

1. EXECUTIVE SUMMARY

- 1.1 My name is Clare Elizabeth Dale, and I am a Senior Planner at Novo Group Limited. I have been engaged by Kāinga Ora - Homes and Communities (**Kāinga Ora**) to provide evidence in support of its primary submission (submitter #325) and further submissions (further submitter #88) on both the Waimakariri District Council's (**WDC**) Proposed District Plan (**the PDP**) and Variation 1 (**V1**) to the Proposed District Plan (submitter #80). I was not the author of the primary submission on the PDP.
- 1.2 Kāinga Ora made submissions in relation to the Commercial and Mixed-Use Chapter of the Waimakariri Proposed District Plan (**PDP**) which are attached in **Appendix 1**. There are no further submission points on this chapter. In the Section 42A Report, the reporting officer Mr Willis has recommended accepting some but not all the changes requested by Kāinga Ora. This statement of evidence focuses on the submission points that remain in contention.
- 1.3 In summary the key points of my evidence are as follows:
- a) Residential units should be provided for at ground floor in the Town Centre Zone (**TCZ**) where located behind commercial frontages. As drafted, there is a disconnect between the 'avoid' terminology in CMUZ – P7 Residential Activities and the restricted discretionary activity status in TCZ – R16 and R17.
 - b) Building height standards in the Mixed-Use Zone (**MUZ**) and TCZ need increasing to reflect the intended 4 storey-built form in the MUZ and 5 storeys in the TCZ outside of the Residential Height Bonus Area Precinct (**RHBAP**) so that heights are commensurate with the requirements of Policy 3 (d) of the National Policy Statement on Urban Development (**NPS-UD**).
 - c) Clarification is required in regard to height in relation to boundary (**HIRB**) standards across the Commercial and Mixed-Use (**CMU**) chapter, and how and from where those standards are measured

in locations where CMU zones adjoin the Medium Density Residential Zone (**MRZ**) as proposed in V1.

- d) Rail boundary setbacks should be reduced to 2.5m in the TCZ as this provides adequate space for property maintenance and is consistent with other recent decisions and Environment Court consent orders. Rail corridor setback standards are not required in zones that do not adjoin the corridor.

- 1.4 I consider that amendments to the PDP provisions are needed to appropriately address the above points. I have recommended some further changes to the wording of the Section 42A Report's drafting of the Commercial provisions; a marked up set of provisions showing the further amendments that I recommend is attached as **Appendix 2**.

2. INTRODUCTION

- 2.1 My full name is Clare Elizabeth Dale. I am a senior planner practising with Novo Group Limited in Christchurch. I have the background and experience in my previous statements of evidence dated 1 May 2023 and 10 July 2023. In preparing this evidence I have read the Section 32 and Section 42A reports together with the associated appendices prepared by Council staff.

- 2.2 In addition to the experience noted in those earlier statements, of particular relevance to this hearing is my significant experience both processing and applying for resource consents for multi storey commercial and residential buildings in a range of centres across Christchurch (including buildings exceeding height limits) and extensive heritage consent experience including the restoration of, additions to and new buildings at the Christchurch Arts Centre, Christchurch Cathedral, the Isaac Theatre Royal, Christ College, and numerous smaller commercial buildings.

Code of Conduct

- 2.3 Although this is a Council hearing, I confirm that I have read the Expert Witness Code of Conduct set out in the Environment Court's Practice Note 2023. I have complied with the Code of Conduct in preparing this evidence and agree to comply with it while giving evidence.
- 2.4 Except where I state that I am relying on the evidence of another person, this written evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in this evidence.

Scope of Evidence

- 2.5 My evidence will address the following matters raised in submissions on the PDP provisions:
- (a) Providing for residential units / activity on the ground floor in the TCZ: CMU-P7, TCZ – R16 and TCZ-R17.
 - (b) Building heights in the MUZ and TCZ: MUZ-BFS1, TCZ-BFS1 and CMU -MD19.
 - (c) Height in relation to boundary standards: NCZ-BFS2, LCZ-BFS2, MUZ-BFS2 and TCZ-BFS2.
 - (d) Rail boundary setbacks and associated matters of discretion: NCZ-BFS7, LCZ-BFS7, MUZ-BFS10, TCZ-BFS8 and CMUZ – MD13.
- 2.6 In preparing this evidence I have read the Section 32 and Section 42A Report by Mr Willis, together with the associated appendices prepared by Mr Nicholson (Urban Design) and Mr Foy (Economics), the submission by KiwiRail and have had discussions with Mr Brendon Liggett of Kāinga Ora.
- 2.7 I note that the relevant statutory documents have been identified and outlined within the Section 42A report of Mr Willis and the overarching and Part 1 matters officers report by Mr Wilson and I agree with the identification of those matters.

3. KĀINGA ORA SUBMISSIONS AND FURTHER SUBMISSIONS

- 3.1 The Kāinga Ora submission points allocated to the Stream 9 hearings in relation to Commercial and Mixed-Use Zones are attached in **Appendix 1**. Since submissions were made in 2021, the Kāinga Ora submission points have been further evaluated and refined including in response to the Section 42A Report. The submission points pursued in this evidence can generally be grouped into four key themes: providing for residential activities at ground floor in the TCZ, increases to building height standards in the MUZ and TCZ, clarification of the height in relation to boundary standards; and reducing rail boundary setbacks.
- 3.2 The Kāinga Ora submission supports the overall centres hierarchy taken in the PDP and Section 42A Report, as this hierarchy is important in recognising and providing for a range of centres of varying scales that will support residential intensification and well-functioning urban environments.
- 3.3 I also note that Kāinga Ora has a specific interest in ensuring consistency across the country in terms of rail boundary setbacks. The rail boundary setback issue will also be raised again in Stream 7 Residential and V1 where it is proposed as a Qualifying Matter.

4. RESPONSE TO SECTION 42A REPORT

- 4.1 The evidence below is structured around the key themes identified above referencing the relevant Section 42A Report paragraphs.
- 4.2 There are many recommendations in the Section 42A Reports that are consistent with my opinion and conclusions. Therefore, my evidence is largely focused on those matters where I disagree with the recommendations of the Section 42A author. I also address points where I agree with the Section 42A Report recommendations where I consider it helpful to the Panel.
- 4.3 As an overall starting point in relation to this chapter, I note that I support the centres hierarchy approach taken in the PDP. I concur with Kāinga Ora that a centres hierarchy is critical in recognising and providing for a range of centres of varying scales, ensuring primacy of the TCZ,

supporting residential intensification, and achieving well-functioning urban environments.

Residential Units at Ground Floor in the TCZ

- 4.4 The Kāinga Ora submission sought to provide for residential units/activity on the ground floor in all centres by amending policy CMU-P7 to remove the word 'avoid' in relation to ground floor residential uses and specify the circumstances in which ground floor residential units may be appropriate. The submission also sought to amend rules TCZ-R16 and R17 to permit residential uses located behind commercial activities on Principal Shopping Streets and removing reference to other streets in the zone.
- 4.5 In the Section 42A Report, Mr Willis has rejected the relief sought in relation to policy CMU-P7 (paragraphs 146 – 152) and TCZ-R16 and R17 (paragraphs 218 – 219) as he considers ground floor residential use can result in inactive frontages or dead spaces undermining vibrancy and would likely result in less space for or crowd out commercial activities which could harm the role and function of the centre.
- 4.6 I note that in relation to the Neighbourhood Centre Zone (**NCZ**) and Local Centre Zone (**LCZ**), that due to the small size of these zoned areas and the potential displacement of commercial activity, I agree with Mr Willis that residential units should not be 'encouraged' in CMU-P7 at ground level (only at first floor and above). I also agree that assessment of ground floor units in NCZ and LCZ as a restricted discretionary activity (NCZ/ LCZ-R9) is appropriate subject to the matters of discretion in CMU-MD11 (as amended below).
- 4.7 In relation to the TZC specifically, CMU-P7 requires the avoidance of residential activities *"on ground floors fronting or adjoining the street in Town Centres to maintain commercial activity on the ground floor"*. Policy TCZ-P2 'Town Centre Zone activities and form' encourages in subclause (3) *"medium and high density residential activity where this does not foreclose the provision of active frontages, or compromise achieving a concentration of commercial activities"*.

- 4.8 I note that these policies are given effect to by rules TCZ-R16 and R17 which permit ground floor residential activity where this is located behind a commercial activity (which fronts the street). Any ground floor unit fronting the street (a principal shopping street or any other street) would require assessment as a restricted discretionary activity being assessed against the matters in CMU-MD11.
- 4.9 A strongly worded 'avoid' policy would typically result in a non-complying activity status and in my view, there is a disconnect in the policy and rule framework as proposed in the Section 42A Report. As presently drafted it is not clear how residential units at ground floor fronting the street are to be treated. A situation could arise where an assessment of effects under CMU-MD11 has concluded that the effects are acceptable, but the application is contrary to the avoid policy. Either the policy or the rule needs amending so that the package reads coherently.
- 4.10 I agree with Mr Willis that residential units should not be encouraged or permitted fronting on to streets in the TCZ, but should be permitted behind commercial frontages as is currently drafted in R16 and R17. I am also of the view that the street frontages should primarily be for commercial uses and that residential units on the ground floor fronting the street in these locations would only be appropriate where effects on active frontages and availability of commercial floor space are managed
- 4.11 I recommend that policy CMU-P7 is deleted as currently proposed and re-written as follows to reflect the above.

CUMZ -P7 Residential Activities

Residential activities are:

- 1) *Encouraged to locate above ground floor level in all centres;*
- 2) *Enabled at ground floor level in the Town Centre Zone where located behind commercial activities;*
- 3) *Provided for at ground floor level fronting streets in the Town Centre Zone only where;*
 - a) *the site is not required to meet long-term needs for commercial floorspace; and*
 - b) *the building frontage delivers a visually interesting and high amenity streetscape that avoids blank and inactive frontages.*

4) *Well-designed, sustainable and functional, and manage reverse sensitivity effects, including from higher levels of ambient noise and reduced privacy by ensuring:*

- a) the provision of sufficient and readily accessible outdoor living and service spaces, and internal storage;*
- b) the provision of acoustic attenuation; and*
- c) minimum unit sizes.*

4.12 In my view, TCZ-R16 and R17 as notified and recommended in the Section 42A Report align with the intent of the Kāinga Ora relief sought and do not need amending. I suggest that they only need amending to provide an exemption for entrances and lobbies (but no habitable spaces) of residential activities being located on the ground floor on street frontages. I note this also better aligns with the wording of the matters of discretion. Amended wording is included in **Appendix 2**.

Building Height in Commercial and Mixed-Use Zones

4.13 The Kāinga Ora submission points on building height cover the NCZ, LCZ, MUZ and TCZ and generally sought to increase permitted building heights across these zones, make height breaches restricted discretionary activities (rather than discretionary) and to introduce a non-notification clause. Mr Willis has accepted some of the Kāinga Ora relief sought. A summary of the notified height provisions, Variation 1 changes, Section 42A response, Kāinga Ora submission and final Kāinga Ora relief sought in summarised in **Table 1** below. The height limits requested in the initial submission have been refined further through this evidence and in response to the Section 42A Report.

Table 1: Summary of height provisions and Kāinga Ora relief

Commercial Zone/ Standard	Notified Height Limit	Variation 1 Height Limit	S42A Recommended Height Limit	Kāinga Ora Submission Height Limit	Kāinga Ora Final Relief Sought
Town Centre Zone TCZ – BFS1	Rangiora and Kaiapoi: 12m, except in the Residential Height Bonus Area Precinct where it is 18m.	n/a same as PDP	Rangiora and Kaiapoi: 15m, except in the Residential Height Bonus Area Precinct where it is 21m.	21m	18m (Five Storeys) for Rangiora and Kaiapoi, except in the Residential Height Bonus Area Precinct

	All other areas (Oxford and North Woodend): 12m		Maximum road wall height of 18m (RBHAP). All other areas (Oxford and North Woodend): 12m		where it is 21m. Maximum road wall height of 18m (RBHAP). 12m (Three Storeys) for Oxford and North Woodend
Mixed Use Zone MUZ – BFS1	15m	n/a same as PDP	15m	21m	18m (Five Storeys)
Local Centre Zone LCZ – BFS1	10m	11m	12m	12m	12m (Three Storeys)
Neighbourhood Zone NCZ - BFS1	8m	11m	12m	12m where adjoining MRZ or 8m adjoining GRZ and LLRZ	12m (Three Storeys) where adjoining MRZ, or 8m (Two Storeys) where adjoining GRZ or LLRZ

- 4.14 Firstly, noting the points of agreement with the Section 42A Report, I support Mr Willis’s recommendation to increase building height limits in NCZ (where it adjoins MRZ) and LCZ to 12m as this is commensurate with the height in the adjoining MRZ and gives effect to Policy 3(d) of the NPS-UD. I agree with Mr Willis that in the Waimakariri context, subclause (d) is the correct part of Policy 3 to apply.
- 4.15 In terms of TCZ enabled building heights, I also support a 12m height limit at the North Woodend and Oxford centres, as Oxford is outside of the urban environment covered by the NPS-UD, and that this also supports the Rangiora and Kaiapoi TCZ’s as the principal town centres (policy TCZ-P1) for the district where the greatest range of activity and intensification is enabled.
- 4.16 I also acknowledge that Mr Willis has accepted the Kāinga Ora submission point that height breaches should be restricted discretionary activities (paragraph 245). I consider that this is

appropriate given the effects of height breaches are well understood and can be addresses in relevant matters of discretion. Mr Willis has recommended new matters of discretion for building height breaches in CMUZ-MD19 (Appendix A to the Section 42A Report) instead of referring to the height in relation to boundary matters of discretion in CMUZ-MD4 as sought in the Kāinga Ora submission. The new matters of discretion cover an appropriate range of matters that I generally support, subject to a few minor wording adjustments (further covered below).

- 4.17 Mr Willis has not supported a non-notification clause for height breaches (paragraph 248), and I accept this given that this could be a significant change to the district's built form if a significant height breach is proposed and may result in effects on neighbouring properties.
- 4.18 The remaining points of difference between the Kāinga Ora submission and the Section 42A Report height recommendations relate to the MUZ and TCZ zones. As shown in Table 1 above in the MUZ, Kāinga Ora seek to lift the Section 42A Report amended height limits by 3m from 15m to 18m, and in the TCZ seek a 3m increase from 15m to 18m on the principal shopping streets in Rangiora and Kaiapoi (or areas outside of RHBAP). The above is sought on the basis that having the right density in the right place is a key contributor to a well-functioning urban environment. The Kāinga Ora view is that centres should be areas which are identified for growth and intensification, and encouraging greater height will contribute to making centres a vibrant focal point for communities. I concur with this position.
- 4.19 Firstly, looking at the higher order documents and their requirements in terms of building heights and intensification. NPS-UD Policy 3 sets out the minimum height expectations for different parts of the centre hierarchy and as noted above the relevant subclause is (b). The NPS-UD is an internally consistent document in that that the delivery of Policy 3 outcomes is central to the delivery of a well-functioning urban environment.
- 4.20 Policy 3 is anticipated to result in an increase in heights and change in built form relative to the status quo outcomes which have been built up

over the years as a result of earlier planning processes. The NPS-UD is specifically designed to facilitate a meaningful change from the status quo to enable greater commercial and residential intensification and heights. In the context of implementing Policy 3, the NPS-UD is a forward-looking document, and the policy response needs to be based on the urban form anticipated or sought over the next 30 years in line with Objective 6(b), rather than based on perpetuating the existing form or size of the centre.

- 4.21 The NPS-UD focuses on the identification and promotion of the future character/amenity of urban environments, rather than protection and preservation of existing amenity (Objectives 1 and 4). I note Policy 6 of the NPS-UD acknowledges that the planned urban built form under the NPS-UD may result in significant changes and that intensification in accordance with the NPS-UD will result in a reduction in existing amenity values for some. For these reasons, the proposed height rule package does not need to maintain status quo in terms of shading/sunlight access and visual effects.
- 4.22 The Rangiora and Kaiapoi centres are identified as Key Activity Centres (**KACs**) in the Canterbury Regional Policy Statement (Map A and KAC definition) which are “*identified as focal points for employment, community activities, and the transport network; and which are suitable for more intensive mixed-use development*”. They are also identified as ‘major towns or locally important urban centres’ in the Draft Greater Christchurch Spatial Strategy for which hearings were held in November, but no decisions have been released. Further, the draft strategy lists Rangiora as ‘Priority Development Area’. It is appropriate that Rangiora in particular, as well as Kaiapoi allows for the greatest height limits and significantly more intensification than other centres in the District.
- 4.23 In terms of the centres hierarchy approach, height limits should ensure that the overall centres hierarchy remains intact through ensuring that height differences between centres remain commensurate with the place of those centres in the overall hierarchy. Greater enablement in the TCZ ensures that the greatest opportunity is provided in the locations where the greatest number of people and commercial

businesses are sought to be located in terms of minimising travel-related carbon emissions and enhancing the vibrancy and vitality of the existing Rangiora and Kaiapoi centres.

- 4.24 Given the above direction, I support the Council's position of 21m high in the RHBAP and encouraging residential activities to establish in the TCZ by the use of a height incentive allowing additional height if a floor of residential is included in the development. However, I consider that the 15m height limit (outside of the RHBAP), should be increased to 18m to readily allow five storey development. My reading of the Council's economic and urban design evidence is that a height of 18m can be supported by these experts.
- 4.25 Mr Willis in the amended Section 42A Report seeks to restrict height to 15m for several reasons set out in his paragraphs 239 - 242. Firstly, he considers that the amended heights in the Section 42A Report are consistent with the NPS-UD requirements (3d) and with existing building heights in the TCZ which are primarily 1 or 2 storeys. In my view, to base height limits as they currently exist risks creating a 'chicken and egg' situation whereby centres are provided with limited growth opportunities based on their current size and heights, with the subsequent lack of growth then used as the rationale to not enable further opportunities. For Rangiora and Kaiapoi town centres, their ongoing growth is integral to achieving strategic directions regarding how growth is to be accommodated i.e. through consolidation and intensification rather than peripheral expansion (SD-O2). I do not consider that "retaining the character" of the Rangiora and Kaiapoi Town Centres is a valid reason for applying a 15m height given the policy direction in Objective 4 of the NPS-UD, recognising that urban environments develop and change over time (Policy 6).
- 4.26 In reaching his recommendation, Mr Willis relies on the economic advice of Mr Foy. Mr Foy notes in paragraph 6.14 that "*allowing a height of 21 meters in the TCZ and MUZ would be sensible as this would allow buildings up to 6 stories high*" and at paragraph 6.15:

"Increasing the maximum height from 15m to 21m in the TCZ and MUZ would encourage higher density activity to appropriately locate

in the District. While I acknowledge that there is not likely to be much development in the coming decade that would reach this level, enabling this additional height will have minimal economic impacts, positive or negative, and safeguards against the possibility that greater than currently anticipated vertical development is pursued within the life of the PDP”.

4.27 Mr Foy also considers that generally the development of four-story buildings is not commercially viable because of the additional building compliance costs when going above three storeys (paragraph 6.15). This aligns with the Kāinga Ora experience, noting they do not commonly produce four-storey apartments, as the costs don't typically bear out once lifts are integrated. Instead, they would typically require 5 storeys or greater, if going beyond 3 storey walk-ups. For this reason, a 15m height limit allowing for four story buildings is not efficient. I consider that enabling the additional 3m of height to 18m would not have any economic impact/cost.

4.28 Overall, my reading of Mr Foy's evidence is that 21m across the TCZ is acceptable from an economic perspective if a floor of residential is included or 18m otherwise. I also note the NPS-UD looks further ahead than a 10-year horizon.

4.29 Mr Nicholson's Urban Design evidence at paragraph 9.9 notes the potential for taller buildings to have adverse effects with shading being the principal one. With regard to shading, he makes the following two statements:

“The angle of the sun in Christchurch at the two equinoxes (March and September) is approximately 44 degrees. On a street running east-west such as High Street which is 20m wide with 21m high buildings on the north side, the sun will reach the majority of the facade of the buildings on the south side of the street at the equinoxes but the street will be in shade.”

“A road-wall height of 18m would allow sun to fall on the footpath on the south side of the street at the equinoxes and for more than half the year. In my opinion this would create a significantly more attractive pedestrian

environment with higher amenity. The 18m road-wall height can be achieved by allowing a maximum height of 21metres in the Residential Height Bonus Area Precinct with a 45° recession plane from the road boundary above the maximum road wall height of 18m”.

- 4.30 My understanding of these statements is that Mr Nicholson considers that 18m high buildings on the primary shopping frontages (High Street and Williams Street) are appropriate in terms of shading effects on the opposite side of the street, providing an attractive pedestrian environment. There is no assessment within the Urban Design evidence of 15m high buildings and why these would be more efficient or effective than 18m or 21m.
- 4.31 However, despite the above, Mr Willis has recommended a 15m height limit rather than 18m on the principal shopping street and 21m in the RHBAP where a floor of residential is included (or 18m otherwise). I cannot reconcile based on the expert advice above, why Mr Willis has recommended a 15m height limit on the principal shopping street, when the council experts are suggesting that either 21m or 18m would not have adverse effects. The only mention anywhere of 15m was from stakeholder consultation prior to notification where there was general support to increase from 12m to 15m (paragraph 2.6.1 of the Section 32 Report 18 September 2021).
- 4.32 Another, possible reason to limit building height would be the presence of heritage buildings, noting that there are multiple listed heritage buildings in the TCZ including on the principal shopping streets. However, I consider that taller or more intensive development will not necessarily affect the heritage values of those buildings or the area if it is well designed. Therefore, an additional floor of building height should not be precluded or limited on this basis. Further, new multi storey buildings adjoining heritage buildings will be subject to urban design rules providing discretion to consider the relationship to among other things, ‘significant natural, heritage and cultural features’. On this basis, development, regardless of its height can be managed to ensure its relationship and contribution to the surrounding heritage values is appropriate.

- 4.33 Given the above, I consider that 18m or five storeys is appropriate on the street frontage of a principal shopping street, with a maximum of 21m behind that in the RHBAP. Amended text reflecting this is included in **Appendix 2**.
- 4.34 In the MUZ, a height limit of 15m will not be sufficient in my view to allow for the Kāinga Ora preferred relief of allowing for five storey buildings, particularly noting that the MUZ is only located in Kaiapoi and in the flood hazard area. Given that a higher FFL will be required in the area and that a ground floor level of 4m floor to floor would best allow conversion for any use (mixed use), I consider that 18m is a more appropriate height limit. This would enable 1 – 1.5m for FFL requirements, 4m for ground floor and 3.2 – 3.6m for first to fourth floors. Table 2 below sets out differing height scenarios based on minimum floor to floor heights and helps illustrate the Kāinga Ora conclusions on the building heights required if flexibility to incorporate FFLs in hazard areas is included and if good floor to ceiling heights and internal amenity is to be achieved.

Table 2: Floor to floor heights

Floor to Floor Heights	Three Storey	Four Storey	Five Storey
<i>3m floor to floor</i>	9m	12m	15m
<i>3.2m floor to floor</i>	9.6m	12.8m	16m
<i>3.5m floor to floor</i>	10.5	14m	17.5m
<i>3.6 floor to floor</i>	10.8	14.5m	18m
<i>4m floor to floor</i>	12m	16m	20m

- 4.35 Further, in relation to the MUZ, I reiterate that Mr Foy’s evidence that a height limit of 21m in this zone would be sensible allowing up to 6 storey buildings and that four storey buildings provided for by the proposed 15m limit in MUZ-BFS1 are not economically viable.
- 4.36 In my view, an 18m height limit allows for a step down from the 21m permitted in the TCZ and is also appropriate given that the height in relation to boundary rule would apply on the boundary with any residential zone.

4.37 Finally, I note that the matters of discretion proposed in CMUZ-MD19 need amending so that they align with the NPS-UD and are not about maintaining the existing environment or character/ amenity values. The matters should refer to the “planned urban built form” or “anticipated / planned urban environment”. I have also suggested rewording the heritage matter of discretion so that it is clearer what it required to be assessed when looking at over height buildings. Amended wording is proposed in **Appendix 2**.

Height in Relation to Boundary Standards

4.38 The Kāinga Ora submission sought to make amendments to the height in relation to boundary (HIRB) standards including NCZ-BFS2, LUZ-BFS2, MUZ-BFS2 and TCZ-BFS3. Mr Willis has recommended rejecting this relief at paragraph 61 noting that it is consistent with the wording in other chapters (which I note have not yet been heard).

4.39 In my view, the wording of these standards read / function well for now in the PDP context (noting that Stream 9 is a PDP not an V1/ IPI hearing), but will likely require further amendment for clarity if Variation 1 / MDRS goes ahead. The current uncertainty around whether MRDS will be made optional for WDC and what the Council’s response will be makes it difficult to recommend text amendments to this chapter now, but it is something the Panel should be live to as hearings and legislation changes progress.

4.40 I consider that text amendments may be required if Variation 1 proceeds in its current format, as the HIRB standards in the MRZ which will adjoin a number of CMU zones will be measured differently from other zones proposed in the PDP. In the MRZ, they are to be measured at 4m above ground level at 60 degrees and the reference in the current built form standards (NCZ-BFS2, LCZ-BFS2, MUZ- BFS2 and TCZ-BFS3) to measuring recession planes from 2.5m above ground in accordance with Appendix APP3 will be inconsistent with these. I cannot see why the CMUZ should be subject to less enabling recession planes than the adjoining residential zone.

4.41 I note that the recent Selwyn District Plan decisions have dealt with this issue of different standards applying in different zones, by referring to the adjoining zone standard applying and have provided additional information in an appendix. Alternatively, a specific MRZ provision will need to be added to these rules if it goes ahead.

Rail Boundary Setbacks and Matters of Discretion

4.42 The Kāinga Ora position is to consistently oppose rail boundary setbacks that exceed 2.5m in the commercial context (and 2m in the residential context), and also seek consistent wording for the relevant Matter of Discretion. Kāinga Ora accept the need to protect this regionally significant infrastructure, however, Kāinga Ora questions the need for the setback to be 4m, based on other hearing processes that they have been involved with around the country where smaller setbacks of 2.5m have been agreed with KiwiRail in commercial zones.

4.43 Kāinga Ora have submitted against the 4m rail boundary setback in the NCZ, LCZ, MUZ and TCZ, instead seeking a 2 – 2.5m setback. I note that the KiwiRail submission seeks a 5m setback for all of these zones and seeks that a new rule be introduced to cover this in the MUZ. Mr Willis has recommended sticking with the 4m setback as this provides for vehicle access behind buildings (paragraph 68). He does not favour the 2.5m setback sought by Kāinga Ora given the vibration and noise effects associated with rail lines and the need for building and corridor access. Mr Willis also highlights a lack of evidence on this matter as a reason for retaining the 4m setback. I support the 2.5m setback requested by Kāinga Ora in the TCZ and consider setbacks in the other zones unnecessary for the reasons outlined below.

4.44 I have checked the planning maps in the PDP following the full length of the rail corridor designations (proposed KRH 1 – 23) and note that these are a rollover from the Operative Plan (ie: no new designated rail corridors). From this exercise, I have established that the rail corridor does not adjoin the MUZ, LCZ or NCZ. I note that the MUZ in Kaiapoi is the closest to the corridor of these three zones, but that this is separated by a road and a block of residential properties (approximately 65m). I could also only find one PDP submission seeking zone changes

to these three zones along the corridor, which is for MUZ to the south of the TCZ in Rangiora. I therefore cannot see why these zones require setback rules when they don't adjoin/ share a boundary with the corridor (unless the rezoning is approved).

- 4.45 In relation to the MUZ, Mr Willis has also identified that the MUZ does not adjoin the corridor. However, has gone on to recommend a 4m setback stating that the MUZ could be applied in the future to other areas and that the rail corridor could change position (paragraph 505). In my view the appropriate time to deal with this setback would be at the time of any future Plan Change seeking to rezone land next to the corridor MUZ, NCZ or LCZ, or if the Requiring Authority sought a new designation or an alteration for rail purposes adjoining any of these zones. I consider that NCZ-BFS7, LCZ-BFS7 and MUZ-BFS10 are unnecessary and should be deleted (see marked up text attached in **Appendix 2**). Noting that if the zone change above for the MUZ in Rangiora is accepted then a setback rule of 2.50m would be appropriate. Alternatively, the rail boundary setback could be mapped and the rail boundary setback rules could be located within the district wide infrastructure or transport chapters, thus avoiding the need for new rules in zone chapters associated with future zone changes.
- 4.46 The rail corridor adjoins the TCZ in Kaiapoi and Rangiora and the 4m setback proposed in TCZ-BFS8 requires further evaluation in my view. I note that Kāinga Ora is not opposed to having a setback but consider that a setback is only appropriate where there is an evidence base for it. I am inclined to agree with Mr Willis's statement that there is a lack of evidence for a 4m or 5m setback presented in the Waimakariri PDP process to date.
- 4.47 I understand that the purpose of the setback standard is limited to allowing safe access for building maintenance purposes on private properties adjoining the corridor without the need to access the corridor to do so. Further, I understand that its purpose is not to enable KiwiRail to access their corridor (ie: for corridor maintenance), nor is it for mitigation of noise or vibration effects as suggested by Mr Willis. In any event the extra 1.5m setback (ie: the difference between 2.5m and 4m) is not likely to offer any benefits in terms of mitigating noise/vibration.

Noise and Vibration effects are covered in the Noise Chapter of the PDP and have already been addressed in Hearing Stream 5. Focusing on the issues of access for property maintenance, I note the following points in relation to the need for a reduced 2.5m setback or other alternative to the proposed 4m setback:

- The proposed setback is for 4m from the rail corridor boundary, and not the rail lines themselves. The rail corridor varies in size, and the distance from property boundaries to the actual rail lines varies considerably. This could result in unnecessary restrictions where there is a wider corridor and there are no corresponding safety concerns. For this reason, I consider that there could be merit in mapping a setback corridor (with associated district wide infrastructure or transport rule) to adjust to these nuances rather than a blanket 4m setback. However, given the limited number of zones in the PDP that adjoin the corridor, I do not consider it onerous or unnecessary repetition to include a rule in each relevant zone.
- The amount of physical space required to maintain a building adjacent to the rail corridor is a relevant consideration. In my view, this would be the same as along any other private boundary (internal boundary with another site). It is unclear why 4 or 5m would be required for this, when a 1m setback from any other property is considered sufficient in residential zones and no setback in CMUZs. I note that in commercial zones, it is typical for buildings to be built to or very near to the boundary. No building owner, occupier or developer has the right to assume that they can access adjacent private property (be it the rail corridor or otherwise) to undertake maintenance.
- Following on from the above point, KiwiRail has control over access to its rail corridor, a 'Permit to Enter' is required from KiwiRail for working within 5m of a rail line¹. This could be a more appropriate setback when considering the risks to the safe and efficient operation of the rail network, than a 4m setback from the corridor

¹<https://www.kiwirail.co.nz/our-network/access-our-network/permit-to-enter/>

boundary. KiwiRail could simply not let people access its property if it held safety concerns.

- A setback of buildings and structures from the boundary of the railway corridor of no more than 2.5m in commercial and mixed-use zones is consistent with the agreed position within the recently settled appeal(s) on relevant Plan Changes in Whangārei². In that plan, a corridor setback was mapped with setback rules contained within the district wide transport chapter (avoiding the need for zone specific rules), whereas in Waimakariri it is proposed to insert a setback rule into each relevant zone. For completeness, I also note the following further examples of recent Plan decisions with setbacks of less than 4m; the Proposed New Plymouth District Plan Decisions Version with 1.50m setback and the Proposed Marlborough Environment Plan Decisions Version 3.0m setback agreed in consent order.
- I understand that KiwiRail typically presents evidence relating to the space requirements for and use of scaffolding to justify their requested 5m setback. This information is not provided in their submission, so at the time of writing this evidence, I have not had the benefit of being able to review these requirements in the Waimakariri context. However, from searching recent plan hearing evidence and noting other plan requirements above, there would appear to be a number of suitable options for managing scaffolding adjacent to the rail corridor where a 'Permit to Enter' would not be required, or KiwiRail would not have agreed to the above consent orders.

4.48 On this basis, I consider a blanket 4 - 5 metre setback is an unnecessarily blunt restriction to effectively manage the issue, in the absence of any evidence to the contrary. In this regard, I consider the reduced setback supported by Kāinga Ora would provide adequate space for maintenance activities (cleaning, painting and gardening) within sites adjacent to the rail network. In doing so, it will continue to protect the safe, efficient, and effective operation of the rail

² Kiwi Rail Holdings Limited v Whangarei District Council ENV-2020-AKL-000131.

infrastructure while balancing the cost on landowners (and associated restriction of development rights). Alternatively, I would also support the identification and specifically mapped railway corridor setback reflecting the setback area.

4.49 In addition to the prescribed setback, I also consider it appropriate to reword the relevant matter of discretion in CMUZ-MD13 to be consistent with what was agreed in the aforementioned Consent Order resolving the Whangārei KiwiRail Holding appeal(s). Amended wording is provided in **Appendix 2**. This will ensure any resulting assessment of a breach to the setback would be focused on the relevant effects that are intended to be managed by this rule being access for property maintenance. The inclusion will ensure greater consistency of Plan interpretation both for the Council administering the Plan, and Plan users.

4.50 Finally, I note that this is an issue for the wider Plan to consider given the widespread application of the restriction across the district would constitute a significant overall restriction on development. I will return to this in Stream 7 in relation to residential zones and qualifying matters.

5. SUMMARY OF PROPOSED WORDING CHANGES SOUGHT

5.1 The proposed additional changes sought by Kāinga Ora are included in **Appendix 2** of my evidence. I can confirm that the version of relief in my evidence represents the full “updated” set of relief requested by Kāinga Ora in relation to these hearing topics. Other than the specific additional changes sought by Kāinga Ora and set out in this evidence and **Appendix 2**, I support the wording as recommended by the reporting officer in the Section 42A Report.

6. CONCLUSION

6.1 Overall, I generally support the Section 42A Report revisions to the Commercial Mixed-Use Chapter. The changes sought by Kāinga Ora in this evidence are not particularly substantive in that they do not propose entirely new provisions or rules or large changes to existing provisions that in my view would warrant a specific or detailed s32AA

assessment (other than covered generally in the evidence above), however I am happy to do so in a separate table format if that assists the panel.

- 6.2 I am of the opinion that the amendments sought by Kāinga Ora (as discussed in this evidence) are appropriate and will assist in striking the balance between competing outcomes of providing for development of commercial centres, urban amenity and urban intensification. The amended provisions would also improve the certainty and usability of the Commercial and Mixed Use Chapter of the PDP and enable consistent implementation by both plan users and the Council.
- 6.3 I consider that the amended provisions outlined within my evidence, will be efficient and effective in achieving the purpose of the RMA, the relevant objectives of the PDP and other relevant statutory documents.



Clare Dale

21 December 2023

Appendix 1: Kāinga Ora Submission Points for Stream 9 Hearing

Proposed District Plan Submissions Commercial

Section/Sub-section/Provision	Support/Support in Part/Oppose	Reason(s) for submission	Relief sought / decision requested Changes sought by Kāinga Ora is shown in red as strikethrough for deletion and <u>underline</u> for addition. Consequential amendments may be required to give effect to the relief sought.
Part 3: Area Specific Matters			
Part 3: District Wide Matters – Commercial and Mixed Use Zones			
Part 3: District Wide Matters – CMUZ – General Objectives and Policies			
<i>CMUZ Introduction</i>	Support	Kāinga Ora generally supports the introductory text.	<i>Retain as notified.</i>
<i>CMUZ-01</i>	Support	Kāinga Ora supports this objective as proposed.	<i>Retain as notified.</i>
<i>CMUZ-02</i>	Support in part	Kāinga Ora generally support this objective but seeks an amendment to clause 4 for clarity.	Amend , as follows: A scale, form and design of development in all Commercial and Mixed Use Zones that: ... 4. manages adverse <u>amenity</u> effects on the <u>surrounding</u> adjoining <u>residential environment zones</u> .

CMUZ-P1 CMUZ-P2 CMUZ-P3 CMUZ-P4 CMUZ-P5 CMUZ-P6 CMUZ-P8	Support	Kāinga Ora generally supports the policies as proposed.	<i>Retain as notified.</i>
CMUZ-P7	Support	Kāinga Ora generally supports this policy, subject to providing flexibility for residential use in appropriate circumstances. The amended policy change reflects the relevant assessment matters in CMUZ-MD11 and the	Amend , as follows: Residential activities are: 1. Encouraged to locate above ground floor in all centres <u>unless:</u> Avoided on ground floors fronting or adjoining the street in Town Centres to maintain commercial activity at ground level
Section/Sub-section/Provision	Support/Support in Part/Oppose	Reason(s) for submission	Relief sought / decision requested
		RDIS status in the rule framework. The use of 'avoid' is typically associated with non-complying activity status.	Changes sought by Kāinga Ora is shown in red as strikethrough for deletion and <u>underline</u> for addition. Consequential amendments may be required to give effect to the relief sought.
			a. <u>the site is not required to meet long-term needs for commercial floorspace; and/or</u> b. <u>the building containing the residential activity is designed and constructed to facilitate straightforward conversion to commercial floorspace so as to not foreclose future options; and</u>
Part 3: District Wide Matters – Neighbourhood Centre Zone			
Part 3: District Wide Matters – NCZ –Objectives and Policies			
NCZ-01	Support	Kāinga Ora supports this objective as proposed.	<i>Retain as notified.</i>

NCZ-P1	Support in part	<p>Kāinga Ora generally supports this policy subject to amendments. Kāinga Ora submits that [2] should be deleted as there is misalignment between its content and the preceding text ‘Within Neighbourhood Centres:’ The anticipated size of local and neighbourhood centres would be better placed in the General Objectives and Policies for all Commercial and Mixed Use Zones’. Activities anticipated within the centre are adequately addressed by [1] and subsequent activity rules and built form standards.</p> <p>An addition is sought to make it clear that residential activity above ground floor is enabled.</p> <p>An addition is sought to make it clear that residential activity above ground floor is enabled.</p>	<p>Amend, as follows:</p> <p><i>Design and integration</i></p> <p>Within Neighbourhood Centres:</p> <ol style="list-style-type: none"> 1. enable a limited range of convenience activities that provide for the immediate residential neighbourhood and do not adversely affect the role and function of Town and Local Centres; 2. enable a range of Centre sizes that generally comprise up to 450m² total floor space and up to five shops with a maximum retail tenancy of 350m² GFA; 3. ensure activities are accessible by walking and cycling from the area served; and 4. adverse amenity effects are managed within the zone and at the interface with neighbouring more sensitive zones.; and 5. <u>enable residential activity.</u>
Section/Sub-section/Provision	Support/Support in Part/Oppose	Reason(s) for submission	Relief sought / decision requested
Part 3: District Wide Matters – NCZ –Activity Rules			
NZC-R1	Support	Kāinga Ora supports this rule as proposed.	Retain as notified.
NCZ-R8 Residential unit	Support	Kāinga Ora supports this rule as proposed.	Retain as notified.
NCZ-R9 Residential activity	Support	Kāinga Ora supports this rule as proposed.	Retain as notified. -
Part 3: District Wide Matters – NCZ –Built Form Standards			

NCZ-BFS1	Support in part	Kāinga Ora generally supports the 8m height limit where the NCZ adjoins the GRZ or LLRZ, however where it is located adjacent to the MRZ an increased height limit should be permitted that aligns with the MRZ height limit of 12m.	<p>Amend BSF1 so that the maximum height is at least equal to the adjoining residential zone or provided at a maximum height of 12 metres.</p> <p>Activity status when compliance not achieved: DIS-RDIS</p> <p>Matters of discretion are restricted to: <u>CMUZ-MD4 - Height in relation to boundary</u></p> <p>Notification <u>An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified.</u></p>
NCZ-BFS2	Support in part	Kāinga Ora generally supports the use of height in relation to boundary controls as proposed, however some clarity is required.	<p>Amend, as follows:</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 zones 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</p>
Section/Sub-section/Provision	Support/Support in Part/Oppose	Reason(s) for submission	<p>Relief sought / decision requested</p> <p>Changes sought by Kāinga Ora is shown in red as strikethrough for deletion and <u>underline</u> for addition. Consequential amendments may be required to give effect to the relief sought.</p>
			<p>accordance with the diagrams in Appendix APP3.</p>

NCZ-BFS3 NCZ-BFS4 NCZ-BFS5 NCZ-BFS6 NCZ-BFS8 NCZ-BFS10	Support	Kāinga Ora supports these standards as proposed.	<i>Retain as notified.</i>
NCZ-BFS7	Support in part	Kāinga Ora supports this standard with amendments.	Amend , as follows: 1. All buildings shall be set back a minimum of <u>2m</u> 4m from any site boundary with the rail corridor.
NCZ-BFS9 <i>Residential Units</i>	Support in part	Kāinga Ora generally supports this rule but seeks that minimum net floor area requirements for residential units be amended. Waimakariri is identified as a Tier 1 council in the NPS-UD and accordingly PDP provisions should be enabling of a variety of housing typologies without introducing unnecessary regulatory constraint.	Amend , as follows: 1. The minimum net floor area (excluding garages, balconies, and any communal lobbies stairwells and plant rooms) per residential unit shall be: a. studio 35m ² ; b. one <u>or more</u> bedrooms 45m ² ; c. two bedrooms 60m² ; d. three or more bedrooms 90m²
BFS11 Building coverage	Support	Kāinga Ora supports the 55% building coverage standard as proposed.	<i>Retain as notified.</i>
Section/Sub-section/Provision	Support/Support in Part/Oppose	Reason(s) for submission	Relief sought / decision requested Changes sought by Kāinga Ora is shown in red as strikethrough for deletion and <u>underline</u> for addition. Consequential amendments may be required to give effect to the relief sought.

Part 3: District Wide Matters – Local Centre Zone

Part 3: District Wide Matters – LCZ –Objectives and Policies

LCZ-O1	Support	Kāinga Ora supports this objective as proposed.	<i>Retain as notified.</i>
LCZ-P1	Support in part	<p>Kāinga Ora generally supports this policy subject to amendments.</p> <p>Kāinga Ora submits that [2] should be deleted as there is misalignment between its content and the preceding text ‘Within Local Centres:’. The anticipated size of local and neighbourhood centres would be better placed in the General Objectives and Policies for all Commercial and Mixed Use Zones’. Activities anticipated within the centre are adequately addressed by [1] and subsequent activity rules and built form standards.</p> <p>An addition is sought to make it clear that residential activity above ground floor is enabled.</p>	<p>Amend, as follows:</p> <p>Design and integration</p> <p>Within Local Centres:</p> <ol style="list-style-type: none"> 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 adversely affect the role and function of Town Centres, nor undermine investment in their public amenities and facilities; 2. enable a range of Local Centres which, excluding the Woodend Local Centre, generally comprise 1,000m² to 4,000m² total floor space and up to 15 shops with a maximum retail tenancy of 350m² GFA; 3. ensure Local Centres are integrated into the transport system to promote efficient safe and accessible modal choice, and manage adverse effects on the operation of the transport system;and 4. adverse amenity effects are managed within the zone and at the interface with neighbouring moresensitive zones.; <u>and</u> 5. <u>Enable residential activity.</u>

Section/Sub-section/Provision	Support/Support in Part/Oppose	Reason(s) for submission	Relief sought / decision requested Changes sought by Kāinga Ora is shown in red as strikethrough for deletion and <u>underline</u> for addition. Consequential amendments may be required to give effect to the relief sought.
Part 3: District Wide Matters – LCZ –Activity Rules			
LCZ-R1	Support	Kāinga Ora supports this rule as proposed.	<i>Retain as notified.</i>
LCZ-R9 Residential unit	Support	Kāinga Ora supports this rule as proposed.	<i>Retain as notified.</i>
LCZ-R10 Residential activity	Support	Kāinga Ora supports this rule as proposed.	<i>Retain as notified.</i>
Part 3: District Wide Matters – LCZ –Built form standards			
LCZ-BFS1 Height	Oppose	Kāinga Ora supports the 10m height limit as proposed. Kāinga Ora is seeking amendments to increase maximum height in the local centre zone. Centres should be areas which are identified for growth and intensification. Encouraging greater height will contribute to making centres a vibrant focal point for communities. A 12m height limit will more comfortably provide for three stories.	<p>Amend, as follows:</p> <p>1. The maximum height of any building, calculated as per the height calculation, shall be 10m <u>12m</u> above ground level.</p> <p>Activity status when compliance not achieved: DIS <u>RDIS</u></p> <p>Matters of discretion are restricted to: <u>CMUZ-MD4 - Height in relation to boundary</u></p> <p>Notification <u>An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified.</u></p>

<i>LCZ-BFS2 Height in relation to boundary when adjoining Residential Zones,</i>	Support in part	Kāinga Ora generally supports the use of height in relation to boundary controls as proposed, however some clarity is required.	Amend , as follows: 1. Where an internal boundary adjoins Residential Zones, Rural Zones, or Open Space and Recreation Zones, the
Section/Sub-section/Provision	Support/Support in Part/Oppose	Reason(s) for submission	Relief sought / decision requested Changes sought by Kāinga Ora is shown in red as strikethrough for deletion and <u>underline</u> for addition. Consequential amendments may be required to give effect to the relief sought.
<i>Rural Zones or Open Space and Recreation Zones</i>			height in relation to boundary for the adjoining zones 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.
<i>LCZ-BFS7 Rail boundary setback</i>	Support in part	Kāinga Ora supports this standard with amendments.	Amend , as follows: 1. All buildings shall be set back a minimum of <u>2m</u> 4m from any site boundary with the rail corridor.
<i>LCZ-BFS9 Residential Units</i>	Support in part	Kāinga Ora generally supports this rule but seeks that minimum net floor area requirements for residential units be amended. Waimakariri is identified as a Tier 1 council in the NPS-UD and accordingly PDP provisions should be enabling of a variety of housing typologies without introducing unnecessary regulatory constraint.	Amend , as follows: 1. The minimum net floor area (excluding garages, balconies, and any communal lobbies stairwells and plant rooms) per residential unit shall be: a. studio 35m ² ; b. one <u>or more</u> bedrooms 45m ² ; c. two bedrooms 60m² ; d. three or more bedrooms 90m²

<i>LCZ-BFS11 Building coverage</i>	Opposes	Kāinga Ora seeks the proposed building coverage rule is deleted. Other standards will control the coverage and footprint of buildings.	<i>Delete the standard in its entirety along with any references to the standard in any LCZ-rules.</i>
Section/Sub-section/Provision	Support/Support in Part/Oppose	Reason(s) for submission	Relief sought / decision requested Changes sought by Kāinga Ora is shown in red as strikethrough for deletion and <u>underline</u> for addition. Consequential amendments may be required to give effect to the relief sought.
Part 3: District Wide Matters – Mixed Use Zone			
Part 3: District Wide Matters – MUZ –Objectives and Policies			
<i>MUZ-O1 MUZ-O2</i>	Support	Kāinga Ora supports the objectives as proposed.	<i>Retain as notified.</i>
<i>MUZ-P1</i>	Support in part	Kāinga Ora supports this policy with amendments.	Amend , as follows: Provide for a mixture of commercial and residential activities in the Mixed Use Zone where these: <ol style="list-style-type: none"> 1. support the Kaiapoi Town Centre’s identified function, role and <u>anticipated built form amenity values</u>; 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 3. support the ongoing regeneration of the Kaiapoi township.

MUZ-P2	Opposes	Kāinga Ora seeks the proposed policy is deleted. The requirements for any assessments or development to be in accordance with an appendix should not be in a policy.	<i>Delete the policy in its entirety.</i>
Part 3: District Wide Matters – MUZ –Activity Rules			
MUZ-R1 <i>Construction or alteration of or addition to any building or</i>	Opposes	Kāinga Ora seeks the deletion of the GFA footprint.	Amend , as follows: - Where:
Section/Sub-section/Provision	Support/Support in Part/Oppose	Reason(s) for submission	Relief sought / decision requested Changes sought by Kāinga Ora is shown in red as strikethrough for deletion and <u>underline</u> for addition. Consequential amendments may be required to give effect to the relief sought.
<i>other structure</i>			1. the activity complies with: a. all built form standards (as applicable); and b. any building or addition is less than 450m² GFA.
MUZ-R13 <i>(Residential Unit)</i> MUZ-R14 <i>(Residential Activity)</i>	Opposes	Kāinga Ora seeks the deletion of the maximum GFA footprint rule in both MUZ-R13 and MUZ-R14. Residential unit and activity should be permitted in the Mixed Use Zone.	Delete the following in both MUZ-R13 and MUZ-R14: Where: 1. the activity shall comprise a maximum of 75% of the GFA of all buildings on the site.
MUZ-R15	Support	Kāinga Ora supports this rule as proposed.	<i>Retain as notified.</i>
MUZ-R16	Support	Kāinga Ora supports this rule as proposed.	<i>Retain as notified.</i>

MUZ-R23	Oppose	Kāinga Ora seeks the deletion of this activity, as it can be captured under MUZ-R24.	<i>Deletion Sought.</i>
Part 3: District Wide Matters – MUZ –Built Form Standards			
MUZ-BFS1 Height	Oppose	Kāinga Ora opposes the maximum height at 15m and seeks the height is enabled up to 6 storeys (21 metres). This aligns with the direction of the NPSUD. Infringement to the height should be considered as a restricted discretionary activity.	<p>Amend, as follows:</p> <p>1. The maximum height of any building, calculated as per the height calculation, shall be <u>21m</u> 15m above ground level.</p> <p>Activity status when compliance not achieved: DIS <u>RDIS</u></p> <p><u>Matters of discretion are restricted to:</u></p>
Section/Sub-section/Provision	Support/Support in Part/Oppose	Reason(s) for submission	Relief sought / decision requested
			<p>Changes sought by Kāinga Ora is shown in red as strikethrough for deletion and <u>underline</u> for addition. Consequential amendments may be required to give effect to the relief sought.</p> <p><u>CMUZ-MD4 - Height in relation to boundary</u></p> <p><u>Notification</u> <u>An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified.</u></p>

MUZ-BFS2	Support in part	Kāinga Ora generally supports the use of height in relation to boundary controls as proposed, however some clarity is required.	Amend , as follows: 1. Where an internal boundary adjoins Residential Zones, Rural Zones, or Open Space and Recreation Zones, the height in relation to boundary for the adjoining zone shall apply., and where specified, structures shall not project beyond a building envelope defined by recession planes measuring 2.5m from ground level above any site boundary in accordance with the diagrams in Appendix APP3.
MUZ-BFS1	Support	Kāinga Ora supports the standard as proposed with the deletion of 'internal' in the title. Similar amendments should be made throughout the PDP and zone provisions. The addition of 'internal' creates confusion.	Amend , as follows: Internal Boundary setback
MUZ-BFS8 Residential units	Support in part	Kāinga Ora generally supports this rule but seeks that minimum net floor area requirements for residential units be amended. Waimakariri is identified as a Tier 1 council in the NPS-UD and accordingly PDP	Amend , as follows: 1. The minimum net floor area (excluding garages, balconies, and any communal lobbies stairwells and plant
Section/Sub-section/Provision	Support/Support in Part/Oppose	Reason(s) for submission	Relief sought / decision requested Changes sought by Kāinga Ora is shown in red as strikethrough for deletion and <u>underline</u> for addition. Consequential amendments may be required to give effect to the relief sought.
		provisions should be enabling of a variety of housing typologies without introducing unnecessary regulatory constraint.	rooms) per residential unit shall be: a. studio 35m ² ; b. one <u>or more</u> bedrooms 45m ² ; c. two bedrooms 60m² ; d. three or more bedrooms 90m²

Part 3: District Wide Matters – Town Centre Zone			
Part 3: District Wide Matters – TCZ –Objectives and Policies			
TCZ-O1	Support	Kāinga Ora supports this objective as proposed.	<i>Retain as notified.</i>
TCZ-P1 TCZ-P2 TCZ-P3	Support	Kāinga Ora supports these policies as proposed.	<i>Retain as notified.</i>
Part 3: District Wide Matters – TCZ –Activity Rules			
TCZ-R1	Opposes	Kāinga Ora seeks the deletion of the GFA footprint.	Amend , as follows: Where: 1. the activity complies with: a. all built form standards (as applicable); and b. any building or addition is less than 450m² GFA. any new building or addition does not have frontage to a Principal Shopping Street.
TCZ-R16 Residential unit	Support in part	Kāinga Ora supports this rule with amendments.	Amend , as follows:
Section/Sub-section/Provision	Support/Support in Part/Oppose	Reason(s) for submission	Relief sought / decision requested
			Changes sought by Kāinga Ora is shown in red as strikethrough for deletion and <u>underline</u> for addition. Consequential amendments may be required to give effect to the relief sought.

			Where: 1. any residential activity shall be above ground floor or located to the rear of commercial activities fronting the street a <u>Principal Shopping Street</u> .
<i>TCZ-R17 Residential activity</i>	Support in part	Kāinga Ora supports this rule with amendments.	Amend , as follows: Where: 1. any residential activity shall be above ground floor or located to the rear of commercial activities fronting the street a <u>Principal Shopping Street</u> .
<i>TCZ-R20 Public transport facility</i>	Support	Kāinga Ora supports this rule as proposed.	<i>Retain as notified.</i>
Part 3: District Wide Matters – TCZ –Built form standards			
<i>TCZ-BFS1 Height</i>	Oppose	Kāinga Ora opposes the maximum height at 12 and 18m. Kāinga Ora seeks the height is enabled up to 6 storeys (21 metres). This aligns with the direction of the NPSUD. Infringement to the height should be considered as a restricted discretionary activity. This is a Town Centre Zone and town centres should enable the greatest degree of intensification and built form in Waimakariri.	Amend , as follows: 1. The minimum height of any building fronting a Principal Shopping Street shall be 5m above ground level. 2. The maximum height of any building, shall be: a. for Rangiora and Kaiapoi: i. 12m above ground level, except as specified under (ii) below;

Section/Sub-section/Provision	Support/Support in Part/Oppose	Reason(s) for submission	Relief sought / decision requested
		<p>Any mapping should identify areas that may be subject to variation to the maximum height rule and this can be a control in the PDP.</p>	<p>Changes sought by Kāinga Ora is shown in red as strikethrough for deletion and <u>underline</u> for addition. Consequential amendments may be required to give effect to the relief sought.</p> <p>ii. 18m <u>21m</u> above ground level, <u>unless in</u> identified areas shown on the planning map where:</p> <p style="padding-left: 40px;">a. at least one floor is designed and used for residential activity as part of a mixed-use commercial and residential development; and</p> <p style="padding-left: 40px;">b. the maximum road wall height of any building shall be 12m;</p> <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>Activity status when compliance not achieved: DIS <u>RDIS</u></p> <p><u>Matters of discretion are restricted to:</u></p> <p><u>CMUZ-MD4 - Height in relation to boundary</u></p> <p><u>Notification</u> <u>An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified.</u></p>

<p><i>TCZ-BFS2 Height in relation to boundary when adjoining a street</i></p>	<p>Oppose</p>	<p>Kāinga Ora opposes the standard. There should be no height in relation to boundary control when a lot adjoins a street. If there are concerns on the effects of a building height and form to accessways or service lanes, then the Council should introduce a</p>	<p>Delete the standard.</p>
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<p>Section/Sub-section/Provision</p>	<p>Support/Support in Part/Oppose</p>	<p>Reason(s) for submission</p>	<p>Relief sought / decision requested Changes sought by Kāinga Ora is shown in red as strikethrough for deletion and <u>underline</u> for addition. Consequential amendments may be required to give effect to the relief sought.</p>
		<p>specific standard to accessways or service lanes only.</p>	<p>-</p>
<p><i>TCZ-BFS3 Height in relation to boundary when adjoining Residential Zones, Rural Zones or Open Space and Recreation Zones</i></p>	<p>Support in part</p>	<p>Kāinga Ora generally supports the use of height in relation to boundary controls as proposed, however some clarity is required.</p>	<p>Amend, as follows: 1. Where an internal boundary adjoins Residential Zones, Rural Zones, or Open Space and Recreation Zones, the height in relation to boundary for the adjoining zone shall apply, and where specified, structures shall not project beyond a building envelope defined by recession planes measuring 2.5m from ground level above any site boundary in accordance with the diagrams in Appendix APP3.</p>
<p><i>TCZ-BFS8 Rail boundary setback</i></p>	<p>Support in part</p>	<p>Kāinga Ora supports this standard with amendments.</p>	<p>Amend, as follows: 2. All buildings shall be set back a minimum of <u>2.5m</u> 4m from any site boundary with the rail corridor.</p>

TCZ-BFS10 Residential Units	Support in part	Kāinga Ora generally supports this rule but seeks that minimum net floor area requirements for residential units be amended. Waimakariri is identified as a Tier 1 council in the NPS-UD and accordingly PDP provisions should be enabling of a variety of housing typologies without introducing unnecessary regulatory constraint.	Amend , as follows: 1. The minimum net floor area (excluding garages, balconies, and any communal lobbies stairwells and plant rooms) per residential unit shall be: a. studio 35m ² ; b. one <u>or more</u> bedrooms 45m ² ; c. two bedrooms 60m² ; d. three or more bedrooms 90m²
Section/Sub-section/Provision	Support/Support in Part/Oppose	Reason(s) for submission	Relief sought / decision requested Changes sought by Kāinga Ora is shown in red as strikethrough for deletion and <u>underline</u> for addition. Consequential amendments may be required to give effect to the relief sought.
Part 3: District Wide Matters: CMUZ: Matters of Discretion for all Commercial and Mixed Use Zones			
CMUZ-MD3 CMUZ-MD4 CMUZ-MD5 CMUZ-MD6 CMUZ-MD7 CMUZ-MD8 CMUZ-MD9	Support	Kāinga Ora supports this rule as proposed.	Retain as notified.
CMUZ-MD10 Acoustic insulation	Support	Kāinga Ora supports this rule as proposed.	Retain as notified.

<p>CMUZ-MD11 Residential development</p>	<p>Support in part</p>	<p>Kāinga Ora generally supports this matter of discretion however seeks the deletion of any reference to social housing.</p>	<p>Amend, as follows:</p> <p>Residential development</p> <ol style="list-style-type: none"> 1. In relation any to ground floor habitable room in the Town, Local and Neighbourhood Centre zone... 2. In relation to minimum unit size, the extent to which: <ol style="list-style-type: none"> 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; b. other onsite factors compensate for a reduction in unit sizes e.g. communal facilities; c. the balance of unit mix and unit sizes within the overall development is such that a minor
<p>Section/Sub-section/Provision</p>	<p>Support/Support in Part/Oppose</p>	<p>Reason(s) for submission</p>	<p>Relief sought / decision requested Changes sought by Kāinga Ora is shown in red as strikethrough for deletion and <u>underline</u> for addition. Consequential amendments may be required to give effect to the relief sought.</p>
			<p>reduction in the area of a small percentage of the overall units may be warranted;</p> <ol style="list-style-type: none"> d. the units are to be a part of a development delivered by the Crown of the Council as a social housing provider and have been specifically designed to meet atypical housing needs; and e. nature and duration of activities proposed may warrant a reduced unit size to operate e.g. very short term duration. <p>...</p>

CMUZ-MD13 Rail boundary setback	Support in part	Kāinga Ora supports this matter of control and discretion with amendments.	<p>Amend, as follows:</p> <p>Rail boundary setback</p> <p>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. <u>The location, size and design of the building as it relates to the ability to safely use, access and maintain buildings without requiring access on, or over the rail corridor.</u></p>
CMUZ-MD16 CMUZ-MD18	Support	Kāinga Ora supports this rule as proposed.	Retain as notified.

Appendix 2: Kāinga Ora Stream 9 (Commercial) Updated Relief Sought following S42A

In the tables below black text is as notified, “blue mark up” amendments from Section 42A Report, and “red mark up” Kāinga Ora evidence relief sought.

Commercial – Relief Sought

CMUZ General Objectives and Policies	
<p>CMUZ – P7 Residential Activities</p>	<p>Residential activities are:</p> <ol style="list-style-type: none"> 1. Encouraged to locate above ground floor in all centres; 2. Avoided on ground floors fronting or adjoining the street in Town Centres to maintain commercial activity at ground level; and <ol style="list-style-type: none"> 2) <u>Enabled at ground floor level in the Town Centre Zone where located behind commercial activities;</u> 3) <u>Provided for at ground floor level fronting streets in the Town Centre Zone only where:</u> <ol style="list-style-type: none"> a) <u>the site is not required to meet long-term needs for commercial floorspace; and</u> b) <u>the building frontage delivers a visually interesting and high amenity streetscape that avoids blank and inactive frontages.</u> 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"> a. the provision of sufficient and readily accessible outdoor living and service spaces, and internal storage; b. the provision of acoustic attenuation; and c. minimum unit sizes.

NCZ Built Form Standards		
<p>NCZ – BFS2 Height in relation to boundary when adjoining residential zones, rural zones or open space and recreation zones</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>Activity status when compliance not achieved: RDIS</p> <p>Matters of discretion are restricted to:</p> <p>CMUZ-MD4 - Height in relation to boundary</p> <p>Notification</p> <p>An application for a restricted discretionary activity under this being publicly notified, but may be limited notified.</p>
<p>NCZ – BFS7 Rail Boundary Setback</p>	<p>1. All buildings shall be set back a minimum of 4m from any site boundary with the rail corridor.</p>	<p>Activity status when compliance not achieved: RDIS</p> <p>Matters of discretion are restricted to:</p> <p>CMUZ-MD13 – Rail boundary setback</p> <p>Notification</p> <p>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>
LCZ Built Form Standards		
<p>LCZ – BFS2 Height in relation to boundary when adjoining residential zones, rural zones or open</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>Activity status when compliance not achieved: RDIS</p> <p>Matters of discretion are restricted to:</p> <p>CMUZ-MD4 - Height in relation to boundary</p> <p>Notification</p>

space and recreation zones		An application for a restricted discretionary activity under this being publicly notified, but may be limited notified.
LCZ – BFS7 Rail Boundary Setback	1. All buildings shall be set back a minimum of 4m from any site boundary with the rail corridor.	<p>Activity status when compliance not achieved: RDIS</p> <p>Matters of discretion are restricted to:</p> <p>CMUZ-MD13 – Rail boundary setback</p> <p>Notification</p> <p>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>
MUZ Built Form Standards		
MUZ – BFS1 Height	1. The maximum height of any building, calculated as per the height calculation, shall be 15 <u>18</u> m above ground level.	<p>Activity status when compliance not achieved: DIS <u>RDIS</u></p> <p>Matters of discretion are restricted to:</p> <p>CMUZ-MD19 - Height</p>
MUZ – BFS2 Height in relation to boundary when adjoining residential zones, rural zones or open space and recreation zones	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>Activity status when compliance not achieved: RDIS</p> <p>Matters of discretion are restricted to:</p> <p>CMUZ-MD4 - Height in relation to boundary</p> <p>Notification</p> <p>An application for a restricted discretionary activity under this being publicly notified, but may be limited notified.</p>

<p>MUZ — BFS10 Rail Boundary Setback</p>	<p>1. All buildings shall be set back a minimum of 4m from any site boundary with the rail corridor.</p>	<p>Activity status when compliance not achieved: RDIS Matters of discretion are restricted to: CMUZ-MD13 – Rail boundary setback Notification An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified only to KiwiRail where the consent authority considers this is required, absent its written approval.</p>
<p>TCZ Built Form Standards</p>		
<p>TCZ – R16 Residential Unit</p>	<p>Activity status: PER Where: 1. any residential activity <u>(excluding pedestrian entry, lobby or reception) shall</u> be above ground floor or located to the rear of commercial activities fronting the street.</p>	<p>Activity status when compliance not achieved: RDIS Matters of discretion are restricted to: CMUZ-MD11 - Residential development</p>
<p>TCZ – R17 Residential Unit</p>	<p>Activity status: PER Where: 1. any residential activity <u>(excluding pedestrian entry, lobby or reception) shall</u> be above ground floor or located to the rear of commercial activities fronting the street.</p>	<p>Activity status when compliance not achieved: RDIS Matters of discretion are restricted to: CMUZ-MD11 - Residential development</p>
<p>TCZ – BFS1 Height</p>	<p>1. The minimum height of any building fronting a Principal Shopping Street shall be 5m above ground level.</p>	<p>Activity status when compliance not achieved: <u>RIS RDIS</u> Matters of discretion are restricted to:</p>

	<p>2. The maximum height of any building, shall be:</p> <p>a. for Rangiora and Kaiapoi:</p> <p>i. 1215 <u>18</u>m above ground level, except as specified under (ii) below;</p> <p>ii. 18 <u>21</u>m above ground level in the Residential Height Bonus Area Precinct where:</p> <p>1. at least one floor is designed and used for residential activity as part of a mixed-use commercial and residential development; and</p> <p>2. the maximum road wall height of any building shall be 12 <u>18</u>m;</p> <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>CMUZ - MD19 - Height</p>
<p>TCZ – BFS2 Height in relation to boundary when adjoining a road</p>	<p>1. In areas subject to a maximum permitted height limit of 18 <u>21</u>m, buildings shall not project beyond a 45° recession plane measured from the maximum road wall height and angling into the site in accordance with the diagrams in Appendix APP3, except that this rule shall not apply to access ways or service lanes.</p>	<p>Activity status when compliance not achieved: RDIS</p> <p>Matters of discretion are restricted to:</p> <p>CMUZ - MD4 - Height in relation to boundary</p>
<p>TCZ – BFS3 Height in relation to boundary when adjoining residential zones, rural zones or open space and recreation zones</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>Activity status when compliance not achieved: RDIS</p> <p>Matters of discretion are restricted to:</p> <p>CMUZ-MD4 - Height in relation to boundary</p> <p>Notification</p> <p>An application for a restricted discretionary activity under this being publicly notified, but may be limited notified.</p>

<p>TCZ – BFS8 Rail boundary setback</p>	<p>1. All buildings shall be set back a minimum of 4 <u>2.5</u>m from any site boundary with the rail corridor.</p>	<p>Activity status when compliance not achieved: RDIS</p> <p>Matters of discretion are restricted to:</p> <p>CMUZ-MD13 - Rail boundary setback</p> <p>Notification</p> <p>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>Matters of Discretion for all Commercial and Mixed Use Zones</p>		
<p>CMUZ – MD13</p>	<p>Rail boundary setback</p> <p>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. <u>The location, size and design of the building as it relates to the ability to safely use, access and maintain buildings without requiring access on, or over the rail corridor.</u></p>	
<p><u>CMUZ – MD19</u></p>	<p><u>Height</u></p> <p>1. <u>The extent to which the building affects local environmental conditions including increased shading and for building over 30m in height, the wind in nearby public spaces;</u></p> <p>2. <u>The extent to which the buildings form, scale, design and materials affects / integrates are consistent with maintaining the heritage value of nearby heritage buildings and values;</u></p> <p>3. <u>The extent to which the building undermines or supports the Principal Shopping Street and associated planned urban built form;</u></p> <p>4. <u>The extent to which the building reflects a human scale through the use of building form, design and modulation;</u></p> <p>5. <u>The extent to which the design reduces visual dominance / creates visual interest or an attractive local landmark;</u></p>	

	<p><u>6. The extent to which the building displays high design quality;</u></p> <p><u>7. The extent to which the building takes account of longer views of taller buildings providing visual interest and supporting the planned urban form character of the centre; and</u></p> <p><u>8. The potential for adverse commercial distribution and transport effects.</u></p>
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