>61</sup> RMA Schedule 1 clause 16

<p>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 measured 2.5m from ground level above any site boundary in accordance with the diagrams in Appendix APP3.</p>	<p><b>Matters of discretion are restricted to:</b>  CMUZ-MD4 - Height in relation to boundary</p> <p><b>Notification</b>  An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified.</p>
<p><b>TCZ-BFS4 Internal boundary setback</b></p>	
<p>1. The minimum building setback from internal boundaries of sites that adjoin any Residential Zones, Rural Zones, or Open Space and Recreation Zones shall be 3m.</p>	<p><b>Activity status when compliance not achieved: RDIS</b></p> <p><b>Matters of discretion are restricted to:</b>  CMUZ-MD5 - Internal boundary setbacks</p> <p><b>Notification</b>  An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified.</p>
<p><b>TCZ-BFS5 Internal boundary landscaping</b></p>	
<p>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.</p> <p>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.</p>	<p><b>Activity status when compliance not achieved: RDIS</b></p> <p><b>Matters of discretion are restricted to:</b>  CMUZ-MD6 - Internal boundary landscaping</p> <p><b>Notification</b>  An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified.</p>
<p><b>TCZ-BFS6 Road boundary landscaping</b></p>	
<p>1. Where a site is not built to road boundary, landscaping shall be</p>	<p><b>Activity status when compliance not achieved: RDIS</b></p>

<p>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.</p> <p>2. The landscape strip required in (1) shall include a minimum of one tree for every 10m of road frontage or part thereof, with the trees to be a minimum of 1.5m in height at time of planting.</p>	<p><b>Matters of discretion are restricted to:</b>  CMUZ-MD8 - Road boundary landscaping</p> <p><b>Notification</b>  An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified.</p>
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**TCZ-BFS7 Road boundary setback, glazing and verandahs**

<p>1. All buildings shall:</p> <ol style="list-style-type: none"> <li>a. in Rangiora, Kaiapoi and Woodend, be built to the road boundary, except where a site has frontage to both a Principal Shopping Street and another road, in which case buildings need only to be built to the Principal Shopping Street frontage;</li> <li>b. in Oxford, be built within 4m of the road boundary;</li> <li>c. provide pedestrian access directly from the following where applicable; <ol style="list-style-type: none"> <li>i. the road boundary;</li> <li>ii. public open space;</li> <li>iii. the Kaiapoi River.</li> </ol> </li> <li>d. have visually transparent glazing for elevations facing the road as follows: <ol style="list-style-type: none"> <li>i. a minimum of 60% of the ground floor; and</li> <li>ii. a minimum of 20% of any upper floor;</li> </ol> </li> <li>e. on boundaries fronting a Principal Shopping Street (excluding a vehicle <u>or</u> <u>pedestrian/cycle</u><sup>62</sup></li> </ol>	<p><b>Activity status when compliance not achieved: RDIS</b></p> <p><b>Matters of discretion are restricted to:</b>  CMUZ-MD7 - Road boundary setback, glazing and verandah</p> <p><b>Notification</b>  An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified.</p>
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<sup>62</sup> RDL [347.83]

<p>accessway), have a verandah that extends along the full length of the building elevation facing the road;</p> <p>f. verandahs are to extend a minimum of 3m from the building façade;</p> <p>g. verandahs are to be set back a minimum of 0.5m from the kerb line of a public road. This rule does not apply to pedestrian laneways. The minimum depth of 3m required under (6) may be reduced where necessary to comply with this rule;</p> <p>h. buildings shall be built across 100% of the width of any site frontage with a Principal Shopping Street (excluding a vehicle accessway).</p>	
<p><b>TCZ-BFS8 Rail boundary setback</b></p>	
<p>1. All buildings shall be set back a minimum of 4m from any site boundary with the rail corridor.</p>	<p><b>Activity status when compliance not achieved: RDIS</b></p> <p><b>Matters of discretion are restricted to:</b>  CMUZ-MD13 - Rail boundary setback</p> <p><b>Notification</b>  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.</p>
<p><b>TCZ-BFS9 Outdoor storage areas</b></p>	

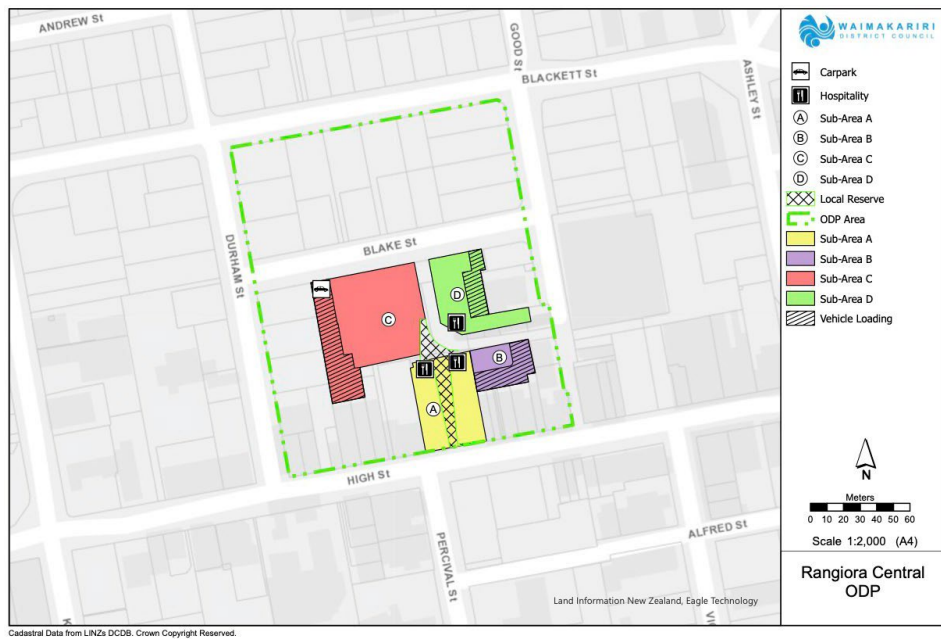
<p>1. Any outdoor storage or parking<sup>63</sup> areas shall be screened by 1.8m high solid fencing or dense hedge landscaping from any adjoining site in Residential Zones, Rural Zones, Open Space and Recreation Zones or Commercial and Mixed Use Zones or the road boundary.</p>	<p><b>Activity status when compliance not achieved: RDIS</b></p> <p><b>Matters of discretion are restricted to:</b>  CMUZ-MD9 - Outdoor storage and waste management</p> <p><b>Notification</b>  An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified.</p>
<p><b>TCZ-BFS10 Residential units</b></p>	
<p>1. The minimum net floor area (excluding garages, balconies, and any communal lobbies stairwells and plant rooms) per residential unit shall be:</p> <ol style="list-style-type: none"> <li>a. studio 35m<sup>2</sup>;</li> <li>b. one bedroom 45m<sup>2</sup>;</li> <li>c. two bedroom 60m<sup>2</sup>;</li> <li>d. three or more bedrooms 90m<sup>2</sup>.</li> </ol> <p>2. Each residential unit shall be provided with a private outdoor living space with a minimum area of 6m<sup>2</sup> and a minimum dimension of 1.5m.</p> <p>3. Where a garage is not provided with the residential unit, each residential unit shall have:</p> <ol style="list-style-type: none"> <li>a. an internal storage space that is a minimum of 4m<sup>3</sup> and a minimum dimension of 1m; and</li> <li>b. a waste management area for the storage of rubbish and recycling of 5m<sup>2</sup> with a minimum dimension of 1.5m; and</li> <li>c. waste management areas shall be screened or located behind buildings when viewed from any</li> </ol>	<p><b>Activity status when compliance not achieved: RDIS</b></p> <p><b>Matters of discretion are restricted to:</b>  CMUZ-MD9 - Outdoor storage and waste management  CMUZ-MD11 - Residential development</p> <p><b>Notification</b>  An application for a restricted discretionary activity under this rule is precluded from being publicly or limited notified.</p>

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<sup>63</sup> Foodstuffs [67.9] and Z Energy [86.11]

road or public open space.	
<b>TCZ-BFS11 Waste management requirements for all commercial activities</b>	
<p>1. All commercial activities shall provide:</p> <ol style="list-style-type: none"> <li>a. a waste management area for the storage of rubbish and recycling of <u>at least</u><sup>64</sup> 5m<sup>2</sup> with a minimum dimension of 1.5m.</li> <li>b. waste management areas shall be screened or located behind buildings when viewed from any road or public open space.</li> </ol>	<p><b>Activity status when compliance not achieved: RDIS</b></p> <p><b>Matters of discretion are restricted to:</b>  CMUZ-MD9 - Outdoor storage and waste management</p> <p><b>Notification</b>  An application for a restricted discretionary activity under this rule is precluded from being publicly or limited notified.</p>

**TCZ-APP1 - Rangiora Central ODP**



<sup>64</sup> Foodstuffs [267.10]

## Matters of Discretion for all Commercial and Mixed Use Zones

<p><b>CMUZ- MD1</b></p>	<p><b>Trade suppliers and yard based suppliers</b></p> <ol style="list-style-type: none"> <li>1. The extent to which the activity adversely affects the function or capacity of the zone to provide primarily for commercial and community activities.</li> <li>2. Any benefits from a trade or yard-based supplier providing a buffer between commercial activities and any adjacent industrial zones.</li> <li>3. The extent of any adverse effects on the amenity and visual streetscape values of the commercial centre or zone, especially where the site has frontage to a Principal Shopping Street.</li> <li>4. The extent to which the activity generates traffic and amenity effects that impact on the day to day operation and amenity of the commercial centre or zone.</li> </ol>
<p><b>CMUZ- MD2</b></p>	<p><b>Drive through restaurants and service stations</b></p> <ol style="list-style-type: none"> <li>1. 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.</li> <li>2. The effects of the design and location of landscaping, parking areas and vehicles access on visual amenity of the streetscape and pedestrian safety.</li> <li>3. 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.</li> </ol>
<p><b>CMUZ- MD3</b></p>	<p><b>Urban design</b></p> <ol style="list-style-type: none"> <li>1. The extent to which the development:             <ol style="list-style-type: none"> <li>a. recognises and reinforces the centre’s role, context, and character, including any natural, historic heritage or cultural assets;</li> <li>b. promotes active engagement with, and contributes to the vibrancy and attractiveness of, any adjacent streets, lanes or public spaces;</li> <li>c. takes account of nearby buildings in respect of the exterior design, architectural form, scale and detailing of the building;</li> <li>d. provides a human scale and minimises building bulk while having regard to the functional requirements of the activity;<sup>65</sup></li> <li>e. is designed to recognise CPTED principles, including surveillance, effective lighting, management of public areas and boundary;</li> </ol> </li> </ol>

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<sup>65</sup> Foodstuffs [267.5]

	<ul style="list-style-type: none"> <li>f. incorporates landscaping to increase amenity values, especially within surface car parking areas;</li> <li>g. provides safe, legible, and efficient access for all transport users; and</li> <li>h. where relevant, has regard to the objectives of any Town Centre Master Plan to support their recovery, long term growth and a high level of amenity; and</li> <li>i. <u>has operational or functional requirements, or site constraints, which would justify not fully meeting departure from the standard, including:</u> <ul style="list-style-type: none"> <li>i. <u>the significance-importance of the requirements for the proposed activity and the extent to which these would be compromised by compliance with the standard being maintained;</u></li> <li>ii. <u>the extent to which alternative design approaches could feasibly meet the operational or functional requirements and achieve the Plan's objectives, policies and methods similar Plan outcomes without compromising the proposed activity;</u></li> <li>iii. <u>for site constraints, whether the site is a corner site or has multiple frontages that would make compliance with fully meeting the standard unreasonable or impractical;</u></li> <li>iv. <u>the scale of the proposal in the context of the existing site, existing development and the centre.</u><sup>66</sup></li> </ul> </li> </ul>
<p><b>CMUZ-MD4</b></p>	<p><b>Height in relation to boundary</b></p> <ol style="list-style-type: none"> <li>1. The effect of any reduced sunlight admission on properties in adjoining residential, rural and open space and recreation zones, taking account of the extent of overshadowing, the intended use of spaces, and for residential properties, the position of outdoor living spaces or main living areas in buildings.</li> <li>2. The effect of reduced sunlight admission to the street and the extent of any visual overbearing and obtrusiveness from the recession plane intrusion on the street.</li> <li>3. The effect on privacy of residents and other users in the adjoining site.</li> <li>4. The scale of building and its effects on the character of any adjoining residential zones.</li> <li>5. The effects of any landscaping and trees proposed within the site, or on the boundary of the site in mitigating adverse visual effects.</li> <li>6. The effect on outlook from adjoining sites.</li> <li>7. The extent to which the recession plane breach and associated effects reflect the functional requirements of the activity and whether there are alternative practical</li> </ol>

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<sup>66</sup> Foodstuffs [267.5]



	options for meeting the functional need in a compliant manner.
<b>CMUZ-MD5</b>	<p><b>Internal boundary setback</b></p> <ol style="list-style-type: none"> <li>1. The scale and height of buildings within the reduced setback and their impact on the visual outlook of residents and users on the adjoining residential zones or open space and recreation zones.</li> <li>2. The extent to which buildings in the setback enable better use of the site and improve amenity values along more sensitive boundaries elsewhere on the site.</li> <li>3. The proposed use of the setback, the visual and other effects of this use and whether a reduced setback and the use of that setback achieves a better amenity outcome for residential neighbours.</li> </ol>
<b>CMUZ-MD6</b>	<p><b>Internal boundary landscaping</b></p> <ol style="list-style-type: none"> <li>1. The extent of visual effects of outdoor storage and car parking areas, or buildings (taking account of their scale and appearance), as a result of reduced landscaping.</li> <li>2. The extent to which any reduction in landscaping or screening within the setback adequately mitigates the visual dominance of buildings.</li> <li>3. The extent to which the site is visible from adjoining sites in any residential or open space and recreation zones and the likely consequences of any reduction in landscaping or screening on the amenity values and privacy of those sites.</li> </ol>
<b>CMUZ-MD7</b>	<p><b>Road boundary setback, glazing and verandah</b></p> <ol style="list-style-type: none"> <li>1. The extent to which the activity: <ol style="list-style-type: none"> <li>a. provides for continuity of façades and verandah coverage along the street frontage;</li> <li>b. provides visual interest and activation appropriate to the context and character of the site and surrounds;</li> <li>c. incorporates architectural variation into the façade and building form to provide interest and to break up the bulk of a building;</li> <li>d. provides for main entrances, verandah coverage, openings and display windows onto the street, and maintains clear and visible visual and physical connections between the interior of a building and public spaces;</li> <li>e. provides for functional and quality space for public amenity and accessibility, such as for outdoor dining or retail laneways, and contributes to the functional width of a public footpath, without compromising the overall character of the street frontage and its continuity;</li> <li>f. results in the visual dominance of vehicles through the use of space between the building and the street for car parking, vehicle manoeuvring or loading;</li> <li>g. maintains transport safety through not extending verandahs over the active road carriageway;</li> </ol> </li> </ol>

	<ul style="list-style-type: none"> <li>h. reduces amenity and visual streetscape values, especially where the frontage is to an arterial road or collector road;</li> <li>i. adversely affects the amenity and outlook of residential, rural, or open space and recreation zones;</li> <li>j. presents a visually attractive frontage to the street through the inclusion of glazing, ancillary offices, and retail showrooms in the front façade; and</li> <li>k. mitigates the visual effects of a reduced setback through site frontage landscaping and the character of existing building setbacks in the wider streetscape.;</li> <li>l. <u>has operational or functional requirements, or site constraints, which would justify not fully meeting departure from the standard, including:</u> <ul style="list-style-type: none"> <li>i. <u>the significance-importance of the requirements for the proposed activity and the extent to which these would be compromised by compliance with the standard being maintained;</u></li> <li>ii. <u>the extent to which alternative design approaches could feasibly meet the operational or functional requirements and achieve the Plan's objectives, policies and methods similar Plan-outcomes without compromising the proposed activity;</u></li> <li>iii. <u>for site constraints, whether the site is a corner site or has multiple frontages that would make compliance with fully meeting the standard unreasonable or impractical;</u></li> <li>iv. <u>the scale of the proposal in the context of the existing site, existing development and the centre.</u><sup>67</sup></li> </ul> </li> </ul> <p>2. For neighbourhood centres only, the extent to which the road is a strategic or arterial road with reduced amenity, and a road setback coupled with landscaping mitigates the adverse amenity effects of the traffic.</p>
<p><b>CMUZ-MD8</b></p>	<p><b>Road boundary landscaping</b></p> <ul style="list-style-type: none"> <li>1. The extent to which reduced landscaping results in adverse effects on amenity and visual streetscape values, especially where the frontage is to an arterial road or collector road that has a gateway function to a township.</li> <li>2. The extent of any effects on the outlook and amenity of residential zones or open space and recreation zones from any reduction in landscaping.</li> <li>3. The extent to which the visual effects of reduced landscaping are mitigated through the location of ancillary offices, showrooms, or the display of trade</li> </ul>

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<sup>67</sup> Foodstuffs [267.8] and Z Energy [286.10]

	<p>supplier or yard-based goods for sale, along the site frontage.</p> <p>4. <u>the extent to which the activity has operational or functional requirements, or site constraints, which <del>would</del> justify <del>not fully meeting</del> departure from the standard, including:</u></p> <ol style="list-style-type: none"> <li>a. <u>the <del>significance</del> importance of the requirements for the proposed activity and the extent to which these would be compromised by compliance with the standard <del>being maintained</del>;</u></li> <li>b. <u>the extent to which alternative design approaches could <del>feasibly</del> meet the operational or functional requirements and achieve the Plan's objectives, policies and methods <del>similar Plan outcomes without compromising the proposed activity</del>;</u></li> <li>c. <u>for site constraints, whether the site is a corner site or has multiple frontages that would make compliance with <del>fully meeting</del> the standard unreasonable or impractical;</u></li> <li>d. <u>the scale of the proposal in the context of the <del>existing site, existing development and the centre.</del><sup>68</sup></u></li> </ol>
<p><b>CMUZ-MD9</b></p>	<p><b>Outdoor storage and waste management</b></p> <ol style="list-style-type: none"> <li>1. The extent of visual effects on the adjoining site.</li> <li>2. The extent to which site constraints and/or the functional requirements of the activity necessitate the location of storage within the required setback.</li> <li>3. The extent of the amenity effects on pedestrians or residential activities generated by the type and volume of materials to be stored.</li> <li>4. The extent to which any proposed landscaping or screening mitigates amenity effects of the outdoor storage.</li> <li>5. The extent of any amenity or traffic impacts from a reduced waste management area or alternative location.</li> <li>6. <u>Any functional or operational reasons why the required screening cannot be provided in full.</u><sup>69</sup></li> </ol>
<p><b>CMUZ-MD10</b></p>	<p><b>Acoustic insulation</b></p> <ol style="list-style-type: none"> <li>1. The extent to which a reduced level of acoustic insulation may be acceptable due to mitigation of adverse noise impacts through other means, e.g. screening by other structures, or distance from noise sources.</li> <li>2. The effectiveness of any alternative acoustic insulation technology or materials.</li> </ol>

<sup>68</sup> Foodstuffs [267.7] and Z Energy [286.9]

<sup>69</sup> Z Energy [86.11]

	<ol style="list-style-type: none"> <li>3. The provision of a report from an acoustic specialist which provides evidence that the level of acoustic insulation is appropriate to ensure the amenity of present and future residents of the site.</li> <li>4. Any reverse sensitivity effects on existing or future permitted business activities to operate or establish without undue constraint from residential accommodation that does not provide the required noise insulation.</li> <li>5. The location of any nearby business activities and the degree to which the amenities of the sensitive activities may be adversely affected.</li> </ol>
<p><b>CMUZ- MD11</b></p>	<p><b>Residential development</b></p> <ol style="list-style-type: none"> <li>1. In relation any to ground floor habitable room in the Town, Local and Neighbourhood Centre zone: <ol style="list-style-type: none"> <li>a. the extent to which any residential or visitor accommodation ground floor habitable room adversely affects the function of the zone to provide for primarily commercial activities;</li> <li>b. the extent to which any residential or visitor accommodation ground floor habitable room does not adversely affect the capacity of the zone to accommodate future demand for commercial and community activities;</li> <li>c. the extent to which the building frontages will deliver a visually interesting and high amenity streetscape for pedestrians;</li> <li>d. the extent of any effects on the continuity of shopping frontages; and</li> <li>e. the extent to which an acceptable level of residential amenity and privacy can be provided to future occupants of residential ground floor habitable room.</li> </ol> </li> <li>2. In relation to minimum unit size, the extent to which: <ol style="list-style-type: none"> <li>a. the floor space available and the internal layout represents a viable residential unit that would support appropriate amenity values of current and future occupants and the surrounding neighbourhood;</li> <li>b. other onsite factors compensate for a reduction in unit sizes e.g. communal facilities;</li> <li>c. the balance of unit mix and unit sizes within the overall development is such that a minor reduction in the area of a small percentage of the overall units may be warranted; <u>and</u></li> <li>d. <del>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</del><sup>70</sup></li> </ol> </li> </ol>

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<sup>70</sup> Kāinga Ora [325.344]

	<p><u>the</u><sup>71</sup> nature and duration of activities proposed may warrant a reduced unit size to operate e.g. very short term duration.</p> <ol style="list-style-type: none"> <li>3. In relation to storage space: <ol style="list-style-type: none"> <li>a. the extent to which the reduction in storage space will adversely affect the functional use of the residential unit and the amenity of neighbouring sites, including public spaces; and</li> <li>b. the extent to which adequate and accessible space is provided on the site for the storage of waste and recycling bins, bicycles and clothes drying facilities are provided on the site.</li> </ol> </li> <li>4. In relation to outdoor living space: <ol style="list-style-type: none"> <li>a. the extent to which the reduction in outdoor living space will adversely affect the ability of the site to provide an appropriate level of amenity and meet outdoor living needs of likely future residents.</li> </ol> </li> <li>5. In relation to any proposed non-residential activities: <ol style="list-style-type: none"> <li>a. the extent to which the activity will adversely affect residential amenity values, including consideration of: <ol style="list-style-type: none"> <li>i. character, duration, scale and intensity;</li> <li>ii. hours of operation;</li> <li>iii. noise from patrons onsite and those arriving and leaving;</li> <li>iv. traffic generation and vehicle movements, including servicing vehicles; and</li> <li>v. any proposed measures that mitigate adverse effects by means such as the provision of screening, buffer areas, local topography, site layout (including location of point of sale) or operational practices.</li> </ol> </li> </ol> </li> <li>6. In relation to the Mixed-Use Zone: <ol style="list-style-type: none"> <li>a. the extent to which the proposal is consistent with the vision, goals or objectives of the Kaiapoi Town Centre Plan 2028 and Beyond;</li> <li>b. the extent to which the proposal supports regeneration and provides a high level of amenity;</li> <li>c. the extent to which the majority of the ground floor includes commercial activities that support vibrancy and visual interest;</li> <li>d. the extent to which the proposal involves a design than enables conversion of the buildings to commercial activities, especially the ground floor; and</li> <li>e. the extent to which the proposal contributes to achieving a mix of uses within the regeneration area.</li> </ol> </li> </ol>
<p><b>CMUZ-MD12</b></p>	<p><b>Commercial activity distribution</b></p> <ol style="list-style-type: none"> <li>1. If a Local Centre, the extent to which the activity adversely affects the role, function and capacity of the nearest Town</li> </ol>

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<sup>71</sup> RMA Schedule 1 Clause 16

	<p>Centre to provide for primarily commercial and community activities.</p> <ol style="list-style-type: none"> <li>2. If a Neighbourhood Centre, the extent to which the activity adversely affects the role, function and capacity of the nearest Town and Local Centre to provide for primarily commercial and community activities.</li> <li>3. Any adverse effects on the amenity values and streetscape of the site, especially where sites have frontage to a principal shopping street.</li> <li>4. Effects, including traffic generation, that affect daily operation and amenity of the nearest town centre.</li> </ol>
<b>CMUZ-MD13</b>	<p><b>Rail boundary setback</b></p> <ol style="list-style-type: none"> <li>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.</li> </ol>
<b>CMUZ-MD14</b>	<p><b>Kaiapoi large format retail</b></p> <ol style="list-style-type: none"> <li>1. Any effects of the location and species of tree planting in relation to: <ol style="list-style-type: none"> <li>a. public water supply and stormwater infrastructure; and</li> <li>b. the effectiveness of tree planting in enhancing the character and amenity of the streetscape and boundaries.</li> </ol> </li> <li>2. The extent to which any stormwater management area, including margins and plantings is designed and managed to fully drain as quickly as possible after a rainfall event and to avoid attracting bird species that are a hazard to aircraft.</li> <li>3. The extent to which the departure from DEV-KLFR-APP1 will result in adverse or positive outcomes.</li> <li>4. For all other matters, the extent of any adverse impacts on amenity values of the site and adjacent sites.</li> </ol>
<b>CMUZ-MD15</b>	<p><b>Kaiapoi regeneration areas</b></p> <ol style="list-style-type: none"> <li>1. The extent to which the departure from the layout in MUZ-APP1 is appropriate, taking into account: <ol style="list-style-type: none"> <li>a. the vision, objectives and principles expressed in the Kaiapoi Town Centre Plan 2028 and Beyond; and</li> <li>b. any actual or potential impact on the delivery of integrated infrastructure including road, pedestrian/cycle ways, water, wastewater, stormwater and open space across the whole MUZ-APP1 area.</li> </ol> </li> </ol>
<b>CMUZ-MD16</b>	<p><b>Building coverage</b></p> <ol style="list-style-type: none"> <li>1. The extent to which a greater building coverage: <ol style="list-style-type: none"> <li>a. provides an adequate area for site access, manoeuvring, and other activities;</li> <li>b. affects the amenity values of the adjoining sites or public spaces due to the visual dominance and/or scale of development; and</li> <li>c. is mitigated through the provision of landscaping/screening.</li> </ol> </li> </ol>

<p><b>CMUZ- MD17</b></p>	<p><b>Mandeville North Business Area</b></p> <ol style="list-style-type: none"> <li>1. In the Mandeville North Business Area: <ol style="list-style-type: none"> <li>a. the quality of building design, architectural features and details, use of colour and building materials;</li> <li>b. the extent to which tree planting and landscaping achieves a high quality outcome and mitigates adverse visual effects, amenity effects and scale of business activities;</li> <li>c. the location of buildings, outdoor storage and loading areas and carparking and its design in relation to adjoining reserves and roads;</li> <li>d. the extent to which any signs within the building is integrated with buildings' architectural detail;</li> <li>e. the extent to which the principles of CPTED are incorporated into any development;</li> <li>f. effects on the amenity values of the surrounding residential zones and rural zones;</li> <li>g. effects on the safe and efficient functioning of Tram Road and onsite vehicle circulation to discourage through traffic within the zone, including traffic calming measures;</li> <li>h. methods to prevent adverse traffic impacts on the function, safety and use of Tram Road from right turn manoeuvres into and out of the zone and the eastern service entrance;</li> <li>i. methods to ensure that the eastern service access is only used as an entrance from Tram Road; and</li> <li>j. standard of construction of roads, service lanes and accessways.</li> </ol> </li> </ol>
<p><b>CMUZ- MD18</b></p>	<p><b>Parking lots and parking buildings</b></p> <ol style="list-style-type: none"> <li>1. The extent to which proposed parking dominates the streetscape, disrupts active frontages and pedestrian circulation;</li> <li>2. The extent to which the parking undermines the centre's ability to accommodate activity at ground floor level, contributing to an active built frontage and viable centre;</li> <li>3. Any adverse effects of vehicle access points and traffic movements on the safe and efficient operation of the transport system;</li> <li>4. The extent to which the location and design of the parking access and manoeuvring areas support pedestrian and cyclist safety; and</li> <li>5. Any adverse effects of the parking/access points on adjoining zones and the extent of mitigation available.</li> </ol>
<p><b>CMUZ- MD19</b></p>	<p><b><u>Height</u></b><sup>72</sup></p> <ol style="list-style-type: none"> <li>1. <u>The extent to which the building affects local environmental conditions including increased shading and</u></li> </ol>

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<sup>72</sup> Kāinga Ora [325.331]

	<p>for buildings over 30m in height, the wind in nearby public spaces;</p> <ol style="list-style-type: none"> <li>2. <u>The extent to which the building affects / integrates with nearby heritage buildings and values;</u></li> <li>3. <u>The extent to which the building undermines or supports the Principal Shopping Street and associated urban form;</u></li> <li>4. <u>The extent to which the building reflects a human scale through the use of building form, design and modulation;</u></li> <li>5. <u>The extent to which the design reduces visual dominance / creates visual interest or an attractive local landmark;</u></li> <li>6. <u>The extent to which the building displays high design quality;</u></li> <li>7. <u>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</u></li> <li>8. <u>The potential for adverse commercial distribution and transport effects; and</u></li> <li>9. <u>The extent to which the height breach is a consequence of raising the land to meet flood hazard requirements.</u><sup>73</sup></li> </ol>
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## Definitions

Amend the definition of 'hotel' as follows:

means any building and associated land where ~~guest~~ visitor<sup>74</sup> 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.

Insert a new definition of convenience activities as follows:

Convenience activities means the use of land and/or buildings to provide readily accessible retail activities and commercial services required on a day to day basis. It excludes:

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<sup>73</sup> Kāinga Ora [325.331] and [325.319]

<sup>74</sup> Templeton Group [412.1] and [412.2]



1. [booking services for airlines, recreation activities and entertainment activities;](#)
2. [travel agency services;](#)
3. [real estate agents;](#)
4. [betting shops;](#)
5. [gymnasiums;](#)
6. [dry-cleaning and laundrette services \(but not agencies for these services\);](#)
7. [electrical goods repair services;](#)
8. [premises licensed to serve alcohol;](#)
9. [counter insurance services;](#)
10. [financial and banking facilities; and](#)
11. [copy and quick printing services.](#)<sup>75</sup>

Insert the following new rule into the Energy and Infrastructure chapter and delete all corresponding building setback rules from the zone chapters:

<b><u>EI-R57</u></b>	<b><u>Buildings on sites bordering the designated rail corridor</u></b>
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<sup>75</sup> Bellgrove Rangiora Ltd [408.55]

<p><b><u>All Zones except SPZ, GRUZ and SARZ</u></b></p>	<p><b><u>Activity Status: PER</u></b></p> <p><u>Where:</u></p> <ol style="list-style-type: none"> <li><u>All buildings are set back a minimum of 4m from any site boundary with the rail corridor.</u></li> </ol>	<p><b><u>Activity status when compliance not achieved: RDIS</u></b></p> <p>-</p> <p><b><u>Matters of discretion are restricted to:</u></b></p> <p><u>EI-MD15 - Rail corridor setback</u></p> <p><b><u>Notification</u></b></p> <p><u>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.</u></p>
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Insert the following new matter of discretion into the Energy and Infrastructure Chapter:

<p><b><u>EI-MD15</u></b></p>	<p><u>Rail boundary setback</u></p> <ol style="list-style-type: none"> <li><u>The extent to which the reduced setback will compromise the efficient functioning of the rail network, including rail corridor access and maintenance.</u></li> </ol>
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**Appendix B – Recently Constructed 4-level Buildings, Christchurch**

<p><b>94 Worcester Street</b></p>	<p><b>165 Gloucester Street</b></p>
	
<p><b>798 &amp; 810 Colombo Street</b></p>	<p><b>279 High Street</b></p>
	
<p><b>871 Colombo Street</b></p>	<p><b>243 High Street</b></p>
	
<p><b>127 Cashel Street</b></p>	<p><b>112 Cashel Street</b></p>
	
<p><b>299 Durham Street</b></p>	<p><b>55 Armagh</b></p>





1 Cranmer Square



134 Oxford Terrace



376 Montreal Street & 76 Victoria Street



**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

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**RIGHT OF REPLY - HUGH ANTHONY NICHOLSON  
ON BEHALF OF WAIMAKARIRI DISTRICT COUNCIL**

**URBAN DESIGN AND LANDSCAPE**

**08 MARCH 2024**

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## **1. INTRODUCTION**

1.1 My name is Hugh Anthony Nicholson. I have prepared a statement of evidence for the Waimakariri District Council with respect to the Commercial Chapter of the Proposed Waimakariri District Plan (dated 30 November 2023). My qualifications and experience are set out in that statement.

## **2. Building Height in Commercial and Mixed-Use Zones**

2.1 I have reviewed Ms Dales Statement of Primary Evidence (21 December 2023) and Summary Statement (29 January 2024). In particular I note that Ms Dale correctly quotes my evidence stating that in terms of shading and the provision of an attractive pedestrian environment I would be able to support 18 metre high buildings on streets in the Rangiora and Kaiapoi Town Centres. Ms Dale takes these as the principal adverse effect from an urban design perspective.

2.2 While I agree that an 18 metre height limit would address my concerns in terms of shading and attractive pedestrian environment, I also consider that the height of buildings in the Town Centres should be broadly commensurate with the level of expected demand or growth within the centres. The provision of significantly greater capacity than the expected demand is likely to lead to higher levels of development on a few sites and streets, and a lack of investment and higher vacancies in other areas.

2.3 This is not to say that capacity and demand can be exactly matched. I consider that a healthy urban environment will have adequate space to grow, however, appropriate constraints in terms of height and area help to create the intensity of activity and social interaction that make healthy urban areas.

2.4 I note also that breaches of the height rule would have a restricted discretionary activity status, and that it would be reasonable to expect that taller buildings would be approved through resource consent if there is greater demand.

2.5 I accept that the measure of capacity (or the height) of buildings that would be commensurate with expected demand is a matter of judgement. I note

that Mr Foy (at paragraph 2.16) concludes that there is sufficient capacity in the proposed plan to meet expected demand for commercial land in Waimakariri in the medium and long terms. He also considers (at paragraph 6.15) that it is unlikely that there will be much development up to 21m in the coming decade, and that enabling this additional height would have minimal economic impacts.

2.6 From an urban design perspective I am concerned that if the capacity for development enabled under the height rule is significantly greater than expected demand there are likely to be uneven levels of development on sites across the town centre zones. In a worst case scenario such as Detroit, there might be a few taller buildings surrounded by areas of vacant land or urban blight. A more likely scenario in a small Canterbury town is that most new investments and businesses are absorbed into a few taller buildings, while the broader commercial areas suffer from a lack of investment and higher vacancies.

2.7 With these factors in mind I continue to support Mr Willis and Mr Foy in proposing a 15m height limit (3-4 storeys) in the TCZ, with a 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 greater commercial development if there is demand, and encourage more people to live in the town centre.



**Hugh Nicholson**

Urban Design | Landscape Architecture

**Appendix C - Mr Nicholson's Further Evidence on Town Centre  
Building Heights**



**Appendix D – CMUZ Height Limits in the Partially Operative Selwyn District Plan**

TCZ-REQ 2 Height	
Any town Centre Zone except as specified below	The maximum height of any building shall be 10m
PREC1	The maximum height of any building shall be 15m
PREC2  PREC4  PREC5 and TCZ at Prebbleton	The maximum height of any building shall be 12m
NCZ-REQ2 Height	The maximum height of any building shall be 12m
LCZ-REQ2 Height	The maximum height of any building shall be 10m
LFRZ-REQ2 Height	The maximum height of any building shall be 15m

