



Proposed Timaru District Plan

Section 42A Report: Residential; and Commercial and Mixed Use Zones

Report on submissions and further submissions

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Date: 18 June 2024

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List of Submitters and Further Submitters Addressed in this Report:

Original Submitters

Submitter Ref	Submitter Name	Abbreviation
5	Timaru Old Boys Sports Club	Timaru Old Boys
10	John McKenzie	McKenzie, J
31	Karton and Hollamby Group Ltd T/A Stonewood Homes South Canterbury Ltd	Karton and Hollamby Group
38	G.D.M. Offices Ltd	G.D.M.
42	Timaru District Council	TDC
54	Steve Dale & Anthony Dale	Dale, S and A
60	Milward Finlay Lobb	MFL
66	Bruce William Speirs	Speirs, B
87	Agnes Baekelandt	Baekelandt, A
103	Joseph John McKenzie & Catherin Bo Choung	McKenzie & Choung
104	Port Bryson Property Ltd	Port Bryson
106	Ministry of Education	MoE
112	Frank Hocken	Hocken, F
114	Heritage New Zealand Pouhere Taonga	Heritage NZ
116	Z Energy Ltd	Z Energy
131	Fire and Emergency New Zealand	FENZ
143	Waka Kotahi NZ Transport Agency	Waka Kotahi
159	Transpower New Zealand Limited	Transpower
167	Broughs Gully Development Limited	Broughs Gully
173	Alliance Group Ltd	Alliance Group
174	Rooney Holdings Ltd	Rooney Holdings
180	Malpati Regenvanu	Regenvanu, M
183	Canterbury Regional Council (Environment Canterbury)	ECan
186	Timaru District Holdings Limited	TDHL
187	KiwiRail Holdings Limited	KiwiRail
191	Gary James Herbert Rooney	Rooney, GJH
192	Harvey Norman Properties (N.Z.) Limited	Harvey Norman
193	Foodstuffs South Island Limited	Foodstuffs
196	BP Oil, Mobil Oil New Zealand Limited, Z Energy	BP Oil et al
202	22 The Terrace Timaru Ltd	22 The Terrace
212	Venture Timaru	
215	Te Pūkenga -New Zealand Institute of Skills and Technology trading as Ara Institute of Technology	Te Pūkenga
218	David Walter Hussey & Charlotte Marie Hussey	Hussey, D and C
219	Timaru City Centre Ratepayers Action Group	Timaru TC Ratepayers
223	Timaru Civic Trust	
225	Bidwill Trust Hospital	Bidwill Trust
226	Ryman Healthcare Limited	Ryman
228	Redwood Group	
229	Kāinga Ora - Homes and Communities	Kāinga Ora
230	The Retirement Villages Association of New Zealand Incorporated	RVA

235	Willowridge Developments Ltd	
237	Aitken, Johnston, and RSM Trust	Aitken et al
239	Ara Poutama Aotearoa, The Department of Corrections	Dept. Corrections
242	Woolworths New Zealand Limited	Woolworths
249	Rooney Group Ltd	Rooney Group
250	Rooney Farms Ltd	Rooney Farms
251	Rooney Earthmoving Limited	Rooney Earthmoving
252	Timaru Developments Ltd	TDL

Further Submitters

Submitter Ref	Further Submitter Name	Abbreviation
20	Terrence John O'Neill and Aileen Kathryn O'Neill, C and F Trustees 2006 Ltd	O'Neill et al
30	Chris and Sharon McKnight	McKnight, C and S
31	Karton and Hollamby Group Ltd T/A Stonewood Homes South Canterbury Ltd	Karton and Hollamby Group
51	OSA Properties Ltd	OSA
54	Steve Dale and Anthony Dale	Dale, S and A
60	Milward Finlay Lobb	MFL
89	Dairy Holdings Limited	Dairy Holdings
116	Z Energy	Z Energy
132	New Zealand Agricultural Aviation Association	NZAAA
152	Radio New Zealand	Radio NZ
156	Royal Forest and Bird Protection Society	Forest and Bird
160	David Alexander and Susanne Elizabeth Payne	Payne, D A and S E
165	Fonterra Limited	Fonterra
166	Penny Nelson, Director-General of Conservation, Tumuaki Ahurei	Dir. General Conservation
169	Road Metals Company Limited	Road Metals
170	Fulton Hogan Limited	Fulton Hogan
182	Federated Farmers of New Zealand Inc.	Federated Farmers
183	Environment Canterbury / Canterbury Regional Council	ECan
185	Te Rūnanga o Ngāi Tahu	Te Rūnanga o Ngāi Tahu
193	Foodstuffs South Island Limited	Foodstuffs
228	Redwood Group	Redwood Group
229	Kainga Ora - Homes and Communities	Kainga Ora
245	Horticulture NZ	Hort NZ
247	NZ Pork Industry Board	NZ Pork
252	Timaru Developments Ltd	TDL
261	Davis Ogilvie (Aoraki) Limited	Davis Ogilvie
264	Stephanie Mercer	Mercer, S
265	New Zealand Helicopter Association	NZHA
274	South Pacific Sera Limited	South Pacific Sera
275	John Chapman	Chapman, J
278	Rooney Group Limited, Rooney Holdings Ltd, Rooney Earthmoving Ltd and Rooney Farms Ltd	Rooney Group et al

Abbreviations Used in this Report:

Abbreviation	Full Text
CCZ	City Centre Zone
Council	Timaru District Council
CMUZ	Commercial and Mixed Use Zones
CRPS	Canterbury Regional Policy Statement
GIZ	General Industrial Zone
GRZ	General Residential Zone
LCZ	Local Centre Zone
LFRZ	Large Format Retail Zone
MRZ	Medium Density Residential Zone
MUZ	Mixed Use Zone
NCZ	Neighbourhood Centre Zone
NPSUD	National Policy Statement on Urban Development 2020
NP Standards	National Planning Standards
ODP	Operative Timaru District Plan
PDP	Proposed Timaru District Plan
RESZ	Residential Zones
RLZ	Rural Lifestyle Zone
RMA	Resource Management Act 1991
TCZ	Town Centre Zone

1. Introduction

1.1 Experience and Qualifications

- 1.1.1 My full name is Elizabeth (Liz) Jane White. I am an independent planning consultant, having been self-employed (Liz White Planning) for the last three years. I hold a Master of Resource and Environmental Planning with First Class Honours from Massey University and a Bachelor of Arts with Honours from Canterbury University. I am a full member of the New Zealand Planning Institute.
- 1.1.2 I have over 17 years' planning experience working in both local government and the private sector. My experience includes both regional and district plan development, including the preparation of plan provisions and accompanying s32 evaluation reports, and preparing and presenting s42A reports, as well as providing planning input in Environment Court processes. I also have experience undertaking policy analysis and preparing submissions for clients on various RMA documents. I have been assisting Timaru District Council with their District Plan Review process since 2019, and in relation to this topic, I prepared the initial draft plan change provisions and s32 report for the commercial and mixed use zones; and prepared changes to the draft provisions and s32 report for the residential zones and commercial and mixed use zones following consultation on the draft version of the PDP.
- 1.1.3 Although this is a Council hearing, I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023 and that I have complied with it when preparing this report. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person. Having reviewed the submitters and further submitters relevant to this topic I advise there are no conflicts of interest that would impede me from providing independent advice to the Hearings Panel.

1.2 Purpose and Scope of this Report

- 1.2.1 The purpose of this report is to provide the Hearing Panel with a summary and analysis of the submissions received on this topic and to make recommendations in response to those submissions, to assist the Hearing Panel in evaluating and deciding on the submissions.
- 1.2.2 This report is prepared under s42A of the RMA in relation to Residential and Commercial and Mixed Use Zones in the PDP. It covers the following matters:
- The proposed Residential Zones (RESZ):
 - General Residential Zone (GRZ); and
 - Medium Density Residential Zone (MRZ)
 - PREC1 - Old North Road General Residential Precinct (within GRZ)
 - Gleniti Low Density Residential Specific Control Area (within GRZ)

- The proposed Commercial and Mixed Use Zones (CMUZ):
 - Neighbourhood Centre Zone (NCZ);
 - Local Centre Zone (LCZ);
 - Large Format Retail Zone (LFRZ);
 - Mixed Use Zone (MUZ);
 - Town Centre Zone (TCZ); and
 - City Centre Zone (CCZ).
 - PREC2 - Southern Centre Precinct (within CCZ)
- The application of these zones and precincts to particular areas.
- Definitions relating to the above provisions, including: *Residential Activity*, *Residential Unit*, *Residential Visitor Accommodation* and *Supported Residential Care Activity*, as well as additional definitions sought by submitters which are relevant to this topic.

1.2.3 This report considers the submissions and further submissions that were received in relation to all RESZ and CMUZ zones. It includes recommendations to either retain provisions without amendment, delete, add to or amend the provisions, in response to these submissions. All recommended amendments are shown by way of ~~strikeout~~ and underlining in **Appendix 1** to this Report, or, in relation to mapping, through recommended spatial amendments to the mapping. Footnoted references to the relevant submitter(s) identify the scope for each recommended change.

1.2.4 The analysis and recommendations have been informed by a memorandum on urban design-related matters prepared by Isthmus in relation to specific matters raised in submissions (attached at **Appendix 3**).

1.2.5 The conclusions reached and recommendations made in this report are not binding on the Hearing Panel. It should not be assumed that the Hearing Panel will reach the same conclusions having considered all the information in the submissions and the evidence to be brought before them, by the submitters.

1.3 Procedural Matters

1.3.1 There have been no pre-hearing conferences or expert witness conferencing in relation to submissions on this topic.

1.3.2 In order to better understand matters raised in their submissions, I met with the following submitters:

- Foodstuffs (193) - 15th February 2024
- Te Pūkenga (215) - 27th March 2024
- Harvey Noman (192) - 10th April 2024

2. Topic Overview

2.1 Summary of Relevant Provisions of the PDP

- 2.1.1 This report relates to provisions associated with the residential and commercial and mixed use zones. This section of the report provides a brief summary of the provisions relevant to this topic.

Residential Zones

- 2.1.2 The PDP includes two residential zones: General Residential (GRZ) and Medium Density Residential (MRZ). The MRZ generally reflects the existing Residential 2 Zone. The GRZ generally encompasses those areas zoned Residential 1, 4, 5 and 6 in the ODP, with the provisions relating to the Residential 4 Zone carried forward through the application of a proposed new PREC1 - Old North General Residential Precinct.
- 2.1.3 The GRZ zoning is proposed to be applied to the suburban areas within Timaru, Temuka, Geraldine and Pleasant Point. (Smaller settlements such as Pareora, Peel Forest and Cave are proposed to be zoned Settlement zone and managed under the Rural Chapter.) The provisions are intended to provide for 1-2 storey residential units, with ample space around buildings for plantings and outdoor living areas, and good access to sunlight. Non-residential activities are anticipated where they are compatible and complimentary to the zone's residential focus, and do not detract from the character and qualities of the zone.
- 2.1.4 The MRZ is proposed to be applied to existing residential areas which are located near commercial centres, in Timaru and Geraldine. Many of these areas are already well developed and are characterised by more intensive residential development. The framework anticipates further consolidation and intensification within this zone, including detached and semi-detached houses, terraced housing and low-rise apartments. A greater level of non-residential activities are anticipated, provided they remain compatible with the predominant residential focus.

Commercial and Mixed Use Zones

- 2.1.5 The PDP includes six commercial zones: Neighbourhood Centre Zone (NCZ); Local Centre Zone (LCZ); Large Format Retail Zone (LFRZ); Mixed Use Zone (MUZ); Town Centre Zone (TCZ); and City Centre Zone (CCZ).
- 2.1.6 The NCZ is intended to provide for small-scale commercial activities that primarily serve the convenience needs of the surrounding residential neighbourhood, and is applied to small groups of shops within residential areas of Timaru. It generally applies to the ODP's Commercial 3 Zone areas.
- 2.1.7 The LCZ is intended to provide for the daily and weekly commercial needs of surrounding communities, and is applied to shopping areas within suburban areas of Timaru. It generally applies to the ODP's Commercial 2 Zone areas.

- 2.1.8 The LFRZ applies to the former A & P Showgrounds site, located in the north-east of Timaru township and provides for retail activities that require larger floor or yard areas. It is intended to provide for these activities in an area more suited to this than other commercial centres, while ensuring that development within the zone is managed carefully to avoid undermining the purpose, function and amenity values of the City Centre Zone. It generally applies to the ODP's Commerical 2A Zone.
- 2.1.9 The MUZ applies to the wider commercial area in central Timaru. It is intended to contribute to the overall function of the City Centre Zone as the district's key commercial and civic centre, by providing for a wide range of commercial, residential and community-based activities, while also acknowledging the presence of industrial activities within this area. The MUZ encompasses the ODP's Commercial 1C Zone, and part of the Commerical 1B Zone.
- 2.1.10 The TCZ is proposed to apply to the commercial centres of Geraldine, Pleasant Point and Temuka, providing a focal point for these townships, through a diverse range of commercial and community activities that support residents and their wider rural catchment, as well as providing for visitors. It generally reflects the existing Commercial 1 zones applying to these townships (Commercial 1 (Temuka), Commercial 1 (Geraldine), Commercial 1 (Pleasant Point)).
- 2.1.11 The CCZ applies to the central area of Timaru, recognising its role as the key commercial and civic centre for the District and wider South Canterbury sub-region. The framework is intended to provide for a diverse range of commercial, retail, hospitality, entertainment and residential activities, as well as community facilities. Within the Zone, a precinct is proposed (PREC2 - Southern Centre Precinct) to provide a transition into the Mixed Use Zone, with less emphasis on provision of ground floor retail and more opportunity for a mix of development, including live and work options, where it still maintains the streetscape. The CCZ encompasses the ODP's Commercial 1A Zone, and part of the Commerical 1B Zone.

2.2 Background to Relevant Provisions

- 2.2.1 As with other chapters of the PDP, the review of the CMUZ and RESZ involved identification of issues, community consultation on these via a discussion document, development of provisions through collaboration amongst the Council's technical working group, community feedback on these through the draft Plan, and incorporation of updates responding to these comments reflected in the final PDP.
- 2.2.2 The two key residential issues which the PDP seeks to respond to relate to housing choice and managing non-residential activities in residential zones. In relation to the former, this includes providing for increased residential density and intensification, while ensuring the effects of intensification are appropriately controlled; as well as providing appropriate choices for the district's aging population.
- 2.2.3 The issues relating to commercial areas that the PDP seeks to respond to are the lack of clear articulation of the role and function of each commercial zone; the need to emphasise the

importance of the Timaru central business area as the main centre for the South Canterbury area; and the rationalisation of rules and urban design controls to better encourage reinvestment and redevelopment in these areas, while managing the impact of this on surrounding areas.

3. Overview of Submission and Further Submissions

3.1.1 The full list of submission points addressed in this report are set out in **Appendix 2**. The following table provides a brief summary of the key issues raised in submissions, which are discussed in more detail in the 'Analysis and Evaluation of Submissions' section of this report.

ISSUE NAME	SUMMARY OF ISSUE	POSITION OF SUBMITTERS
Retirement Villages	Whether the PDP provisions provide a sufficiently targeted approach to planning for retirement villages	Opposed to the proposed approach, on the basis that the PDP is inconsistent with Part 2 of the RMA, the provisions are not the most appropriate means of achieving the relevant plan objectives, nor does the planning framework adequately provide for retirement villages taking into account their functional and operational needs and effects. An entirely new suite of provisions is required in all zones that provides for residential activities.
Emergency Service Facilities	Whether the activity status should be permitted in all RESZ and CMUZ	A permitted activity status is required to facilitate new fire stations as FENZ is not a requiring authority.
Building Coverage and Landscaping Requirements	Whether the building coverage and landscaping standards in GRZ and MRZ are too restrictive.	Opposed to proposed standards as being too restrictive and limiting variability in building type. Higher building coverage limits and the removal of minimum landscaping requirements are sought.
Fencing Rules	Whether fencing restrictions are appropriate	Opposed to the fencing controls as being too restrictive and reducing privacy, and seek more permissive controls.
Bidwill Hospital Site	Whether the site should be zoned Special Purpose Hospital Zone	A special purpose zone would better enable the existing facilities to further develop in a manner which is compatible with the surrounding zone environment.
Ara's Timaru Campus	Whether the site should be rezoned Special Purpose Tertiary Education Zone (or alternatively MUZ, but with amended provisions)	A special purpose zone is sought to enable the ongoing operation and development of tertiary education activities, and reflect that the Campus does not display the characteristics of the MRZ, nor represent a small-scale non-residential activity.
Controls applying in LFRZ	Whether the provisions should be amended to better align with the consented development; and to enable additional retail and residential activities within the zone	Opposed to proposed controls applying to LFRZ including staging thresholds, and limitations on residential activities, restaurants and cafes.

Residential activities in the MUZ	Whether residential activities should only be enabled above ground floor level	Consider that residential units should be restricted from locating at ground floor level, so as to allow for retail or other commercial activities at the ground floor level.
Southern Centre Precinct	Whether the Precinct should be removed	Opposed to precinct on the basis that its intent was to encourage ground floor residential uses; however, residential development in other areas may also be appropriate and the approach taken should therefore be the same across the full CCZ.
Pedestrian-focussed controls in CCZ	Where the verandah and active frontage requirements should (or should not) be applied	Some submitters support these controls being applied consistently across the full CCZ. Other submitters seek that the controls are only applied north of George Street.
Requirements for residential activities	Whether additional controls are required for residential units, to manage on-site amenity for occupants	Consider that additional standards are required to manage on-site amenity, including minimum outlook requirements and unit sizes.
Exemptions for emergency service facilities	Whether exemptions to the built form standards are appropriate for towers and poles associated with these facilities	Seeks exemptions to height and height in relation to boundary standards for towers and poles associated with emergency service facilities.
Firefighting requirements	Whether new standards are required for the provision of firefighting water supply	Seeks a new standard be applied to new built form to require connection to a public reticulated water supply, where one is available; or that an alternative and satisfactory water supply be provided to each lot.
Zoning	Whether the zoning of particular properties should be changed	Various submitters are opposed to the proposed zoning of specific sites and areas and request alternate zonings.

4. Relevant Statutory Provisions

4.1.1 The assessment for the PDP includes the matters identified in sections 74-76 of the RMA. This includes whether:

- it is in accordance with the Council's functions (s74(1)(a));
- it is in accordance with Part 2 of the RMA (s74(1)(b));
- it will give effect to any national policy statement or operative regional policy statement (s75(3)(a) and (c));
- the objectives of the proposal are the most appropriate way to achieve the purpose of the RMA (s32(1)(a));
- the provisions within the plan change are the most appropriate way to achieve the objectives of the District Plan (s32(1)(b)).

4.1.2 In addition, assessment of the PDP must also have regard to:

- any proposed regional policy statement, and management plans and strategies prepared under any other Acts (s74(2));
- the extent to which the plan is consistent with the plans of adjacent territorial authorities (s74 (2)(c)); and
- in terms of any proposed rules, the actual or potential effect on the environment of activities including, in particular, any adverse effect.

5. Statutory Instruments

5.1.1 The s32 reports for the Residential Zones and Commercial and Mixed Use Zones set out the statutory requirements and relevant planning context for this topic in more detail. The section below sets out, in summary, the provisions in planning documents that are considered to be particularly relevant.

5.2 National Policy Statement on Urban Development 2020 (NPSUD)

5.2.1 The NPSUD is particularly relevant to this topic as it provides direction relating to urban environments. Under the NPSUD, Timaru is considered to be a Tier 3 urban authority, and while strongly encouraged to do those things which Tier 1 and 2 authorities are required to do (under Clause 1.5), not all provisions in the NPSUD are mandatory for the PDP. Broadly, the NPSUD seeks that urban environments are well-functioning, integrated with infrastructure, and directs that a minimum amount of housing and business capacity is provided, relative to anticipated demand. Key direction to be given effect to in the District Plan includes:

- Ensuring the urban environment is a well-functioning one, that enables all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future (Objective 1)
- Enabling more people to live in, and more business and community services to be located in, areas of an urban environment which are in or near a centre zone, or other areas with many employment opportunities (Objective 3).
- Providing for urban environments, including amenity values, to develop and change over time in response to changing needs (Objective 4 and Policy 6).
- Ensuring the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) are taken into account, including involvement of hapū and iwi in the preparation of the PDP, and taking into account their values and aspirations for urban development (Objective 5 and Policy 9).
- Ensuring that planning decisions contribute to well-functioning urban environments, including that they have or enable a variety of homes that meet the needs of different households (Policy 1).
- Enabling heights and density of urban form commensurate with the level of accessibility by existing or planned active or public transport to a range of commercial

activities and community services; or relative demand for housing and business use in that location (Policy 5).

- That the objectives for urban zones describe the development outcomes intended for the zone over the life of the plan and beyond (clause 3.35).

5.3 Canterbury Regional Policy Statement (CRPS)

5.3.1 Chapter 5 of the CRPS is particularly relevant to this topic, as it provides direction in relation to land-use and infrastructure. It directs that development is located and designed so that it functions in a way that: achieves consolidated, well designed and sustainable growth focussed primarily in and around existing urban areas; and provides sufficient housing choice to meet housing needs (Objective 5.2.1). Growth patterns must also: encourage housing choice, be of a character and form that supports urban consolidation, within urban areas; promote energy efficiency in urban forms; maintain and enhance the sense of identity and character of urban areas; and encourage high quality urban design, including the maintenance and enhancement of amenity values (Policy 5.3.1).

5.4 National Planning Standards

5.4.1 These Standards direct the zones that can be used in the District Plan, and include a description of each zone, which district plan provisions must be aligned with. All proposed RESZ and CMUZ are taken from the options in the Planning Standards. The Standards also set out the spatial layers that can be used within the District Plan. These allow for the use of zones, as well as overlays, precincts, specific controls and development areas. Within this topic, two precincts and one specific control area are proposed.

6. Analysis and Evaluation of Submissions

6.1 Approach to Analysis

6.1.1 The approach taken in this report is to largely undertake the assessment on a zone-by-zone basis, by groups of provisions (e.g. objectives, policies, rules and standards). In some cases, submissions that relate to several provisions across a zone chapter are addressed first. Finally, there are some submission points that have been made across multiple chapters, but which relate to the same matter. These are addressed at the end of the report, along with submission relating to definitions and rezoning requests.

6.1.2 The assessment of submissions generally follows the following format:

- A brief summary of the relevant submission points.
- An analysis of those submission points.
- Recommendations, including any amendments to plan provisions and the related assessment under s32AA.

- 6.1.3 With respect to rezoning requests, the analysis of each rezoning sought is set out immediately following the summary of the request.
- 6.1.4 Clause 10(2)(b), Schedule 1 of the RMA provides for consequential changes arising from the submissions to be made where necessary, as well as any other matter relevant to the PDP arising from submissions. Consequential changes recommended under clause 10(2)(b) are footnoted as such.
- 6.1.5 Clause 16(2), Schedule 1 of the RMA allows a local authority to make an amendment to a proposed plan without using a Schedule 1 process, where such an alteration is of minor effect, or may correct any minor errors. Any changes recommended under clause 16(2) are footnoted as such.
- 6.1.6 Further submissions have been considered in the preparation of this report, but in general, they are not specifically mentioned because they are limited to the matters raised in original submissions and therefore the subject matter is canvassed in the analysis of the original submission. Further submissions may however be mentioned where they raise a valid matter not addressed in an original submission. Further submissions are not listed within Appendix 2. Instead, recommendations on the primary submissions indicate whether a further submission is accepted or rejected as follows:
- Where a further submission supports a primary submission and the primary submission is recommended to be accepted, or where a further submission opposes a primary submission and the primary submission is recommended to be rejected, the further submission is recommended to be accepted.
 - Where a further submission supports a primary submission and the primary submission is recommended to be rejected, or where a further submission opposes a primary submission and the primary submission recommended to be accepted, the further submission is recommended to be rejected.
 - Where a further submission supports or opposes a primary submission and the primary submission is recommended to be accepted in part, then the further submission is recommended to be accepted in part.

6.2 Provisions where no Change Sought

- 6.2.1 The following provisions included within the RESZ and CMUZ Chapters were either not submitted on, or any submissions received sought their retention. As such, they are not assessed further in this report, and I recommend that the provisions are retained as notified (unless a cl 10(2)(b) or cl 16(2) change is recommended):
- Definitions for residential activity and residential unit.
 - GRZ – GRZ-R1, GRZ-R2, GRZ-R3, GRZ-R4, GRZ-R7, GRZ-R8, GRZ-R13, GRZ-R15, GRZ-R16, GRZ-R17, GRZ-R20, GRZ-S4, GRZ-S7, GRZ-S11, PREC1-O2, PREC1-P2, PREC1-R2, PREC1-S1, PREC1-S2, PREC1-S3.

- MRZ – MRZ-P2, MRZ-P3, MRZ-R1, MRZ-R3, MRZ-R6, MRZ-R7, MRZ-R8, MRZ-R13, MRZ-R16, MRZ-R18, MRZ-S8.
- NCZ – NCZ-P1, NCZ-P3, NCZ-R2, NCZ-R4, NCZ-S3, NCZ-S4, NCZ-S6.
- LCZ – LCZ-O2, LCZ-P2, LCZ-P4, LCZ-P5, LCZ-P6, LCZ-R1, LCZ-R2, LCZ-R4, LCZ-R5, LCZ-S3.
- MUZ – MUZ-P1, MUZ-P2, MUZ-P5, MUZ-R3, MUZ-R4, MUZ-R6, MUZ-R9, MUZ-S1.
- TCZ – TCZ-O3, TCZ-P3, TCZ-R1, TCZ-R2, TCZ-R3, TCZ-R4, TCZ-R5, TCZ-R7, TCZ-R9, TCZ-R10, TCZ-S3, TCZ-S5, TCZ-S6.
- CCZ – CCZ-P3, CCZ-P5, CCZ-R1, CCZ-R2, CCZ-R3, CCZ-R8, CCZ-R9, CCZ-R10, CCZ-S1, CCZ-S2.

6.2.2 Various submitters also supported the commercial zoning proposed for various properties (Z Energy (116.14, 116.20, 116.21, 116.31); Harvey Norman (192.2); 22 The Terrace (202.1); Redwood Group (228.2); Aitken et al (237.6, 237.7, 237.8); Woolworths (242.2, 242.3, 242.4, 242.5)). As no submissions have sought changes to the zoning of these properties, I recommend the notified zoning is retained.

6.3 Broad Submissions

6.3.1 This section of the report addresses submission points that are relevant to several of the RESZ and CMUZ chapters but relate to the same underlying matter.

6.3.2 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in Appendix 2:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
MoE	106.1
ECan	183.1, 183.4
Venture Timaru	212.2
Timaru TC Ratepayers	219.1
Timaru Civic Trust	223.1
Woolworths	242.1

Submissions

6.3.3 MoE [106.1] raises concerns that the various rezonings proposed in the PDP have the potential to impact on the capacity of educational facilities, and notes that the NPSUD obligates the Council to ensure sufficient additional infrastructure (which includes schools) is provided in urban growth and development. It states that “...educational facilities within several zones is relatively prohibitive, with educational facilities being noncomplying activities or subject to unnecessarily restrictive activity standards.” The submitter requests enabling provisions for educational facilities to achieve NPSUD, Policy 10 & 3.5 of Subpart 1 of Part 3.

- 6.3.4 ECan [183.1] is concerned that various rules in the PDP use variable terminology to define floor areas of buildings, often with the term undefined, so that it is not clear what is being measured. The submitter considers that it is necessary to review all references to size of buildings and consider whether a clear definition is required linking development to either the "building footprint" or "gross floor area", which are defined National Planning Standard terms, and then create exclusions from those terms within the rules if necessary.
- 6.3.5 ECan [183.4] seeks that references to the height of buildings across the PDP are reviewed, to ensure that height is measured from ground level, with consistent expression of height rules. It is concerned that across the PDP, references to "height" of buildings or structures do not make reference to where height is measured from.
- 6.3.6 Venture Timaru [212.2] requests that diversity of housing provision is encouraged by council within their enabling and regulatory environment when either in-fill or new residential developments are progressed. The submitter supports the PDP's encouragement of housing diversity, but considers that in or near the city, apartment and townhouse development should be further enabled.
- 6.3.7 Timaru TC Ratepayers [219.1] and Timaru Civic Trust [223.1] note that the naming of commercial zones have been changed in the PDP from those in the ODP, and the variation in the zoning in the central area of Timaru rationalised. They state that the changes are not well illustrated in the PDP and considers the summary information is inadequate. They request that property owners are provided with a comparison of how they will be affected by the changes.
- 6.3.8 Woolworths [242.1] notes that the PDP has taken a centres-based approach, and while supportive of the centres hierarchy, is concerned that the proposed approach is not adaptive nor responsive to evolving supermarket retailing. At a broad level, they consider supermarkets should be permitted in all centre zones, restricted discretionary in the MUZ, and discretionary in the GRZ. They are also concerned that the PDP approach would limit future re-zoning of land for a commercial and mixed use purpose and result in an insufficient land supply. As such, if the general approach is retained, they seek the PDP is amended to establish parameters to be applied in the consenting process for what can be considered "appropriate out-of-centre activity".

Analysis

- 6.3.9 I note that MoE have also made specific submissions in relation to how educational facilities are managed in the zone chapters which this report addresses. I have therefore considered the more specific submission points in each of the relevant sections in this report. At a broad level, I disagree that the approach taken in the RESZ and CMUZ chapters is "*relatively prohibitive*". While I accept that there is a resource consent requirement for educational facilities in many zones, as set out further in respect of each specific zone, there is a policy pathway for these types of activities, allowing for the specific effects of these activities to be

considered on a case-by-case basis. I do not consider the policy direction to be difficult to achieve and therefore do not consider that the approach taken is prohibitive.

- 6.3.10 With respect to floor areas of buildings, I have reviewed the standards in each of the RESZ chapters¹, noting that there are no standards relating to the size of building footprints or limiting building coverage in the CMUZ chapters. I am satisfied that these standards each use clearly defined terms (“building coverage” and “gross floor area”), but with respect to GRZ-S5 and MRZ-S5, the standard itself repeats the definition (by reference in the standards to the “net site area” – despite this being within the definition of “building coverage” already). I consider this to be unnecessary and therefore recommend removal of reference to net site area from within the standard.
- 6.3.11 With respect to height standards, I have reviewed the relevant standards in each of the RESZ and CMUZ chapters², and note that these all set out a height limit to be measured from ground level. I therefore do not consider that any changes are required to these chapters in response to ECan’s submission on this point.
- 6.3.12 With respect to housing provision, I note that the CCZ provides for new residential development above the ground floor level, to contribute to the viability and vibrancy of the Zone, while maintaining the continuity of commercial activities along ground level street frontages. Residential activities are also provided for in the MUZ, which is the area surrounding the CCZ. The residential zone adjoining this area is the MRZ, where residential development is anticipated at higher densities. I consider that adequate provision has therefore already been made for housing in these zones, and I do not consider that any changes are required in response to this submission point.
- 6.3.13 In terms of the changes to commercial zones, I note that these are summarised in the s32 report.³ In particular, this sets out where the PDP zones are applied, and provides a summary comparison of the rule framework for each zone between the ODP and the PDP. I do not consider that it is appropriate for changes between the ODP and PDP to be set out in the PDP itself, as the PDP is forward looking.
- 6.3.14 With respect to supermarkets, I note that the submitter has made more specific submission points in relation to the RESZ and CMUZ chapters, which are addressed in the relevant sections of this report. With respect to the broader PDP approach which they are concerned would limit future re-zoning of land for commercial and mixed use purpose, I consider this is best considered through the Infrastructure, Subdivision and Growth topic, which is scheduled for Hearing E.

¹ GRZ-S5, GRZ-S6, MRZ-S5

² GRZ-S1, MRZ-S1, NCZ-S1, LCZ-S1, LFRZ-S1, MUZ-S1, TCZ-S1, CCZ-S1

³ https://www.timaru.govt.nz/__data/assets/pdf_file/0009/668700/30-Section-32-Commercial-and-Mixed-Use-Zones.pdf

Conclusions and Recommendations

6.3.15 I recommend that GRZ-S5.1 and MRZ-S5 are amended as follows:

The building coverage of the net site area of any site must not exceed 40% / 50%.

6.3.16 I otherwise do not recommend any changes in relation to these broad submission points; however I note that in subsequent sections of this report I recommend changes to specific provisions that may, to some extent, address the broader concerns expressed by these submitters.

6.4 General Residential Zone – Objectives and Policies

6.4.1 This section considers all GRZ objectives and policies, except GRZ-P3, which is addressed in a separate section below.

6.4.2 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in Appendix 2:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
MOE	106.18
FENZ	131.17
Waka Kotahi	143.133, 143.134
Transpower	159.92, 159.93
Broughs Gully	167.18, 167.19, 167.20
Kāinga Ora	229.62, 229.63, 229.64, 229.65, 229.67, 229.68
Dept. Corrections	239.18, 239.19

Submissions

6.4.3 Broughs Gully [167.18, 167.19] supports both GRZ-O1 and GRZ-O2. Dept. Corrections [239.18] supports GRZ-O1. Kāinga Ora [229.62] supports the intent of GRZ-O1, but suggests minor amendments that are intended to reinforce the primary purpose of the zone as being a residential environment. These include referring to residential activities being provided “via” a mix of housing typologies, and amending the reference to other complimentary activities to “enabling” their establishment within the Zone “where appropriate”. Kāinga Ora [229.63] seeks that clauses 3 and 4 of GRZ-O2 are deleted, which relate to provision for onsite outdoor living space and ample space around buildings, stating that they oppose those aspects of the objective that seek to retain a lower density built form. It seeks that this is replaced by clauses referring to “a mix of housing typologies” and “a sufficient level of landscaping and outdoor living space around buildings”. The submission considers that space around buildings can be assessed on a case by case scenario and the provision of outdoor space on residential sites, may limit the achievable residential yield in some cases, where houses are severely needed.

Further, it seeks that sites with greater density are enabled, through enabling multiple units on sites.

- 6.4.4 Dept. Corrections [239.19] support GRZ-P1. Broughs Gully [167.20] also supports GRZ-P1 but notes that there is a typo in clause 2(a). Kāinga Ora [229.64] seeks that clause 2.b. is deleted, which refers to outdoor living areas providing ample opportunity for outdoor living, tree and garden planting; and clause 4 is amended to refer to ample “*landscaping and planting*” around buildings, to “*provide residential and streetscape amenity, and privacy to neighbouring dwellings*”, rather than maintaining the character and qualities of the zone. This is sought to more practically provide for greater residential density opportunities, while also providing for important values for sites and neighbours.
- 6.4.5 Kāinga Ora [229.65] supports GRZ-P2. MOE [106.18] seeks that “small-scale” is removed from GRZ-P2, as they consider this is unnecessarily restrictive and cannot be quantified through a definition. Waka Kotahi [143.133] seeks that clause 3 is amended so that it does not refer to adverse effects “*on the amenity values of adjoining sites*” arising from the movement of people and vehicles, as they consider there are adverse effects from these movements beyond effects on amenity values and consider broader effects should be considered.
- 6.4.6 Kāinga Ora [229.67] supports GRZ-P4. FENZ [131.17] seek that clause 1 of GRZ-P4 is extended to refer to the health and safety, as well as wellbeing, of residents in the area, stating that emergency services facilities should be included in this objective as fire stations are an integral part of the urban environment and provide for the health, safety and wellbeing of people.
- 6.4.7 Transpower [159.92] seeks that GRZ-P4 is amended to refer in clause 1 to operational needs as well as functional needs; clause 2 is extended to direct that effects are avoided or minimised “*to the extent practicable*”; and clause 3 amended to exempt its application to regionally significant infrastructure. These changes are sought to reflect that the technical needs of the National Grid mean that its adverse effects cannot only be minimised, and to ensure a pathway is provided at a policy level for the operation, maintenance, upgrade and development of the National Grid in all zones.
- 6.4.8 Kāinga Ora [229.68] seeks that GRZ-P5, which relates to incompatible activities, is amended so that it directs avoidance of activities that are likely to be inconsistent or incompatible with the character, qualities and purpose of the GRZ in all instances. It states the amendments sought are to enable greater flexibility in the assessment of non-residential activities in the Zone, where they are likely to have more notable effects on both the purpose of the Zone, and on new or existing residential activities. Waka Kotahi [143.134] seeks that clause 1 of GRZ-P5 is amended to refer to adverse effects on the safety of the transport network, as they consider that these effects should be considered. Transpower [159.93] seeks that clause 3 is amended to refer to consistency with GRZ-P4, rather than compliance.

Analysis

- 6.4.9 I agree with the minor amendment to GRZ-O1 to refer to residential activities being provided “via” a mix of housing typologies. However I do not agree with the other changes, because I consider the use of “enabling”, being an action, is more appropriately located at the policy level. At the objective level I consider it clear that residential activities are to take primacy, with other activities anticipated where they are both complimentary to the primary residential purposes and they support the wellbeing of residents.
- 6.4.10 I do not consider the additional clause referring to a “*mix of housing typologies*” is required in GRZ-O2, because this is included in GRZ-O1, and clause 2 of GRZ-O2 also refers to the types of built form anticipated. Similarly, I do not agree with referring to sufficient levels of landscaping in a new clause, because clause 5 already refers to sites incorporating plantings. I consider it appropriate to delete reference to provision of ample space around buildings, because while I broadly consider it is an aspect of built form that is anticipated in this particular residential zone, I consider that this is more an outcome that arises from other factors, namely low to moderate building site coverage (addressed in clause 1); incorporation of plantings (clause 5); provision of sunlight access (clause 6) and privacy between properties (clause 7). I agree with the submitter that the wording of clause 4 could be improved by referring to “sufficient” outdoor living space.
- 6.4.11 I agree with amending GRZ-P1 to correct the typo in clause 2(a). I agree with deleting reference to tree and garden planting clause 2.b., because outdoor living areas are intended to provide outdoor spaces for occupants of residential units, rather than these areas being for trees and garden planting. I also agree with amending clause 4 to also refer to landscaping around buildings, as I consider that this better aligns with GRZ-O2.5. However, I consider reference to open space is also required to assist in achieving GRZ-O2.1. I also prefer reference to maintaining the character and qualities of the zone as these are clearly set out in GRZ-O2. I note in any case that privacy is already referred to in clause 3(b).
- 6.4.12 In my view, removing “small-scale” from GRZ-P2 would not be consistent with GRZ-O1, which seeks primacy of residential activities. Enabling non-residential activities of any scale would therefore undermine the residential focus. I agree with amending clause 3 of GRZ-P2, so that it relates more generally to adverse effects arising from people and vehicle movements, as sought by Waka Kotahi. However, I have suggested wording to do this which rationalises this clause further and improves its readability.
- 6.4.13 I am comfortable with expanding clause 1 of GRZ-P4 to refer to the health and safety, as this reflects the wording in the purpose of the RMA which refers to enabling people and communities to provide for their well-being, and for their health and safety. In the context of this policy, the wording provides direction as to the circumstances in which activities that are not otherwise covered by another policy are to be allowed in the GRZ and I consider it appropriate that it relates to activities that support health and safety, and well as those supporting wellbeing.

- 6.4.14 I also agree with adding reference to operational needs. This is because while functional needs and operational needs are similar, and relate to the need for an activity to traverse, locate or operate in a particular place, functional need relates to this being because an activity can only occur in that place, whereas operational needs relates to this being because of technical, logistical or operational characteristics or constraints. I consider the latter is likely to be of more relevance to the activities managed under GRZ-P4, because it applies to non-residential activities, which may have technical, logistical or operational reasons for needing to be located in the GRZ. I do not agree with limiting the direction in clause 2 so that avoidance or minimisation is only required “to the extent practicable”. I consider that reference to minimisation already sufficiently acknowledges that some adverse effects may result. I also do not consider that GRZ-P4 needs to be amended in relation to regionally significant infrastructure, because the policy framework applying to such infrastructure is contained in the Energy and Infrastructure chapter, which applies instead of the zone provisions where infrastructure is concerned.
- 6.4.15 I agree with deleting the clauses in GRZ-P5, as sought by Kāinga Ora. For completeness, I note that it has sought deletion of clauses of similar “avoid” policies, which I have not agreed with, but in those instances, the policy direction related to a particular activity, whereas in this instance, the direction does not relate directly to a particular activity, but rather to the characteristics of particular activities. The concern I noted in other instances in this report about effectively prohibiting a particular activity therefore does not apply here. I agree with the deletion because I consider that the criteria set out in the subsequent clauses are already covered by the stem of the policy in any case – i.e. an activity that meets the clauses is not likely to be incompatible or inconsistent with the character, qualities and purpose of the GRZ in any case.
- 6.4.16 For completeness I note that if the clauses are retained, then I agree that clause 3 should refer to consistency with, rather than compliance with GRZ-P4, as this better reflects the nature of GRZ-P4 as a policy, whereas compliance is more usually used in the context of a rule. I do not consider clause 1 should refer to the transport network, as I consider the direction to have no adverse effects on the safety of the transport network to be beyond what is necessary to achieve the transport outcomes sought in the Plan.

Conclusions and Recommendations

- 6.4.17 I recommend that GRZ-O1 is amended as follows:

The General Residential Zone primarily provides for residential activities, via a mix of housing types, along with other complimentary activities that support the wellbeing of residents.

- 6.4.18 I recommend that GRZ-O2 is amended as follows:

The character and qualities of the General Residential Zone comprise:

- 1. a low to moderate building site coverage; and*
- 2. a built form of single and two-storey attached or detached buildings; and*
- 3. ~~ample space around buildings; and~~*

4. ~~provision for a sufficient level of on-site outdoor living space areas;~~ and
5. ~~sites that incorporate plantings;~~ and
6. ~~a good level of sunlight access;~~ and
7. ~~a good level of privacy between properties.~~

6.4.19 I consider that the changes recommended are minor, and intended to improve the drafting of the objectives without altering their general intent. Therefore, the original s32 evaluation still applies.

6.4.20 I recommend that GRZ-P1 is amended as follows:

Enable residential activities and a wide range of residential unit types and sizes where:

1. *they are compatible with the character and qualities of the General Residential Zone;*
and
2. *outdoor living areas:*
 - a. *are directly ~~assessable~~ accessible from the residential unit and have access to sunlight; and*
 - b. *provide ample opportunity for outdoor living, ~~tree and garden planting;~~ and*
3. *residential units and accessory buildings are located to:*
 - a. *take advantage of sunlight; and*
 - b. *ensure the shading and privacy of adjoining sites is not unreasonably compromised;*
and
4. *ample open space and landscaping is provided around buildings ~~that to~~ maintains the character and qualities of the zone.*

6.4.21 I recommend that GRZ-P2 is amended as follows:

Enable home business, small-scale non-residential activities where:

- ...3. *~~they do not result in adverse effects on the amenity values of adjoining sites arising from the movement of people and vehicles associated with the activity that cannot be are mitigated; and;~~*

6.4.22 I recommend that GRZ-P4 is amended as follows:

Only allow other non-residential activities and buildings where:

1. *they support the health, safety and wellbeing of residents in the area, or have a functional need or operational need to locate in the zone; and...*

6.4.23 I recommend that GRZ-P5 is amended as follows:

Avoid activities that are likely to be incompatible or inconsistent with the character, qualities and purpose of the General Residential Zone, ~~unless:~~

1. ~~*the activity is such a small scale that it will not have any adverse effects on residential amenity; or*~~
2. ~~*the site adjoins a zone that permits that activity and the activity will not have any adverse effects on residential amenity; or*~~
3. ~~*GRZ-P4 is complied with.*~~

6.4.24 In terms of s32AA, I consider that the changes recommended are minor, and intended to improve the drafting of the policies, and better align with both the outcomes sought at the objective level, as well as how they are implemented through the rules, without altering their

general intent. As such, I consider that the changes will improve both the efficiency and effectiveness of these provisions at achieving the outcomes sought.

6.5 Retirement Villages

6.5.1 This section of the report addresses submissions which relate to the provisions applied to retirement villages.

6.5.2 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in Appendix 2:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Ryman	226.1
Kāinga Ora	229.66, 229.74, 229.93, 229.103
RVA	230.1, 230.2, 230.3, 230.4, 230.5, 230.6, 230.7, 230.8, 230.9, 230.10, 230.11, 230.12, 230.13, 230.22

Submissions

6.5.3 At a broad level, RVA [230.1, 230.2, 230.22] considers that the PDP provisions should provide a consistent, targeted approach to planning for retirement villages and recognise that aspects of retirement village activities differ from typical residential activities. They consider that the PDP as it relates to retirement villages are inconsistent with Part 2 of the RMA in a number of ways, and that the provisions are not the most appropriate means of achieving the relevant plan objectives, nor does the planning framework adequately provide for retirement villages taking into account their functional and operational needs and effects. They seek that an entirely new suite of provisions is provided in all zones that provides for residential activities.

6.5.4 More specifically, RVA oppose GRZ-O2 [230.5], GRZ-P1 [230.6], MRZ-O2 [230.7] and MRZ-P1 [230.8] in relation to retirement villages within these two zones, as they consider the one to two storey buildings specified in the objective (GRZ-O2) and two to three storey buildings specified in MRZ-O2, does not align with the intended outcomes of the NPSUD or the policy framework within the Enabling Housing Act, hence considers specific objectives and policies are needed to address the NPSUD and enable the provision of retirement housing and care options in the District.

6.5.5 They also oppose GRZ-P3 [230.3] and MRZ-P5 which are specific to retirement villages, as while they support recognition of the benefits of, and provision for, retirement villages, they oppose the direction to maintain character, qualities and amenity values of the zone, on the basis that this approach does not recognise the functional and operational needs of retirement villages.

6.5.6 Instead of the above provisions, RVA seek the inclusion of the following objective [230.9] and policies [230.10] into the PDP, repeated across all zones that provide for residential activities:

O# Aging Population

Recognise and enable the housing and care needs of the aging population.

P# - Changing Communities

To provide for the diverse and changing residential needs of communities, recognise that the existing character and amenity of the zone will change over time to enable a variety of housing types with a mix of densities.

P# Larger Sites

Recognise the intensification opportunities provided by larger sites within the medium density residential zone by providing for more efficient use of those sites.

P# - Provision of housing for an ageing population

1. Provide for a diverse range of housing and care options that are suitable for the particular needs and characteristics of older persons in the medium density residential zone, such as retirement villages.
2. Recognise the functional and operational needs of retirement villages, including that they:
 - a. May require greater density than the planned urban built character to enable efficient provision of services.
 - b. Have unique layout and internal amenity needs to cater for the requirements of residents as they age.

P# Role of density standards

Enable the density standards to be utilised as a baseline for the assessment of effects of developments.

- 6.5.7 Kāinga Ora [229.66] seeks amendments to GRZ-P3 to ensure that retirement villages are appropriately designed and development to reflect the primary purpose of the Zone is for residential activities and enjoyment. Changes sought include removing reference to the “benefits of” RVs; adding reference to “planned” character; and addition of a clause: “*the facilities are designed and developed to protect the amenity, privacy and general enjoyment of neighbouring residential activities*”.
- 6.5.8 Kāinga Ora [229.93] seeks that an additional clause is added to MRZ-P5, directing that effects on neighbouring properties are appropriately avoided, remedied or mitigated; and that clause 1 is amended to refer to the “planned” character. RVA [230.4] supports the policy to the extent that it seeks to recognise the benefits of, and provide for retirement villages, but opposes the requirement in clause 1 to maintain the character, qualities and amenity values of the zone, stating that this does not recognise the functional and operational needs of retirement villages.
- 6.5.9 RVA [230.11, 230.12, 230.13] seek that GRZ-R11 and MRZ-R12 are deleted and replaced with a new rule set. While supportive in principle of the inclusion of retirement village specific rules with a permitted or restricted discretionary status, it considers that the matters of discretion should be guided by the Enabling Housing Act. In addition, it considers public notification should be precluded and limited notification should be restricted for retirement villages. The full rule suite is set out in the submission and for brevity is not repeated here. My

understanding of the rule set is that it would provide a permitted activity status for the activity of retirement villages (but not their construction); and a restricted discretionary activity status for the construction of any buildings for a retirement village. The assessment matters refer to effects arising from a breach of any specified standards; and the effects of the village on the safety of, and quality of interface with, adjacent streets or public open spaces. Preclusion of public notification is also sought, as is limited notification except in relation to a breach of particular standards.

- 6.5.10 For completeness I note that Ryman [226.1] supports the RVA submission and seeks the same relief as set out in the RVA submission.
- 6.5.11 Kāinga Ora [229.74] seeks that GRZ-R11 is amended to apply a restricted discretionary (rather than controlled) activity status to Retirement villages, so that these activities are treated the same as any new residential development. Minor changes are also sought to correct reference to zone standards which are applicable and to require compliance with GRZ-S8 (relating to outdoor living space). Changes are also sought to the matters of discretion in both GRZ-R11 and MRZ-R12 [229.103] to refer to the planned character of the surrounding zone, with an additional criterion added in relation to consideration of adverse effects on surrounding residential activities.

Analysis

- 6.5.12 Section 77G of the RMA directs that relevant residential zones of a “*specified territorial authority*” must incorporate the MDRS provisions set out in Schedule 3A of the RMA. Tier 1 territorial authorities are automatically specified, but the requirements in relation to MDRS only apply to Tier 3 authorities, of which Timaru is one, when they are required by regulations made under section 80K(1) to prepare and notify an IPI. This has not occurred. Therefore, it is not mandatory for Timaru to apply the MDRS. In my view, it is not appropriate to automatically apply the MDRS provisions to the MRZ without considering their appropriateness in the Timaru context. With respect to the NPSUD, I note that it directs that planning decisions contribute to well-functioning urban environments, which include having or enabling a variety of homes (Policy 1). It also directs that district plans enable heights and densities commensurate with the greater of the level of accessibility by existing or planned active or public transport to a range of commercial activities and community services; or relative demand for housing and business use in that location (Policy 3). I consider the anticipated one-to-two storey heights enabled in the GRZ are consistent with the level of accessibility of these areas to commercial areas (being located in smaller townships, or further from the main commercial areas in Timaru and Geraldine) and relative to demand for housing and business use within the district. I therefore disagree that the outcomes expressed in GRZ-O2 are inconsistent with the NPSUD. Similarly, I consider that the height and density of development sought in MRZ-O2 aligns with its close proximity to commercial activities and reflects the level of demand within this district for some more intensive residential development.
- 6.5.13 With respect to the alternate objective sought, I note that this is drafted as a policy (the action of recognising and enabling) and not an objective (setting out the outcome sought). I also

consider that the existing objectives for each zone are more appropriate in achieving the purpose of the RMA, as they clearly set out the purpose of each zone, and the character and qualities that are anticipated at a broad level, rather than only focusing on a particular portion of the population.

- 6.5.14 With respect to the alternate policies sought, I do not consider that any of these are necessary, or more appropriate to achieve the outcomes sought in this Plan. With respect to the 'changing communities' policy, the objectives for each zone clearly set out the purpose of each zone, and the character and qualities that are anticipated; these already acknowledge change that is anticipated over time from the existing character and amenity, but provide clearer direction about exactly what these changes are. With respect to the 'larger sites' policy, I am unclear how the policy would be implemented, as I do not consider that the rule framework in any case precludes the efficient use of larger sites. In terms of the 'provision of housing for an ageing population', GRZ-O1 and MRZ-O1 already refers to a mix /range of housing types, and GRZ-P1 and MRZ-P1 similarly refers to a wide / diverse range of residential unit types and sizes. I do not consider that there is a need in any of these (or in a replacement policy) to "single out" retirement villages further, given GRZ-P3 and MRZ-P5 already provides specific policy direction for such villages. With respect to the wording of the submitter's policy, I note that it focuses only on recognising the functional and operational needs of retirement villages, but does not otherwise provide direction around how this type of activity is to be managed. I therefore support retaining GRZ-P3 and MRZ-P5 in broad terms. In terms of the sub-clauses proposed by the submitter, I do not consider there is a need refer to greater density, as this is not proposed to be restricted under the PDP. I consider the second sub-clause is already included in GRZ-P3.2/MRZ-P5.2. I do however recommend that reference to providing a diverse range of housing and care options for older persons is included in the chapeau of each policy (being the key benefit the PDP is aimed at recognising); and that recognition of functional and operational needs is included in clause 1. I do not agree with inclusion of the 'role of density standards' policy, as this simply seeks to restate well-established case law on application of the permitted baseline, and in my view does not add value to the PDP.
- 6.5.15 I do not agree with removing reference to the "benefits of" RVs in GRZ-P3, as if this is removed, it is not clear what is being "recognised".
- 6.5.16 With respect to both GRZ-P3 and MRZ-P5, I consider it appropriate to be clear that it is the character, qualities and amenity values that are set out and anticipated through the MRZ framework, rather than those which may currently exist. However, my preference is refer to "anticipated" rather than "planned" character, for consistency with wording used elsewhere (e.g. MRZ-P4).
- 6.5.17 I do not consider that the additional clauses sought by Kāinga Ora are necessary, because they are already encompassed in clause 1 in both policies – with reference back to the character, qualities and amenity values of the surrounding areas, which in turn are set out in GRZ-O2 and MRZ-O2. I do not agree with removing this direction from the policy, as this would not assist in achieving MRZ-O2, and it is not clear how the functional and operational needs of

retirement villages would conflict with this. Rather, I consider that maintenance of the character, qualities and amenity values which are anticipated can be achieved at the same time as functional and operational needs are met.

- 6.5.18 With respect to activity status, the key advantage of a controlled activity status is that it provides greater certainty that this type of activity is anticipated in this zone, as a consent could not be declined. However, I tend to agree with Kāinga Ora that applying a restricted discretionary status to two or more residential units per site (even when they meet built form standards) but then allowing for a much larger retirement village complex as a controlled activity is inequitable. I also note that within the MRZ, the proposed activity status is also restricted discretionary (MRZ-R12). I therefore consider the same activity status should apply to both and therefore agree with amending GRZ-R11 to be restricted discretionary. This is also the same activity status sought by RVA.
- 6.5.19 I do not consider that an additional permitted activity rule is required for ‘retirement villages, excluding the construction of buildings’. The activity undertaken once these are established is residential activity, and this is already included in GRZ-R1 and MRZ-R1.
- 6.5.20 With respect to PER-1 in GRZ-R11, I note there is a typo in referring to the standards that must be complied with (“25584” is listed). I consider this should be to GRZ-S3, which applies a road boundary setback, as I consider this should equally be applied to buildings associated with a retirement village, as it is to other types of residential buildings. I do not consider that GRZ-S8 should be applied, as outdoor living space may be provided on a communal basis and can be considered through matter of control #3 (on-site amenity for residents).
- 6.5.21 With respect to assessment matters, I agree in principle with referring to the character that is expected in the zone, rather than that which may currently exist, as sought by Kāinga Ora. For consistency with the wording used in the policies, I recommend the term “anticipated” is used rather than “planned”. However I consider it more appropriate to retain reference to the character, qualities and amenity values of the surrounding area (not to the zone), as where a village is located adjacent to another zone, I consider the outcomes sought in relation to the adjoining zone are relevant considerations. I do not consider that an additional criterion in relation to surrounding residential activities is necessary, because I consider this is covered already in matter 2.
- 6.5.22 With respect to the assessment matters proposed by RVA, I note these largely relate to breach of the proposed standards. I consider that the drafting proposed is inconsistent with the drafting used across the Plan, where the standards any particular activity is required to comply with are set out in the rule, and non-compliance with that standard is then set out in the standard. This ensures that the matters considered when the standard is breached are consistently applied, rather than having a variation for any activity. This also applies to notification clauses, where I consider it would be inequitable for notification to be precluded for breaches of standards where they apply to a particular activity only. The two standards additional to these relate to the effects of the village on the safety of, and quality of the

interface with, adjacent streets or public open spaces. While I consider these are already broadly covered in the existing matter of discretion 3., I do see benefit in adding these additional matters, and allowing for explicit consideration of functional and operational needs. I have therefore recommended these are added as further matters for consideration.

Conclusions and Recommendations

6.5.23 I recommend that GRZ-P3 and MRZ-P5 are amended as follows:

Recognise the benefits of, ~~and provide for~~ retirement villages in providing a diverse range of housing and care options for older persons, and provide for them, where:

- 1. the scale, form and design of the village maintains the anticipated character, qualities and amenity values of the surrounding area, while recognising the functional and operational needs of villages; and*
- 2. on-site amenity for residents is provided that reflects the nature of and diverse needs of residents in the village; and*
- 3. suitable and safe internal access is provided for emergency services.*

6.5.24 I recommend that GRZ-R11 is amended as follows:

Activity status: ~~Controlled~~ Restricted Discretionary

Where:

PER-1

GRZ-S1, GRZ-S2, GRZ-S3, GRZ-S4, ~~25584~~, GRZ-S5 and GRZ-S9 are complied with.

Matters of ~~control~~ discretion are ~~limited~~ restricted to:

- 1. the scale, form and design of the village, its open space and any associated buildings, structures, parking, or utility areas; and*
- 2. any adverse effects on the anticipated character, qualities and amenity values of the surrounding area; and*
- 3. on-site amenity for residents; and*
- 4. the ability of infrastructure to service the development; and*
- 5. effects on the safety of, and the quality of the interface with, adjacent roads or public open spaces; and*
- 6. the functional needs and operational needs of the retirement village.*

6.5.25 I recommend that MRZ-R12 is amended as follows:

Activity status: Restricted Discretionary

Matters of discretion are restricted to:

- 1. the scale, form and design of the village, its open space and any associated buildings, structures, parking, or utility areas; and*
- 2. any adverse effects on the anticipated character, qualities and amenity values of the surrounding area; and*
- 3. on-site amenity for residents; and*
- 4. the ability of infrastructure to service the development; and*
- 5. effects on the safety of, and the quality of the interface with, adjacent roads or public open spaces; and*
- 6. the functional needs and operational needs of the retirement village.*

- 6.5.26 In terms of s32AA, it is my view that the changes to the GRZ-P3 will better align with GRZ-O1, in terms of the provision of a mix of housing types. I consider that the change to activity status of GRZ-R11 is a more efficient approach, as it aligns the activity status for retirement villages across the GRZ and MRZ, as well as treating it the same as the development of other types of multi-unit development. I consider that the changes to the matters of discretion are minor, and better align with the policy direction and achievement of GRZ-O2.

6.6 General Residential Zone – Rules

- 6.6.1 This section of the report does not consider submissions relating to GRZ-R10, which are addressed separately.
- 6.6.2 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in Appendix 2:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
MFL	60.35
MoE	106.17
FENZ	131.20
Waka Kotahi	143.137
Broughs Gully	167.23
Kāinga Ora	229.71, 229.72, 229.75
Dept. Corrections	239.22
Woolworths	242.18, 242.19

Submissions

- 6.6.3 MoE [106.17] considers, with respect to GRZ-R5, that it is unreasonable to limit educational facilities to within existing residential units, and to limit the maximum number of children. It also considers that the discretionary activity status where compliance not achieved is too onerous. It seeks amendments so that compliance with GRZ-S1-GRZ-S6 is required and hours of operation limited to “generally” between 7am to 7pm Monday to Sunday, with a restricted discretionary activity status applied beyond this.
- 6.6.4 Dept. Corrections [239.22] supports GRZ-R6. Kāinga Ora [229.71] also support providing for supported residential care as a permitted activity, but seek that the maximum occupancy is to increase the maximum occupancy from six to ten persons, to enable these facilities to house more people, without having to obtain a resource consent where emergency accommodation is needed. It also seeks that the occupancy condition is amended to add *“other than staff members who don’t typically reside onsite.”*

- 6.6.5 Broughs Gully [167.23] support GRZ-R9 which relate to buildings and structures other than fences. Kāinga Ora [229.72] seek a minor amendment to PER-2 to refer to compliance with all the “applicable” standards of the chapter.
- 6.6.6 Waka Kotahi [143.137] support GRZ-R12, which provides for Emergency services facilities as a restricted discretionary activity. FENZ [131.20] seeks that the rule is amended to provide a permitted activity status, on the basis that new fire stations may be necessary and as FENZ is not a requiring authority. They consider a permitted activity rule is the best way to facilitate new fire stations.
- 6.6.7 Woolworths [242.18, 242.19] note that the definition of large format retail would capture supermarkets, and therefore default to non-complying under GRZ-R18. They consider that supermarkets should instead be considered as discretionary activities under GRZ-R14, and seek amendments to both rules to achieve this.
- 6.6.8 MFL [60.35] seek deletion of GRZ-R19, which applies a non-complying activity status to the *“dismantling or repair of motor vehicles owned by people not living on-site including storage of those vehicles”*. The submitter considers that the rule is unnecessary and would be impossible to enforce as to would exclude any repairs being undertaken of a vehicle of someone related to, but not residing on the site.
- 6.6.9 Kāinga Ora [229.75] seek an additional rule in the GRZ chapter, to provide for multi-unit residential development (three or more residential units) as a restricted discretionary activity, in order to enable greater residential density and development to be accommodated across Timaru where appropriate, to meet housing demand.

Analysis

- 6.6.10 I consider that it is appropriate for GRZ-R5, which manages educational facilities, to include limitations on the scale of the activity (number of children) and to be limited to being within an existing residential unit. These limitations allow for in-home based childcare as a permitted activity; where beyond these levels, a resource consent process is then required. This aligns with the direction in GRZ-P2 to enable small-scale non-residential activities which meet specified criteria; and for activities beyond these to be allowed where they meet the criteria in GRZ-P4. Where a larger facility is proposed, for example a preschool or school within the GRZ, I consider it appropriate that this is assessed through a resource consent process, in order to consider its alignment with GRZ-P4. By contract, the rule amendments sought by MoE would allow for an educational facility of any scale to locate within a residential area, subject only to “general” limits on hours of operation. I do not consider that this is sufficient to ensure the policy direction is met. With respect to activity status, I note that community facilities, which in my view can be similar in nature to educational facilities, are also identified as a discretionary activity under GRZ-R13. I consider this activity status is appropriate in the GRZ, where broad consideration of effects is, in my view, needed to consider the specifics of an activity against the policies and objectives.

- 6.6.11 I note that GRZ-R6 is supported by Dept. Corrections, who provide supervision for such accommodation activities. I consider that the permitted limit of six residents reflect the likely scale of residential activities in this zone, and note that this is lower than the ten resident limit proposed in the MRZ, reflecting the broader range of housing types and higher density anticipated in the latter zone. I consider this better aligns with the comments of the submitter that these facilities need to remain discrete in order to protect their residents they cater to, and therefore ensuring they remain compatible in scale to other types of residential activities will assist with this. With respect to the additional words sought, I do not consider addition of *“who don’t typically reside on site”* is sufficiently certain for use in a permitted activity condition. In addition, I consider that if there are staff who reside on the site, they should be counted in the occupancy limit. I therefore do not consider changes to the rule are required.
- 6.6.12 With respect to adding “applicable” to PER-2 in Rule GRZ-R9, I do not consider this is necessary.
- 6.6.13 I do not agree with permitting emergency services facilities simply because FENZ is not a requiring authority and because a permitted status would better facilitate new fire stations. In my view, whether fire stations should be permitted or not should relate to the appropriateness of such an activity status in implementing the relevant policy direction and achieving the objectives for the zone. In this instance, the primary focus of the zone is for residential activities, with complimentary activities that support the wellbeing of residents also anticipated. “Appropriate” non-residential activities are to be enabled where they are smaller and meet the criteria set out in GRZ-P2. I do not consider that emergency services facilities will in all instances meet the criteria and therefore do not consider a permitted status to be appropriate. Other non-residential activities are addressed in GRZ-P4, which directs that they are only allowed where they meet specific criteria. While I consider that emergency services facilities can meet these criteria (depending on circumstances) I consider the appropriate avenue to consider this is through a restricted discretionary consent pathway.
- 6.6.14 I tend to agree with Woolworths that in the GRZ, it would be appropriate to treat supermarkets differently to other large-format retail activities. This reflects that complimentary activities that support the well-being of residents are anticipated in the zone (under GRZ-O1), and supermarkets can serve the needs of a local residential catchment, whereas other large-format retail activities tend to serve a much broader area. There is also more likely to be a functional reason for this type of larger retail activity to establish in the GRZ. While a supermarket in the GRZ may not appropriate, this can be determined on a consent-by-consent basis against the policy direction and in my view a discretionary status better aligns with the policy and objective direction. For completeness I note that I do not consider a change is required to GRZ-R14, if GRZ-R18 is amended as recommended.
- 6.6.15 I consider that GRZ-R19 should be deleted, because this type of activity is already captured in the definition of “industrial activities” with respect to storage or repair of goods (where this extends beyond a “home business” governed by GRZ-R4). I consider that relying on the definition of industrial activities would avoid the ambiguity of concern to the submitter.

- 6.6.16 I consider that the additional rule sought by Kāinga Ora would result in duplication, as three or more residential units per site are already specified as a restricted discretionary activity under GRZ-R2 (i.e. where GRZ-R2 PER-1 is not met, non-compliance is already listed as a restricted discretionary activity).

Conclusions and Recommendations

- 6.6.17 Amend Rule GRZ-R18 as follows:

GRZ-R18	Large format retailing (<u>excluding supermarkets</u>)
General Residential Zone	Activity status: Non-Complying

- 6.6.18 Delete Rule GRZ-R19.

- 6.6.19 In terms of s32AA, I consider that the change to the activity status for supermarkets better aligns with GRZ-O1 in recognising that these activities support the wellbeing of residents within the zone, while still ensuring that the effects associated with any proposed supermarket are able to be fully considered, particularly against GRZ-P4. I consider that the deletion of GRZ-R19 has no practical effect, as these activities are already managed by other rules, but will avoid duplication and any potential ambiguity, therefore improving the efficiency of the Plan's administration.

6.7 General Residential Zone – Standards

- 6.7.1 This section of the report does not address submissions made by FENZ relating to how some standards apply to emergency services facilities, which are addressed in a separate section of this report.
- 6.7.2 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in Appendix 2:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Karton and Hollamby Group	31.3, 31.4
Dale, S and A	54.6, 54.7, 54.8
MFL	60.36, 60.37
Speirs, B	66.32, 66.33
FENZ	131.23, 131.24
Brouchs Gully	167.24, 167.26, 167.28, 167.29, 167.30, 167.31
Kāinga Ora	229.77, 229.78, 229.79, 229.80, 229.81, 229.82, 229.83
Rooney Holdings	174.78
Rooney, GJH	191.78
Rooney Group	249.78
Rooney Farms	250.78

Rooney Earthmoving	251.78
TDL	252.78

Submissions

- 6.7.3 Broughs Gully [167.24] and Kāinga Ora [229.77] support GRZ-S1 which sets height limits for the GRZ.
- 6.7.4 Kāinga Ora [229.78] seek that the height in relation to boundary standard (GRZ-S2) is amended to exempt it from applying where two buildings share a common wall along the boundary of a site.
- 6.7.5 Broughs Gully [167.26] support GRZ-S3. Kāinga Ora [229.79] seek an amendment to the standard to apply a side yard setback or 1m to all side and rear yard boundaries, in order to provide better outcomes for neighbouring sites, except where dwellings share a common wall at the boundary. A further assessment matter for breaching this standard is also sought to allow consideration of *“dominance, privacy and overlooking towards neighbours”*.
- 6.7.6 Broughs Gully [167.28] supports GRZ-S5. Karton and Hollamby Group [31.3], Dale, S and A [54.6] and MFL [60.36] seek deletion of the limit on building coverage to 40% of net site area. These submitters state that the control is too restrictive, and limits variability in building types, as it would result in dwellings of a similar style, utilising the maximum site coverage limit possible. Kāinga Ora [229.80] support inclusion of the building coverage standard, but seek that it is increased to 50% to allow for increased residential density.
- 6.7.7 Broughs Gully [167.29] support GRZ-S6 which applies a maximum gross floor area to buildings. Dale, S and A [54.7] and Speirs, B [66.32] note that there is a grammatical error with this standard and Kāinga Ora [229.81] seek deletion of the standard, as they consider its purpose is unclear.
- 6.7.8 Broughs Gully [167.30] supports GRZ-S8, which applies outdoor living space requirements to residential units. Kāinga Ora [229.82] seeks that it is amended to reduce the required space (where a habitable room is located at ground floor level) from 50m² to 30m², with the minimum dimension reduced from 5m to 4m, and to provide for less open space in the form of a balcony/patio or terrace where a residential unit is located entirely above ground floor level. They consider 50m² is onerous for *“a low-moderate density residential zone”*.
- 6.7.9 Broughs Gully [167.31] supports GRZ-S9 which requires a minimum of 30% of a site in GRZ to be planted in grass, trees, shrubs or other vegetation. Nine submitters seek deletion of GRZ-S9 [31.4, 54.8, 60.37, 174.78, 191.78, 249.78, 250.78, 251.78, 252.78]. Reasons for this include that this level of control is not required by the District Plan; that the requirement is excessive and may impact on the ability to provide a diverse range of unit types and sizes. Clarification is also sought as to whether grassed areas also comply/qualify as outdoor living space. Speirs, B [66.33] seeks that the standard be amended to require that 30% of the site is *“available to be”* planted as set out, as he queries whether it is intended to specify what type of landscaping

is appropriate, rather than only requiring that sufficient area be available for landscaping purposes. FENZ [131.23] seek that emergency service facilities are exempt from this standard, as it may not be practical for fire stations, where large hardstanding areas are required. Kāinga Ora [229.83] supports the standards, but seeks the addition of further assessment matters allowing consideration of streetscape amenity and effects on neighbours and residential amenity.

- 6.7.10 FENZ [131.24] seek that GRZ-S10, which restricts heavy vehicle storage to one per site, in association with a permitted activity, to exclude Emergency Service Facilities from this rule, as fire stations will likely exceed this.

Analysis

- 6.7.11 Given I have not recommended that Emergency Service Facilities be permitted activities in the GRZ, I do not consider that a change to GRZ-S10 is required, as this standard would not apply to these facilities in any case. GRZ-S9 does however apply to emergency services facilities (through GRZ-R12). I note that such facilities are a restricted discretionary activity, and where GRZ-S9 is not complied with, the activity status would become discretionary. However, I note that landscaping is already a matter of discretion under GRZ-R12. I consider that rather than amending GRZ-S9 to exempt emergency service facilities, it is more efficient to amend GRZ-R12 so that GRZ-S9 does not apply. This still allows for consideration of landscaping but without altering the activity status.
- 6.7.12 With respect to the height in relation to boundary standard, the addition of the note sought by Kāinga Ora is not necessary, because the exemption for common walls is set out in APP8 – Recession Planes, which is referenced in the standard. I consider it more efficient for this to be contained in Appendix than listed in every height in relation to boundary standard, noting that the Appendix also includes other exemptions.
- 6.7.13 I agree with Kāinga Ora that it is appropriate to apply a side and rear yard setback, as this will help provide ample space around buildings, a good level of sunlight access and a good level of privacy between properties, as sought by GRZ-O2. In my experience, a 1m setback is commonly applied in residential zones in other district plans. Exempting buildings sharing a common wall is however appropriate to allow for where units are developed on an integrated basis.
- 6.7.14 With respect to building coverage, I consider deletion of the standard could result in an effective increase in overall building coverage to 70%, due to the requirement in GRZ-S9 for 30% of a site to be in landscaping (or even higher given several submitters also seek deletion of the landscaping requirement). I do not consider that this approach would align with GRZ-O2 which seeks a low to moderate building site coverage. I consider that imposition of a building coverage limit, which is common in residential zones in other plans, will only restrict variety in unit types and sizes to the extent necessary to achieve the other outcomes sought for the GRZ. With respect to increasing the limit to 50%, I note that this is the limit proposed in MRZ (under MRZ-S5) and consider that applying the same limit would result in less

distinction between these two zones. The 40% limit is also consistent with that applied in the GRZ in the Partially Operative Selwyn District Plan (under GRZ-REQ2, and noting a 40% limit also applies in the Low Density Residential Zone (under LRZ-REQ2)); and within the Low Density Residential Zone (LRZ) in the Mackenzie District Plan (under LRZ-S5, and noting only LRZ and MRZ are used in that plan, not GRZ). A 45% limit is proposed in the proposed Waimakariri District Plan (under GRZ-BFS1, and noting that this is still 10% less than the MRZ, where a 55% limit is proposed). I therefore consider 40% to be broadly consistent with other plans, and important to retain a distinction in the intensity of built form anticipated in the GRZ as compared to the MRZ, also consistent with other plans.

- 6.7.15 I agree with submitters that GRZ-S6 requires amendment to correct a grammatical error, while retaining its intent. I consider that the standard, which restricted the overall size of any single building, it intended to help achieve in combination with other standards, a low to moderate building site coverage (GRZ-O2) and implement the direction in GRZ-P1 to ensure that residential units have ample open space and landscaping provided around buildings.
- 6.7.16 With respect to Kāinga Ora's request to reduce the outdoor living space required (where a habitable room is located at ground floor level), I note that this is the standard currently applying the Residential 1 Zone (Rule 5.11). It would therefore reduce the requirement from what has previously applied. The policy direction related to this standard directs that outdoor living areas provide "ample opportunity" for outdoor living (GRZ-P1.2.b). In the Partially Operative Selwyn District Plan, 50m² of outdoor living space, with a minimum dimension of 4m, is required in the GRZ (under GRZ-REQ9) and in the LRZ (under LRZ-REQ9); and in the proposed Waimakariri District Plan, 100m² is required, with a minimum diameter of 8m (under GRZ-BFS9). I therefore consider the requirement to be appropriate, and aligned with the direction to provide ample opportunity for outdoor living space in this zone.
- 6.7.17 With respect to reducing the requirements for units located entirely above the ground floor level, I note that the operative rules also provide for lesser open space to be provided in the form of a balcony where a unit is located entirely on the first floor level or above (Rule 5.15). I am unclear on the dimensions applying as the rule appears to require a minimum 12m² balcony, but also refers to a requirement for a minimum open space area of 35m². I consider the standard proposed by Kāinga Ora for balconies is much clearer, and the 12m² proposed is generally appropriate. However, I recommend that the specific drafting and requirements are aligned with those recommended in the MRZ (which is set out later in this report). I am however unclear from the Kāinga Ora submission what requirement is intended to apply to units which are not located entirely above ground floor level, but which do not have a habitable room at ground floor level. I consider that the current requirement should continue to apply in such instances (i.e. a requirement to provide outdoor living space at ground floor level) and the recommended drafting reflects that. This approach also aligns GRZ-S8 with the approach taken in MRZ-S3.
- 6.7.18 In my experience, it is common for district plans to include controls relating to landscaping in residential areas. In some cases, this is achieved through standards such as that proposed –

where a minimum amount of landscaping per site is required. In other plans, it is achieved through a limit on impervious surface coverage. In this case, an impervious surface limit is not proposed, and therefore in absence of the landscaping standard, large areas of the GRZ could be covered in hard surfaces. In my view, this would not be consistent with GRZ-O2 which seeks that sites incorporate plantings; nor with the direction in GRZ-P1 (as recommended) for the provision of ample open space and landscaping around buildings, to maintain the character and qualities of the zone. I do not agree with submitters that the requirement is excessive (similar landscaping requirements (or limits on impervious surfaces) are also included in the Partially Operative Selwyn District Plan, proposed Waimakariri District Plan and Mackenzie District Plan); nor that it impacts on the ability to provide a diverse range of unit types and sizes beyond what is necessary to achieve all of the outcomes sought in the GRZ. I consider that grassed areas which provide outdoor living space could also be included in the calculation of the minimum landscaping area. I do not agree with Speirs, B that it is intended that the standard only require that 30% of the site is “available” for landscaping – the requirement is for the landscaping to be provided. With respect to the additional matters of discretion sought by Kāinga Ora (229.83), I consider that reference to streetscape amenity is appropriate, but do not consider the additional matter relating to effects on neighbours and residential amenity is appropriate as this does not relate to the policy or objective direction.

Conclusions and Recommendations

6.7.19 Amend GRZ-R12 PER-1 as follows:

PER-1

GRZ-S1, GRZ-S2, GRZ-S4, GRZ-S5, and GRZ-S6, ~~GRZ-S9~~ are complied with.

6.7.20 Amend GRZ-S3 as follows:

GRZ-S3	Road <u>Setbacks</u>	
General Residential Zone	<p><u>1. Buildings other than:</u></p> <p>1a. a garage; or</p> <p>2b. a carport-for a single car parking space;</p> <p>must be set back a minimum of 2m from any road boundary.</p> <p><u>2. Buildings must be setback a minimum of 1m from any internal boundary, except where buildings share a common boundary wall.</u></p>	<p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. landscaping; and 2. openness, dominance and attractiveness when viewed from the street; and 3. mitigation measures; <u>and</u> 4. <u>dominance, loss of privacy and shading in relation to neighbouring residential activities.</u>

6.7.21 Amend GRZ-S6 as follows:

The maximum gross floor area of any single building must ~~be~~ not exceed 550m².

6.7.22 Amend GRZ-S8 as follows:

1. Except where 2. below applies, eEach residential unit must have an exclusive outdoor living space:
 - a. of at least 50 m² at ground level with a minimum dimension of 5 m; and
 - b. that is directly accessible from the residential unit; and
 - c. is located to the north, west or east of the residential unit.
2. Each residential unit located entirely above ground floor level must have an exclusive outdoor living space in the form of a balcony, patio or terrace:
 - a. of at least 12m², with a minimum dimension of 1.8m, where the unit has two or more bedrooms; or
 - b. 8m², with a minimum dimension of 1.8m, where the unit is a one-bedroom or studio unit;
 - c. that is directly accessible from the residential unit; and
 - d. is located to the north, west or east of the residential unit.

6.7.23 Amend the matters of discretion in GRZ-S9 as follows:

1. compatibility with the character of the area; and
2. balance between built form and open space; and
3. streetscape amenity.

6.7.24 Under s32AA, I consider the change to GRZ-R12 does not alter the effect of the rule, because it still allows for consideration of landscaping, but without applying a strict standard. I consider that the changes to GRZ-S3 will be more effective at achieving GRZ-P1.4, and in turn the outcome sought in GRZ-O2. I consider that the change to GRZ-S6 is minor and better clarifies the intent of the rule. With respect to GRZ-S8, I consider that the addition better acknowledges that some two-storey attached buildings are anticipated (GRZ-O2.2) while still ensuring a sufficient level of outdoor is provided (GRZ-O2.4). I consider that the additional matter of discretion in GRZ-S9 will better implement GRZ-P1.4 and help to achieve GRZ-O2.5.

6.8 Medium Density Residential Zone – Objectives and Policies

6.8.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in Appendix 2:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
MOE	106.19
FENZ	131.26
Waka Kotahi	143.139, 143.140, 143.141
Transpower	159.94, 159.95
Broughs Gully	167.32, 167.33, 167.34, 167.37, 167.38
Kāinga Ora	229.87, 229.88, 229.89, 229.92, 229.94, 229.95
Dept. Corrections	239.23, 239.24
Woolworths	242.20

Submissions

- 6.8.2 Broughs Gully [167.32] and Dept. Corrections [239.23] supports MRZ-O1. Kāinga Ora [229.87] seeks the addition of “medium density” to the reference to residential activities within the objective.
- 6.8.3 Broughs Gully [167.33] also supports MRZ-O2. Kāinga Ora [229.88] seeks that clause 1 is amended to refer to the zone as comprising “predominantly medium density housing via a mix of typologies” and deletion of the reference to “upgraded” streetscapes in clause 5. They consider that these better reinforce the purpose of the zone, being a medium density residential zone.
- 6.8.4 Broughs Gully [167.34] and Dept. Corrections [239.24] support MRZ-P1. Kāinga Ora [229.89] seek that the stem of the policy is amended to refer to medium density residential development, rather than residential activities, and extended to refer to a diversity in densities.
- 6.8.5 Kāinga Ora [229.92] supports MRZ-P4. Waka Kotahi [143.139] seeks that an additional clause is added, referring to not compromising the safety of pedestrians, cyclists or on the transport network. This is sought in order to consider more than just amenity effects.
- 6.8.6 MRZ-P6 pertains to non-residential activities that are not otherwise addressed in another policy. Several submitters (MOE [106.19], FENZ [131.26], Transpower [159.94] and Broughs Gully [167.37]) note that clause 3 as notified referred to the GRZ, rather than the MRZ and seek that this is amended. FENZ [131.26] also seek that clause 1 is amended to refer to the health and safety, as well as the well-being of residents. Waka Kotahi [143.140] seeks that an additional clause is added, referring to not compromising the safety of pedestrians, cyclists or on the transport network. Transpower [159.94] seeks that clause 1 is amended to refer to operational as well as functional needs; clause 2 amended to add “to the extent practicable”, and clause 3 amended to exempt its application to regionally significant infrastructure. Kāinga Ora [229.94] seek changes to clause 2 to refer to avoiding, remedying or mitigating adverse effects on residential amenity values, rather than avoiding or minimising; and to clause 3 to add “and do not compromise”.
- 6.8.7 MRZ-P7 provides policy direction in relation to industrial and large format retail activities. Several submitters (Waka Kotahi [143.141], Broughs Gully [167.38] and Kāinga Ora [229.95]) note that the stem of the policy as notified referred to the GRZ, rather than the MRZ and seek that this is amended. Waka Kotahi [143.141] also seek that clause 1 is extended so that it also refers to adverse effects on the safety of the transport network. Transpower [159.95] seeks that clause 3 is amended to refer to consistency with MRZ-P6, rather than compliance. Kāinga Ora [229.95] seeks that the clauses in the policy are deleted, and ‘planned’ character referred to in the stem. It considers that incompatible activities within the MRZ should be strictly avoided to ensure a well-functioning environment, with residential amenity being the key outcome.

Analysis

- 6.8.8 I do not agree with the addition of “medium density” to MRZ-O1, as this objective is about the purpose of the zone, and is focussed on the nature of activities anticipated in the zone. I consider that density is more related to the character and qualities of the zone, which is what is addressed in MRZ-O2.
- 6.8.9 I consider it appropriate to retain clause 1, which relates to site coverage, as this is not otherwise addressed in the other clauses and provides guidance as to the scale of built form anticipated in this zone. I do agree that the objective currently lacks reference to the anticipated typologies in this zone. I also agree with deleting reference to “upgraded” streetscapes, as upgrading is more of an action, and it is not clear what such upgrading is expected to consist of, whereas the outcome sought is that the streetscapes are attractive.
- 6.8.10 I note that MRZ-P1 currently seeks to enable residential activities, as well as residential units; however the clauses in the policy are largely focussed on built form and therefore in my view relate to units, rather than the activity. However, I do not agree with simply deleting reference to residential activities as I consider that this would create a policy gap with respect to these activities. I consider that a simpler solution would be to amend the policy to refer to enabling residential activities *within* a range of units (and as a consequence of this, I consider the same change should be made to GRZ-P1). I note that there is currently a disconnect between the policy title and the content of the policy. Because I recommend retention of reference to activities within the policy text, I consider these should similarly be referred to in the title. I do not consider that there is a need to refer to both medium density residential development and a diverse range of residential unit types in the stem of the policy, as the former is encapsulated in the latter, and the former is already included in the title. I agree with adding reference to density.
- 6.8.11 With respect to MRZ-P4, I note that it only relates to “small-scale” home businesses. I do not consider that in relation to these activities there is a need to reference traffic safety matters. Larger scale activities, where traffic safety matters might arise will instead be subject to MRZ-P6.
- 6.8.12 I agree with submitters that clause 3 of MRZ-P6 should be amended to refer to the MRZ rather than the GRZ. For the same reasons as set out have in relation to GRZ-P4, I agree with expanding clause 1 of MRZ-P6 to refer to the health and safety and to operational needs; but do not agree with limiting the direction in clause 2 so that avoidance or minimisation is only required “*to the extent practicable*”; or to adding reference to regionally significant infrastructure. I am comfortable with adding a clause referring to the safety of pedestrians, cyclists and the transport network, as this policy will be relevant to a range of discretionary activities, and will link consideration of these back to the outcome sought in TRAN-O3. I consider that reference to minimisation already sufficiently acknowledges that some adverse effects may result. With respect to using the term ‘minimised’ rather than ‘remedied or mitigated’ I consider that it is not necessary to replicate s5(2)(c) of the RMA. It is my view that

it is appropriate to require that non-residential activities are managed to minimise – reduce to the least amount reasonably practical – adverse effects on residential amenity values, in order to ensure that good quality on-site residential amenity (as per MRZ-O2.4) is achieved. I do not consider it necessary to add “*and do not compromise*” to clause 3, given the existing direction to “maintain” the matters specified.

- 6.8.13 I agree with deleting the clauses in MRZ-P7, as sought by Kāinga Ora. For completeness, I note that it has sought deletion of clauses of similar “avoid” policies, which I have not agreed with, but in those instances, the policy direction related to a particular activity, whereas in this instance, the direction does not relate directly to a particular activity, but rather to the characteristics of particular activities. The concern I note in other instances about effectively prohibiting a particular activity therefore does not apply here. I agree with the deletion because I consider that the criteria set out in the subsequent clauses are already covered by the stem of the policy in any case – i.e. an activity that meets the clauses is not likely to be incompatible or inconsistent with the character, qualities and purpose of the MRZ in any case. I do note, however, that the policy title refers specifically to ‘Industrial and large format retail activities’ despite the policy text itself not being limited to these activities. I recommend that the title is amended to refer to ‘Incompatible activities’, which is consistent with GRZ-P5.
- 6.8.14 For the reasons set out earlier, I agree with adding reference to the “anticipated”, rather than the “planned” character, qualities and purpose of the MRZ.
- 6.8.15 For completeness I note that if the clauses are retained, then I agree that clause 3 should refer to consistency with, rather than compliance with MRZ-P6, as this better reflects the nature of MRZ-P7 as a policy, whereas compliance is more usually used in the context of a rule. I do not consider clause 1 should refer to the transport network, as I consider the direction to have no adverse effects on the safety of the transport network is beyond what is necessary to achieve the transport outcomes sought in the Plan. I note that I have recommended additional direction be added to MRZ-P6 in any case which addresses effects on the transport network, without requiring avoidance of all adverse effects.

Conclusions and Recommendations

- 6.8.16 Retain MRZ-O1 as notified.
- 6.8.17 Amend MRZ-O2 as follows:

The character and qualities of the Medium Density Residential Zone comprise:

- 1. a moderate building site coverage; and*
- 2. a predominance of medium density housing, in a range of housing typologies; and*
- 3. two to three-storey well-articulated buildings that make a positive contribution to neighbouring properties and the streetscape; and*

~~34.~~ *good quality on-site residential amenity; and*

~~45.~~ *good quality amenity for adjacent sites; and*

~~56.~~ *upgraded and attractive streetscapes.*

6.8.18 Amend MRZ-P1 as follows:

MRZ-P1 *Residential activities and medium density residential development*

Enable residential activities ~~and~~ within a diverse range of residential unit types, densities and sizes where:

...

6.8.19 Amend MRZ-P6 as follows:

Only allow other non-residential activities and buildings where:

- 1. they support the health, safety and wellbeing of residents in the area, or have a functional need or operational need to locate in the zone; and*
- 2. any adverse effects on the residential amenity values are avoided or minimised; and*
- 3. they maintain the anticipated character, qualities and purpose of the ~~General~~ Medium Density Residential Zone; and*
- 4. they do not compromise the safety of pedestrians or cyclists, or the transport network.*

6.8.20 Amend MRZ-P7 as follows:

MRZ-P7 ~~*Industrial and large format retail*~~ *Incompatible activities*

Avoid activities that are likely to be incompatible or inconsistent with the anticipated character, qualities and purpose of the ~~General~~ Medium density residential zone, unless:

- ~~*1. the activity is such a small scale that it will not have any adverse effects on residential amenity; or*~~
- ~~*2. the site adjoins a zone that permits that activity and the activity will not have any adverse effects on residential amenity; or*~~
- ~~*3. MRZ-P6 is complied with.*~~

6.8.21 I consider that the change to MRZ-O2 is a more appropriate way to achieve the purpose of the RMA because it provides greater articulation of one of the key outcomes sought for the zone – being a predominance of more intensive housing and a range of housing typologies. This aligns with SD-O1.i.b. by specifying the density anticipated in this part of the urban area.

I consider that removal of reference to “upgraded” streetscapes better reflects that this is an action, and therefore results in greater clarity over the outcome sought, rather than the method.

- 6.8.22 In terms of s32AA, I consider that the changes recommended to the policies are minor, and intended to improve the drafting of the policies, and better align with both the outcomes sought at the objective level, as well as how they are implemented through the rules, without altering their general intent. As such, I consider that the changes will improve both the efficiency and effectiveness of these provisions at achieving the outcomes sought.

6.9 Medium Density Residential Zone – Rules

- 6.9.1 This section of the report does not consider submissions relating to MRZ-R10, which are addressed separately.
- 6.9.2 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in Appendix 2:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Heritage NZ	114.38
MoE	106.20
FENZ	131.28
Waka Kotahi	143.142, 143.144
Broughs Gully	167.40, 167.41
Kāinga Ora	229.97, 229.98, 229.100, 229.102, 229.104
RVA	230.13
Dept. Corrections	239.26
Woolworths	242.21, 242.22

Submissions

- 6.9.3 Heritage NZ [114.38] raises concerns in relation to the residential units rule (MRZ-R2) regarding the cumulative impact of permitting intensification in the vicinity of a heritage item. It seeks that further thought is given to the impact of intensification adjacent to historic heritage items, and an alternative approach considered which enables development where appropriate but does not diminish Timaru’s valuable heritage resources. Waka Kotahi [143.142], Broughs Gully [167.40], Kāinga Ora [229.97] and Dept. Corrections [239.26] all support MRZ-R2 as notified.
- 6.9.4 Kāinga Ora [229.98] generally supports providing for home businesses as a permitted activity but seek that the limitation on floor space (in MRZ-R4 PER-1) is deleted. It states that the limit is impractical and unclear as to what effect this seeks to manage and notes that the definition

of a “home business” includes the requirement for the business to be incidental to a residential activity.

- 6.9.5 MoE [106.17] considers, with respect to MRZ-R5, that educational facilities should be provided in the zone as they are essential infrastructure. They oppose limits on operating hours and numbers, being located in residential units, and the discretionary status for non-compliance. It seeks amendments to delete the proposed standards and only require compliance with various MRZ standards, with a restricted discretionary activity status applying where these are not met.
- 6.9.6 Broughs Gully [167.41] support MRZ-R9 which relate to buildings and structures other than fences. Kāinga Ora [229.100] seek a minor amendment to PER-2 to refer to compliance with all the “applicable” standards of the chapter.
- 6.9.7 Kāinga Ora [229.102] seeks that MRZ-R11 (relating to convenience stores) is amended so that PER-3 requires compliance with the “applicable” standards of the chapter, and also refer to district-wide rules. It further seeks that an additional standard is added to the rule requiring that the activity does not involve an offensive trade or hazardous facility.
- 6.9.8 Waka Kotahi [143.144] supports MRZ-R14 which applies to emergency services facilities. FENZ [131.28] seek that emergency services facilities are a permitted, rather than restricted discretionary activity, on the basis that new fire stations may be necessary and as FENZ is not a requiring authority. They consider a permitted activity rule is the best way to facilitate new fire stations.
- 6.9.9 Woolworths [242.21, 242.22] note that the definition of large format retail would capture supermarkets, and therefore default to non-complying under MRZ-R17. They consider that supermarkets should instead be considered as discretionary activities under MRZ-R15, and seek amendments to both rules to achieve this.
- 6.9.10 Kāinga Ora [229.104] seek the addition of a restricted discretionary rule for residential developments of four or more residential units in the MRZ, in order to enable greater residential density and development to be accommodated across Timaru where appropriate, to meet much needed housing demand.

Analysis

- 6.9.11 It is not clear to me from HPTNZ what aspects of the framework applying to residential units may result in adverse effects on heritage items, nor has an alternate approach been provided for consideration. In my experience, where the area around a heritage item is particularly sensitive, it is often identified as a heritage setting, with controls around built form in such a setting. I note that those heritage items located within the MRZ in Timaru include an “extent”, which incorporates not only the item but it’s broader area (e.g. the land parcel within which it is located). The Historic Heritage Chapter also includes specific direction in relation to the heritage setting, as well as to the items themselves. In absence of any specific concerns being

identified, I consider that imposing additional constraints on intensification of residential sites adjoining, but not within a heritage setting, are not warranted.

- 6.9.12 I broadly consider that a limit on the scale of a home business would assist in reducing potential adverse effects on the amenity of the surrounding area that could result from a larger-scale activity, such as effects from traffic movements, hours of operation, and so on. However, in my view, limiting floor area is a potentially less efficient way of managing such effects than a more targeted approach, e.g. limits on the number of non-resident staff, traffic movements, direct retail sales and/or hours of operation. I also note that the limitation on the size of a home business does not apply in the GRZ, making PER-1 in MRZ-R4 more restrictive than the equivalent rule in GRZ. As noted by Kāinga Ora, a home-based business must in any case be incidental to the use of the site for a residential activity, meaning that the primary activity on any site where a home business operates will remain residential. I therefore agree with deleting PER-1.
- 6.9.13 I consider that it is appropriate for MRZ-R5, which manages educational facilities, to include limitations on the scale of the activity (number of children) and to within an existing residential unit. These limitations allow for in-home based childcare as a permitted activity; where beyond these levels, a resource consent process is then required. This aligns with the direction in MRZ-P4 to enable small-scale home business; and for activities beyond these to be allowed where they meet the criteria in MRZ-P6. Where a larger facility is proposed, for example a preschool or school within the MRZ, I consider it appropriate that this is assessed through a resource consent process, in order to consider its alignment with MRZ-P6. By contrast, the rule amendments sought by MoE would allow for an educational facility of any scale to locate within a residential area, subject only to controls on the built form associated with such an activity. I do not consider that this is sufficient to ensure the policy direction is met. I do, however, agree with deleting PER-1, which limits the activity to “a childcare service”. This limitation is not included in the equivalent rule in the GRZ (GRZ-R5), the term is not defined, and in my view is not necessary given the other standards within the rule.
- 6.9.14 With respect to activity status, I note that community facilities, which in my view can be similar in nature to educational facilities, are identified as a restricted discretionary activity under MRZ-R13. I consider this activity status would also be appropriate for educational facilities, with the same matters of discretion as set out for community facilities. I note that this is different than the approach taken in the GRZ, but this reflects the existing distinction between community facilities between the two residential zones, and in my view is consistent with the distinction between GRZ-O1 and MRZ-O1, whereby the former anticipates activities that are “complimentary” to the primary residential focus, whereas the latter more broadly anticipates a range of “compatible” activities.
- 6.9.15 I do not consider that the changes sought by Kāinga Ora to MRZ-R11 are necessary. I do not consider that there is a need to refer to “applicable” standards, as this may create some subjectivity over what is or is not “applicable” (this also applies to the change sought to MRZ-R9). Any zone-based activity is already required to comply with relevant district-wide rules, so

making this a standard to this rule is both unnecessary and would result in duplication by triggering a consent requirement under both rules, should such a district-wide rule be breached. I do not agree that there is a need to exclude activities involving an offensive trade or hazardous facility, because the rule is limited to convenience stores, which are defined and as defined, would not encompass these activities.

6.9.16 I do not agree with permitting emergency services facilities simply because FENZ is not a requiring authority and because a permitted status would better facilitate new fire stations. In my view, whether fire stations should be permitted or not should relate to the appropriateness of such an activity status in implementing the relevant policy direction and achieving the objectives for the zone. In this instance, the primary focus of the zone is for residential activities, with other compatible activities that support the wellbeing of residents also anticipated. Under MRZ-P6, non-residential activities are to be enabled where they meet the criteria set. While I consider that emergency services facilities can meet these criteria (depending on circumstances) I consider the appropriate avenue to consider this is through a restricted discretionary consent pathway. This is particularly important with respect to ensuring that adverse effects on residential amenity values are appropriately avoided or minimised.

6.9.17 I tend to agree with Woolworths that in the MRZ, it would be appropriate to treat supermarkets differently to other large-format retail activities. This reflects that compatible activities that support the well-being of residents are anticipated in the zone (under MRZ-O1), and supermarkets can serve the needs of a local residential catchment, whereas other large-format retail activities tend to serve a much broader area. There is also more likely to be a functional reason for this type of larger retail activity to establish in the MRZ. While a supermarket in the MRZ may not appropriate, this can be determined on a consent-by-consent basis against the policy direction and in my view a discretionary status better aligns with the policy and objective direction. For completeness I note that I do not consider a change is required to MRZ-R15, if MRZ-R17 is amended as recommended.

6.9.18 I do not consider that the additional rule sought by Kāinga Ora is necessary, as more than three residential units per site are already specified as a restricted discretionary activity under MRZ-R2 (i.e. where MRZ-R2 PER-1 is not met, non-compliance is already listed as a restricted discretionary activity).

Conclusions and Recommendations

6.9.19 Delete PER-1 in MRZ-R4.

6.9.20 Amend Rule MRZ-R5 as follows:

MRZ-R5	Educational facilities	
Medium Density Residential Zone	Activity status: Permitted Where: PER-1	Activity status where compliance is not achieved: <u>Restricted Discretionary</u>

	<p>The activity is a childcare service; and</p> <p>PER-21</p> <p>The educational facility is within an existing residential unit; and</p> <p>PER-32</p> <p>The maximum number of children in attendance at any one time is 10, excluding any children who live there.</p>	<p><u>Matters of discretion are restricted to:</u></p> <ol style="list-style-type: none"> 1. <u>scale, form and design of buildings; and</u> 2. <u>the scale of activity; and</u> 3. <u>site layout; and</u> 4. <u>landscaping; and</u> 5. <u>traffic generation and impact on the transport network; and</u> 6. <u>the location and design of any proposed car parking and loading areas and access; and</u> 7. <u>design and layout of on-site pedestrian connections; and</u> 8. <u>noise, disturbance and loss of privacy of neighbours; and</u> 9. <u>hours of operation; and</u> 10. <u>location, size and numbers of signs.</u>
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6.9.21 Amend Rule MRZ-R17 as follows:

MRZ-R17	Large format retail (excluding supermarkets)
Medium Density Residential Zone	Activity status: Non-Complying

6.9.22 In terms of s32AA, it is my view that the deletion of PER-1 in MRZ-R1 is a more efficient approach which recognises that limiting floor area is not necessary to achieve the outcomes sought, given that a home-based business must be incidental to the use of the site for a residential activity and therefore is aligned with MRZ-P4 and MRZ-O1 without the need for this additional floor area control.

6.9.23 In my opinion, the change to MRZ-R5 is more efficient, because it aligns with GRZ-R5 and reflects that the scale of the activity is already more directly managed through the other standards in the rule. As noted above, I consider that amending the activity status better aligns with the outcome sought in MRZ-O1.

6.9.24 I consider that the change to the activity status for supermarkets better aligns with MRZ-O1 in recognising that these activities support the wellbeing of residents within the zone, while still ensuring that the effects associated with any proposed supermarket are able to be fully considered, particularly against MRZ-P6.

6.10 Medium Density Residential Zone – Standards

6.10.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in Appendix 2:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Karton and Hollamby Group	31.6, 31.7
Dale, S and A	54.10, 54.11
MFL	60.39, 60.40
B. Spiers	66.35
FENZ	131.31
Broughs Gully	167.42, 167.44, 167.45, 167.46, 167.47
Rooney Holdings	174.81, 174.82
Rooney, GJH	191.81, 191.82
Kāinga Ora	229.106, 229.107, 229.108, 229.110, 229.111
RVA	230.14, 230.15, 230.16, 230.17, 230.18, 230.19, 230.20, 230.21
Rooney Group	249.81, 249.82
Rooney Farms	250.81, 250.82
Rooney Earthmoving	251.81, 251.82
TDL	252.81, 252.82

Submissions

- 6.10.2 RVA seeks that the MRZ chapter is amended to include those built form standards that are set out in Schedule 3A of the RMA (MDRS standards). This includes setbacks from boundaries [230.18]; outlook space requirements [230.19]; windows to street requirement [230.20] and minimum landscaping requirements [230.21]. It also includes amending MRZ-S1 (Height of buildings and structures) [230.14]; MRZ-S2 (Height in relation to boundary) [230.15]; MRZ-S3 (Outdoor living space) [230.16]; and MRZ-S5 (Building coverage) [230.17] to replicate that contained in the MDRS standards.
- 6.10.3 Broughs Gully [167.42] and Kāinga Ora [229.106] support MRZ-S1.
- 6.10.4 Kāinga Ora [229.107] seek that the height in relation to boundary standard (MRZ-S2) is amended to exempt it from applying where two buildings share a common wall along the boundary of a site.
- 6.10.5 Broughs Gully [167.42] support MRZ-S3 relating to Outdoor Living Space. Kāinga Ora [229.108] seek minor amendments which they consider will be more practical in implementing the standard for developers. This includes removing the note which states that the standard does not apply to residential units in a retirement village; amending matter of discretion #1 to refer to outdoor, rather than open space, and amending matter of discretion #5 to add “where appropriate.”
- 6.10.6 Broughs Gully [167.45] support MRZ-S4 which sets out requirements for the provision of service and storage space.

- 6.10.7 Broughs Gully [167.46] supports MRZ-S5, which limits building coverage to 50%. Karton and Hollamby Group [31.6], Dale, S and A [54.10] and MFL [60.39] seek deletion of the standard, stating that the control would limit innovative modern designs on smaller sections, limits variability in building types, and would result in dwellings of a similar style, utilising the maximum site coverage limit possible. Kāinga Ora [229.110] support inclusion of the building coverage standard, but seek that it is increased to 60% to allow for increased residential density.
- 6.10.8 Broughs Gully [167.47] supports MRZ-S6 which requires a minimum of 25% of a site in the MRZ to be planted in grass, trees, shrubs or other vegetation. Nine submitters seek deletion of MRZ-S6 which sets out requirements in relation to landscaping [31.7, 54.11, 60.40, 174.81, 191.81, 249.81, 250.81, 251.81, 252.81]. Reasons include that the level of control is not required by the District Plan, that most owners of residential section provide landscaping and that the control is too restrictive and limits opportunity for diverse design. Speirs, B [66.35] seeks that the standard be amended to require that 25% of the site is “available to be” planted as set out, as he queries whether it is intended to specify what type of landscaping is appropriate, rather than only requiring that sufficient area be available for landscaping purposes. Kāinga Ora [229.111] supports the standards, but seeks the addition of further assessment matters allowing consideration of streetscape amenity and effects on neighbours and residential amenity.
- 6.10.9 FENZ [131.31] seek that MRZ-S7, which restricts heavy vehicle storage to one per site (in association with a permitted activity) is amended to exclude Emergency Service Facilities from its application.
- 6.10.10 Six submitters [174.82, 191.82, 249.82, 250.82, 251.82, 252.82] seek that MRZ-S10, which applies noise mitigation measures is deleted, stating that it is contrary to conditions granted in relation to a subdivision consent.

Analysis

- 6.10.11 As noted earlier, Timaru District is not required to incorporate the MDRS provisions set out in Schedule 3A of the RMA. Urban design advice from Ms Lee Sang (an urban designer) has however been sought on the appropriateness of replacing the built form standards in the PDP with those of the MDRS, which is set out in **Appendix 3**. At a broad level, this advice is that if there is no current or foreseeable housing supply issue (such as those experienced by Tier 1 councils) facing Timaru, then it is more appropriate to apply a suite of controls that respond to local conditions and desired outcomes, rather than “cherry picking” standards from the MDRS that may not be as suitable in the Timaru context.
- 6.10.12 In considering specific standards, Ms Lee Sang identifies the following:
- In terms of height, aligning with the 11m height limit (with additional roof pitch allowance) of the MDRS better aligns with the intent that the MRZ provides for 3 storey development, as the proposed 12m height limit could allow for 4 storeys;

- In terms of setbacks, while height in relation to boundary controls will manage setbacks from internal boundaries to a degree, the absence of a setback standards could allow for buildings to be built right up to the boundary at the ground floor level;
- A minimum outlook requirement is important as residential living becomes denser and greater proximity between buildings result, in order to ensure habitable rooms have a sense of space, daylight and visual amenity, but a more generous standard than that provided in the MDRS would be more appropriate for Timaru.
- The outdoor living space requirements for balconies could be reduced from that notified (12m²), but with a corresponding increase in the minimum dimension required of 1.8m, where a smaller (studio or one-bedroom unit) is proposed, but otherwise the higher requirement of 12m² is appropriate.

6.10.13 In considering what is most suitable in the Timaru context, I have had regard to the outcomes sought in the MRZ, namely that what is anticipated is a moderate building site coverage; two-three storey buildings that positively contribute to their surrounding area, good quality amenity, both on-site and for neighbouring properties; and attractive streetscapes (MRZ-O2). More specific direction is also included in MRZ-P1 in terms of outdoor living areas, and the design and location of buildings.

6.10.14 Taking into account Ms Lee Sang's comments, and the direction in the MRZ objectives and policies I consider that:

- MRZ-S1 (Height) should be amended to align with the MDRS, because this is more consistent with the outcome sought in this zone (i.e. three storeys) in MRZ-O2.
- MRZ-S2 (Height in relation to boundary) does not need to be amended to align with the MDRS, as the introduction of a setback, in combination with the notified requirements is appropriate to achieve the outcomes sought.
- MRZ-S3 (Outdoor Living Space) should be amended to align the requirements with the MDRS (8m² and 1.8m) but only insofar as it applies to smaller units, with a more generous provision being better aligned with MRZ-P1.2.b and MRZ-O2.3.
- MRZ-S5 (Building coverage) does not need to be amended as the change sought is effectively to align the wording with that exact wording used in the MDRS, but would make no practical difference.
- MRZ-S6 (Landscaping) should not be amended to align with the MDRS, as the slightly higher requirement reflects the more spacious nature anticipated in this zone in the Timaru context, as reflected in MRZ-O2.1 and MRZ-P1.3.d.
- It is appropriate to introduce a setback control (1.5m from front boundaries and 1m from internal boundaries) to provide space between buildings, and with the street, to allow for landscaping, as this better aligns with MRZ-P1.3.b and d and will help achieve MRZ-O2.2, 4 and 5. The specific standard recommended aligns with the GRZ-S3, in terms of providing an exception for common boundary walls as I consider this to be

more efficient than Ms Lee Sang's suggestion of addressing this through matters of discretion.

- There is not sufficient reason to introduce a windows to street requirement.

6.10.15 With respect to the height in relation to boundary standard, the addition of the note sought by Kāinga Ora is not necessary, because the exemption for common walls is set out in APP8 – Recession Planes, which is referenced in the standard. I consider it more efficient for this to be contained in Appendix than listed in every height in relation to boundary standard, noting that the Appendix also includes other exemptions.

6.10.16 I agree with deleting the note in MRZ-S3, which states that the standard does not apply to residential units in a retirement village. Rule MRZ-R12, which applies to retirement villages, does not require compliance with this standard, and therefore the standard does not apply to this activity. The note is therefore unnecessary and may be confusing. I also agree with referring to outdoor space in the matter of discretion for consistency. I do not consider it appropriate to add "where appropriate" to matter of discretion #5. This matter is not focussed on requiring mature vegetation to be retained, but allows for consideration of less outdoor living space to be provided in situations where the reason for the breach is in order to retain existing mature vegetation on a site.

6.10.17 I agree with the changes sought by Kāinga Ora to require that where service space is provided on a communal basis, it is located at the ground floor level. With respect to the additional standard sought, it is not clear to me why additional storage space is required for units located entirely above ground floor level, nor what the space is required for, i.e. the current standard is specifically to provide room for storage of waste and recycling bins. I do not agree with the additional matters of discretion because I consider that alternative arrangements are already covered in the first matter of discretion (i.e. consideration of how useable service and storage space is provided allows consideration for alternate options); and I do not consider that the intent of the standard – which is about providing a sufficient level of space – is related to visual and residential amenity effects.

6.10.18 With respect to building coverage, I consider deletion of the standard could result in an effective increase in overall building coverage to 75%, due to the requirement in MRZ-S6 for 25% of a site to be in landscaping (or even higher given several submitters also seek deletion of the landscaping requirement). I do not consider that this approach would align with MRZ-O2 which seeks a moderate building site coverage. I consider that imposition of a building coverage limit, which is common in residential zones in other plans, will only restrict variety in unit types and sizes to the extent necessary to achieve the other outcomes sought for the MRZ. With respect to increasing the limit to 60%, I note that this is greater than that included in the MDRS, which applies to areas which are much more urbanised. I therefore do not consider that it would be appropriate in the context of the Timaru District to provide for a higher building coverage in this zone.

6.10.19 In my experience, it is common for district plans to include controls relating to landscaping in residential areas. In some cases, this is achieved through standards such as that proposed – where a minimum amount of landscaping per site is required. In other plans, it is achieved through a limit on impervious surface coverage. In this case, an impervious surface limit is not proposed, and therefore in absence of the landscaping standard, large areas of the MRZ could be covered in hard surfaces. In my view, this would not be consistent with the direction in MRZ-P1.3.d for landscaping to be maintained or incorporated along the street frontage and site boundaries, and parking areas; and for adverse effects of building height, bulk and location to be mitigated by adopting a design that provides visual interest (MRZ-P1.3.b). These reflect the outcome sought in MRZ-O2 for the Zone to comprise a moderate building coverage and good quality on-site residential amenity, as well as attractive streetscapes. I consider that there is flexibility in the standard as to where landscaping is required, and the quantum proposed (25%) is slightly higher than the standard used in the MDRS (of 20%), reflecting the higher level of amenity anticipated in the Timaru context. I do not agree that relying on landowners to provide landscaping is sufficient to ensure that the outcomes sought by the Plan are achieved. I also do not agree with B. Spiers that it is intended that the standard only require that 25% of the site is “available” for landscaping – the requirement is for the landscaping to be provided. With respect to the additional matters of discretion sought by Kāinga Ora, I consider that reference to streetscape amenity is appropriate, but do not consider the additional matter relating to effects on neighbours is appropriate as this does not relate to the policy or objective direction in terms of what this standard is intended to achieve.

6.10.20 Given I have not recommended that Emergency Service Facilities be permitted activities in the GRZ, I do not consider that changes to MRZ-S7 is required, as this standard would not apply to these facilities.

6.10.21 With respect to MRZ-S10, I have reviewed the subdivision and land use consent issued in relation to 18, 18A, and 20 Hobbs Street, Timaru, and note that it includes a requirement for a consent notice to be registered on the titles of specified lots which sets out acoustic insulation requirements (internal noise levels). It also requires that an acoustic fence be installed between Lot 1 and the adjoining right of way, to a minimum height of 2m, and that no buildings are located within 5 metres of the western boundary of Lot 1. While this differs from the specific requirements of MRZ-S10, I consider that it fundamentally seeks to address the same issue. On the basis that this matter has been addressed through the consent notice, I agree that it is appropriate to delete the standard.

Conclusions and Recommendations

6.10.22 Amend MRZ-S1 as follows:

MRZ-S1	Height of buildings and structures	
Medium Density Residential Zone	The maximum height of buildings and structures must not exceed <u>11.2m</u> measured from ground level to the highest part of the building or structure, <u>except that 50% of a</u>	Matters of discretion are restricted to: 1. dominance; and 2. overlooking and loss of privacy; and

	building's roof in elevation, measured vertically from the junction between wall and roof, may exceed this height by 1 metre, where the entire roof slopes 15° or more.	3. impacts on sunlight access for neighbouring properties; and 4. any mitigation measures.
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6.10.23 Amend MRZ-S3 as follows:

MRZ-S3	Outdoor living space	
Medium Density Residential Zone	<p>Each residential unit must have an exclusive outdoor living space:</p> <ol style="list-style-type: none"> for units with common living space at ground floor level, of at least 20m² with a minimum dimension of 3m; and for units located entirely above the ground floor level, that comprises a balcony of at least: <ol style="list-style-type: none"> 12m², with a minimum dimension of 1.58m, where the unit has two or more bedrooms; or 8m², with a minimum dimension of 1.8m, where the unit is a one-bedroom or studio unit; and which is located on the north, west or east side of the residential unit; and which is readily accessible from the common living space of the residential unit. <p>Note: This standard does not apply to residential units in a retirement village.</p>	<p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> adequacy of the proposed private open outdoor space; and ...

6.10.24 Amend the matters of discretion in MRZ-S6 as follows:

- compatibility with the character of the area; and*
- balance between built form and open space; and*
- location and design of landscaped areas; and*
- streetscape amenity.*

6.10.25 Delete MRZ-S10.

6.10.26 Insert a new standard as follows:

MRZ-SX	Setbacks
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Medium Density Residential Zone	<p>1. Buildings must be set back a minimum of 1.5m from any road boundary.</p> <p>2. Buildings must be setback a minimum of 1m from any internal boundary, except where buildings share a common boundary wall.</p>	<p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. landscaping; and 2. openness, dominance and attractiveness when viewed from the street; and 3. mitigation measures; and 4. dominance, loss of privacy and shading in relation to neighbouring residential activities.
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6.10.27 In terms of the further evaluation required under 32AA, it is my view that the changes to the standards align better with the direction in MRZ-P1, and collectively will be more effective at achieving MRZ-O2. The introduction of setbacks, and the slight reduction in heights will have some economic costs in terms of placing slightly greater restrictions on the location and height of buildings, but in my view, these are outweighed by the positive benefits to the streetscape and to neighbouring properties, and in the case of height, by better aligning with the built form outcomes anticipated for this zone.

6.11 Fencing Rule in GRZ and MRZ

6.11.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in Appendix 2:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Karton and Hollamby Group	31.2, 31.5
Dale, S and A	54.5, 54.9
MFL	60.34, 60.38
Speirs, B	66.31, 66.34
Rooney Holdings	174.77, 174.80
Rooney, GJH	191.77, 191.80
Kāinga Ora	229.73, 229.101
Rooney Group	249.77, 249.80
Rooney Farms	250.77, 250.80
Rooney Earthmoving	251.77, 251.80
TDL	252.77, 252.80

Submissions

6.11.2 A number of submitters oppose the rules relating to fences contained in the GRZ and MRZ chapters. Under GRZ-R10 and MRZ-R10, fences are permitted, subject to the following:

PER-1

Any fence within 2m of a site's road boundary or a boundary shared with a public reserve, walkway or cycleway is:

- 1. no higher than 1m above ground level; or*
- 2. no higher than 1.8m above ground level where at least 45% of the fence is visually permeable; and*

PER-2

Any fence within 2m of a site's boundary, other than road boundary or a boundary shared with a public reserve, walkway or cycleway, is no higher than 2m above ground level.

Note: *This rule does not apply if the fence is required under the Health and Safety at Work Act 2015.*

6.11.3 Submissions include:

- Those seeking that PER-1 is deleted entirely [31.2, 31.5, 66.31, 66.34, 174.77, 174.80, 191.77, 191.80, 249.77, 249.80, 250.77, 250.80, 251.77, 251.80, 252.77, 252.80].
- Those seeking that PER-2.2 is amended to remove the requirement for 45% of visual permeability [54.5, 54.9, 60.34, 60.38].

6.11.4 My understanding of the request is that submitters seek either no height controls over fencing on these boundaries; or that a 1.8m limit is applied without a requirement for visual permeability. Reasons given for these changes largely relate to concerns that the fencing requirements are overly restrictive and will reduce privacy. Some submitters also consider that it will make screening of outdoor storage difficult for landowners, and that restrictions should be left up to individual developers to impose through covenants, if desirable.

6.11.5 Kāinga Ora [229.73, 229.101] seek that PER-1.1 is amended to increase the height limit for a non-permeable fence to 1.2m. This is stated as being to maintain a reasonably level privacy to neighbouring residential units, while also allowing for adequate passive surveillance of public spaces.

Analysis

6.11.6 In my view, while developers may choose to impose covenants on development for various reasons, it is not sufficient to rely on the private sector to achieve the outcomes sought by the District Plan. Therefore, consideration of fencing restrictions should be about whether they are necessary (taking into account efficiency and effectiveness) in achieving the outcomes sought for the GRZ and MRZ.

6.11.7 In considering the appropriateness of these rules, urban design advice has been sought from Ms Lee Sang. She considers that front yard fence standards are important for providing property definition against the street and public spaces (including the street) but if solid, they should be of a height that still enables passive surveillance and outlook from properties over public space immediate neighbours or adjoining public space. She considers that 1.2m is an

appropriate height for a solid fence, and that requiring 50% visual permeability above this will be easier to administer than a 45% requirement.

- 6.11.8 In addition to Ms Lee Sang's advice, I have also considered the objective and policy framework of the PDP. In terms of the GRZ, GRZ-O2 seeks that a "good level" of privacy is provided between properties. GRZ-P1 directs that residential units are enabled where they are compatible with the character and qualities of the GRZ. Neither this policy, nor GRZ-O2, mentions streetscape matters. With respect to effects on public reserves, walkways and cycleways, I have also considered the outcomes sought for those areas. OSZ-O2.1 and SARZ-O2.1 seek that the Open Space and Sport and Recreation zones provides areas that are safe and accessible for all users.
- 6.11.9 At an objective and policy level, MRZ-O2 seeks attractive streetscape. MRZ-P1 directs that residential units are enabled where they are compatible with the character and qualities of the MRZ. Clause 3 directs that residential units and accessory buildings are designed and located to provide passive surveillance of the street.
- 6.11.10 The fencing controls in the Residential 1, 4, 5 & 6 Zone in the ODP (being the equivalent of the proposed GRZ) limit road boundary fences to a height of 2m (Rules 5.20 (Res 1); 5.16 (Res 4) 5.8 (Res 5) and 6.10 (Res 6)); and where adjacent to a Recreation 2 Zone or pedestrian link, they are limited to 1.5m in the Residential 1 Zone (Rule 5A.3) or where adjacent to stormwater swales, walkways and/or cycleways in the Residential 6 Zone, they are limited to 2m (Rule 6.10). Within the Residential 2 Zone in the ODP (being the equivalent of the proposed MRZ) road boundary fences are limited to a height of 2m (Rule 5.18). There is no rule applying to other fences in this zone.
- 6.11.11 I also consider it relevant to note that the GRZ applies to suburban areas, the majority of which are already developed, without such controls on fencing having been imposed. While some new development and intensification is anticipated in the GRZ, redevelopment is not anticipated at the same scale as in the MRZ. Within the MRZ, intensification is enabled, but is expected to be undertaken in a way that provides good streetscape appeal (MRZ Chapter Introduction).
- 6.11.12 Taking this into account, in the GRZ, I agree with submitters that requiring road boundary fencing to have a level of permeability where it is higher than 1m, across all of the GRZ, is not necessary to achieve the outcomes sought for this zone. This reflects that there is no specific direction relating to this at the objective and policy level, and the proposed control is more restrictive than that applied in the equivalent zones currently. While I accept Ms Lee Sang's views on the reasons for having such a rule in the GRZ, it is my view that these reasons are not reflected in the PDP framework.
- 6.11.13 In the MRZ, I consider that the proposed road boundary fencing controls are necessary to meet the policy direction and achieve the outcomes sought for this zone. While this is more restrictive than what is applied in the equivalent zone currently, it reflects that within this zone, intensification is anticipated, but such intensification is also expected to result in

attractive streetscapes. However, I agree with Ms Lee Sang's recommendations to increase the height to 1.2m and increase the visual permeability requirement to 50%, as I consider that these will be more efficient, while still being effective at achieving the outcomes sought.

6.11.14 With respect to boundaries which are shared with a public reserve, walkway or cycleway, my understanding is that such controls allow for passive surveillance of these public areas and therefore improve safety of these areas. As such, I consider applying controls on such fencing is appropriate to achieve the outcomes sought in the OSZ and SARZ, while still providing a good level of privacy for residents. In my view, the tiered regime – allowing for a non-permeable fence at a lower height, or a higher fence where it achieves a specified level of permeability, provides greater flexibility than the current 1.5m limit applying in the Residential 1 Zone. I am comfortable however with increasing the maximum height for non-permeable fencing to 1.2m as recommended by Ms Lee Sang as this is commonly applied in other plans and will provide slightly greater privacy while still achieving the safety outcomes sought.

Conclusion and Recommendations

6.11.15 Amend GRZ-R10 as follows:

PER-1

Any fence within 2m of a site's ~~road boundary~~ or a boundary shared with a public reserve, walkway or cycleway is:

- 1. no higher than 1.2m above ground level; or*
- 2. no higher than 1.8m above ground level where at least 450% of the fence is visually permeable; and*

PER-2

Any fence within 2m of a site's boundary, other than ~~road boundary~~ or a boundary shared with a public reserve, walkway or cycleway, is no higher than 2m above ground level.

Note: *This rule does not apply if the fence is required under the Health and Safety at Work Act 2015.*

6.11.16 Amend MRZ-R10 as follows:

PER-1

Any fence within 2m of a site's road boundary or a boundary shared with a public reserve, walkway or cycleway is:

- 3. no higher than 1.2m above ground level; or*
- 4. no higher than 1.8m above ground level where at least 450% of the fence is visually permeable; and*

PER-2

Any fence within 2m of a site's boundary, other than road boundary or a boundary shared with a public reserve, walkway or cycleway, is no higher than 2m above ground level.

Note: *This rule does not apply if the fence is required under the Health and Safety at Work Act 2015.*

6.11.17 In terms of s32AA, as noted above, I have given careful consideration to the policy and objective framework for the GRZ and MRZ. It is my view that the recommended changes to GRZ-R10 and MRZ-R10 are more efficient way at achieving the outcomes sought, while still being effective at doing so. The deletion of the lower fencing standard for the GRZ reflects that the urban design outcomes sought in this zone are different from those in the MRZ, and in my view, the rule as notified went beyond that required to achieve the outcomes sought.

6.12 Special Purpose Hospital Zone

6.12.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in Appendix 2:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Bidwill Trust	225.1, 225.4, 225.5, 225.6, 225.7

Submissions

6.12.2 Bidwill Trust [225.1] seek that 53 Elizabeth Street is zoned “Special Purpose Hospital Zone” (HOSZ) and a new HOSZ chapter is included in the PDP. This is sought in order to ensure that hospital activities can continue to operate, develop and upgrade, in a way that avoids or mitigates adverse effects on the environment. The submission states that the zone framework would be focused on providing for hospital activities, including evolving demands, services and technological changes associated with the hospital facilities, while managing the adverse effects of these activities. Broadly speaking, this would include a permitted activity status for hospital activities, and a discretionary activity status for all other activities; and new, or expansion to existing built form being managed through built form standards.

6.12.3 The submission states that hospital activities, including buildings have been established on the site for over a century, and note that these do not include 24-hour or emergency care facilities, and the adverse effects (such as noise and lighting emissions) that would otherwise arise from this. The purpose of zone would be to enable the existing facilities to further develop in a manner which is compatible with the surrounding zone environment.

6.12.4 The submitter considers the permitted activity for existing hospitals is appropriate as the hospital is long established, has operated without complaint, is a sensitive activity similar to residential activities, does not include emergency service facilities and generally occurs during “normal working hours”.

6.12.5 Should a new HOSZ not be applied, Bidwill Trust seeks that additional policies [225.5, 225.6], specific to the hospital be included in the MRZ chapter, as well as a permitted activity rule for existing hospitals, and a controlled activity “*if compliance is not met*”, with matters of control replicating those used in relation to community facilities [225.4]. The submitter notes that MRZ-R13 provides for community facilities as a restricted discretionary activity. They consider there is uncertainty arising from the definition of these referring to “health”, and whether or not this in turn links to the definition of ‘health care facility’ which does not include hospitals.

6.12.6 A definition for 'hospital' has also been sought [225.7].

Analysis

6.12.7 The NP Standards allow for the use of a Special Purpose Hospital Zone. The description in the NP Standards refers to these as being *"Areas used predominantly for the operation and development of locally or regionally important medical, surgical or psychiatric care facilities, as well as health care services and facilities, administrative and commercial activities associated with these facilities."* While I understand that the activities currently carried out on the site would fall within this description, I am also cognisant that the site is relatively small compared to hospital sites in metropolitan areas, and in my view this hospital does not dominate the surrounding area in a way that detracts from the overall character of the area remaining predominately residential. In particular, the built form remains at a scale that is consistent with the site's residential zoning, rather than containing bulkier utilitarian buildings.

6.12.8 Notwithstanding the current and historic use of the site, if a HOSZ were applied to the site, it would limit the potential for the site to be redeveloped for residential activities in future, should the some or all of the current activities cease, or relocate to an alternate site. Applying a HOSZ could therefore result in an inefficient approach. The MRZ framework is also not incongruous with the healthcare activities, noting that MRZ-O1 specifically anticipates *"other compatible activities that support the wellbeing of residents"*. This is also reflected in the restricted discretionary status for community facilities, which by definition include land and buildings used by the community for health and welfare purposes. Because of the potential inefficiencies in limiting the future use of the site to continuation of its current use only, the supportive framework already applying for this type of activity within the MRZ framework, the relatively small size of the site and the predominant residential characteristics of the area, I do not consider that application of a new zone and zone framework (effectively a spot zoning for one site) is the most appropriate approach.

6.12.9 I do however agree with the submitter that given the long-standing existence of the hospital activities (and the existing effects arising from these), it is appropriate to consider if changes should be made to MRZ framework. In particular, where changes are proposed to the current activities, then within appropriate limits, I consider a permitted activity status may be more appropriate. In my view, a targeted, but more efficient approach than an entire new zone to achieve this would be apply a Precinct to the site. With respect to the provisions that would apply to the Precinct, I agree with the submitter that it would be beneficial to include a specific policy for this Precinct, but consider that only one policy is required. While I think that the activity on this site would otherwise be covered by MRZ-P6 – and therefore provided for where the continued use and development could be managed to meet the criteria specified in that policy – I consider a more specific policy would be more appropriate to support the site-specific rules.

6.12.10 With respect to rules, while I do broadly agree with having a permitted activity for the type of activities that already exist on the site, I consider that a permitted rule for "existing" hospitals

is not needed as existing activities have existing use rights – the permitted rule is instead needed to allow for any changes that may occur to these activities. I also consider that controls are required on the activities undertaken on site, to ensure that their nature and scale remain consistent with the residential environment. This is addressed to some degree by the application of noise and lighting standards, but in my view should also include controls to maintain the existing hours of operation and exclusion of emergency care facilities. I also agree with the submitter that any expansions to the buildings on this site should be considered through a consent pathway. However, I consider it more appropriate that expansions be considered through a restricted discretionary pathway to ensure that the policy and objective direction is achieved by any proposal, noting that a controlled activity cannot be declined and while conditions can be imposed, they cannot extend to conditions that would fundamentally alter the activity for which consent is sought.

6.12.11 For completeness, I note that the recommended policy and rule explicitly refer to health care facilities, rather than relying on the definition of community facilities. I consider this definition includes hospitals, given the explicit inclusion within the definition of gymnasiums and pools which are “*ancillary to a hospital service*”. With respect to the request for a new definition of ‘hospital’ to be included in the PDP, because I am not recommending that any provisions refer to a ‘hospital’ I do not consider that there is a need to include a new definition for this term.

Conclusions and Recommendations

6.12.12 I recommend that a new precinct – ‘Bidwell Hospital Precinct’ - is applied to 53 Elizabeth Street and added to SCHED16A - Schedule of Precincts Layer.

6.12.13 I recommend that the following policy is inserted into the MRZ chapter:

PRECX-P1 Bidwell Hospital Precinct

Provide for the ongoing use and development of healthcare facilities within the Bidwell Hospital Precinct, where the nature, scale and design of activities and buildings are consistent with the purpose, character and qualities of the surrounding residential area.

6.12.14 I recommend that the following rules are inserted into the MRZ chapter:

<u>MRZ-RX</u>	<u>Healthcare facilities excluding the construction of any new building</u>	
<u>PRECX - Bidwell Hospital Precinct</u>	<u>Activity status: Permitted</u>	<u>Activity status where compliance is not achieved with PER-1 or PER-2: Discretionary</u>
	<p><u>Where:</u></p> <p><u>PER-1</u></p> <p><u>The facilities do not include any emergency care facilities; and</u></p> <p><u>PER-2</u></p> <p><u>The hours of operation of any healthcare facility are limited to 7:00am and 7:00pm.</u></p>	

MRZ-RX	The Construction of any new building associated with a healthcare facility	
PRECX - Bidwell Hospital Precinct	Activity status: Restricted Discretionary Matters of discretion are restricted to: <ol style="list-style-type: none"> 1. <u>scale, form and design of buildings; and</u> 2. <u>the scale of activity; and</u> 3. <u>site layout; and</u> 4. <u>landscaping; and</u> 5. <u>traffic generation and impact on the transport network; and</u> 6. <u>the location and design of any proposed car parking and loading areas and access; and</u> 7. <u>design and layout of on-site pedestrian connections; and</u> 8. <u>noise, disturbance and loss of privacy of neighbours; and</u> 9. <u>hours of operation; and</u> 10. <u>location, size and numbers of signs.</u> 	Activity status where compliance is not achieved: Not applicable

6.12.15 Under s32AA of the RMA, I consider that the application of a Precinct, with a related policy and rule set specific to healthcare activities is an efficient way to recognise the existing activities established in this site, and provide for further development in a manner that still achieves consistency with MRZ-O1 and MRZ-O2. I consider that the approach is more efficient than application of a separate new zone for what is a relatively small site, and which might preclude future redevelopment of the site for residential purposes, should the hospital activities relocate elsewhere. I consider that the potential environmental costs associated with the new permitted activity rule are minimal, given the proposed restrictions to maintain the scale and nature of the current activities. I consider that these are outweighed by the economic and social benefits of providing a more targeted and certain framework for the ongoing operation and any future changes to the healthcare activities on this site.

6.13 Special Purpose Tertiary Education Zone

6.13.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in Appendix 2:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Te Pūkenga	215.2, 215.3

Submissions

6.13.2 Te Pūkenga seek that the Timaru Campus site is rezoned from MRZ to a new “Special Purpose Tertiary Education Zone” (TEZ) [215.2], with a new TEZ chapter included in the PDP [215.3].

This would apply to the site at 32 Arthur Street, which occupies the majority of the block surrounded by Grey Road, Arthur, Theodosia and North Streets. If this is not accepted, they seek the site is zoned MUZ, and seek a range of changes to the MUZ framework which are separately set out and considered below where the MUZ provisions are discussed. The TEZ is sought to enable the ongoing operation and development of tertiary education activities, to align with the national planning standards, and because the Campus is not considered to display the characteristics of the MRZ, nor represent a small-scale non-residential activity. The area to which the submission relates is shown in blue shading in the figure below.



- 6.13.3 The submitter states that the Campus incorporates teaching spaces, as well as ancillary administrative, student support, learning services, recreational opportunities, and food and beverage options. It considers that the site's existing buildings are clearly non-residential in scale and form, and is characteristically institutional, including a number of large multi-level structures. It notes that in order to meet ongoing demands for vocational education and to address some legacy issues, there may be substantial change at the Campus going forward. As a consequence, it considers that the planning provisions need to enable and facilitate such change, while appropriately managing off site environmental effects.
- 6.13.4 The key difficulty identified by the submitter is that the proposed zoning of the site is MRZ, within which educational facilities (except small-scale and home-based facilities) require a discretionary consent. At the policy level, such non-residential activities are only allowed for where they maintain the character of the zone. The submitter considers that applying the

zone to the campus creates a difficulty because further development of their site does not fit comfortably within the policy framework proposed for the MRZ. Specifically, it states that the Timaru Campus is not a small scale non-residential activity and does not, and cannot, exhibit the characteristics of the MRZ zone.

6.13.5 The submission includes a set of provisions for the TEZ, including objectives, policies and rules.

Analysis

6.13.6 I agree with the submitter that the MRZ is not a good fit for this site. While the MRZ does anticipate educational facilities, I agree that the policy direction in MRZ-P6 is somewhat problematic given the scale and nature of existing buildings on the site, and the difficulty with any changes or expansions to these being able to meet clause 3 of the policy, in terms of maintaining the anticipated character and qualities of the MRZ.

6.13.7 However, in considering whether a new zone is the most appropriate for this site, I have also considered the application of the MUZ. I note that the latter expressly anticipates educational facilities (MUZ-O1 and MUZ-P2) and provides for them as a permitted activity. A comparison with what is proposed by the submitter is set out in more detail below:

Activity	TEZ	MUZ
Educational facilities	Permitted, but limited to tertiary education activities only (SPTEZ-R1)	Permitted (MUZ-R5)
Community facilities	Permitted, but limited to use of tertiary education buildings (SPTEZ-R2)	Permitted (MUZ-R5)
Convenience Activity	Discretionary (SPTEZ-R7)	Permitted (MUZ-R4)
Other retail activities (not large format)	Discretionary (SPTEZ-R7)	Discretionary (MUZ-R11)
Residential Activity	Permitted, where for students, staff or security purposes (SPTEZ-R3)	Permitted within an existing building (MUZ-R8)
Buildings and structures (excluding residential units)	Permitted up to 1000m ² Restricted discretionary above 1000m ² . (SPTEZ-R5)	Controlled (MUZ-R10) Accessory structures permitted (MUZ-R9)
Residential units	Permitted (SPTEZ-R5)	Restricted Discretionary (MUZ-R10)
Visitor Accommodation	Permitted up to 30 days per year (SPTEZ-R4)	Discretionary (MUZ-R11)
Other activities	Discretionary (SPTEZ-R7)	Discretionary (MUZ-R11)

6.13.8 In addition to the above, I note that the submitter seeks those other activities or facilities “provided for in the Medium Density Residential Zone” are effectively afforded the same activity status in the TEZ. The submitter’s proposed standards mirror those of the MUZ (height,

height in relation to boundary, setbacks and goods storage) but exclude the outdoor living, service and storage spaces applying to residential units in the MUZ.

6.13.9 Taking the above into account, I consider that the MUZ already provide a good fit for the activities undertaken and anticipated on the site. In particular, it already provides for educational and community facilities, subject to the same built form standards as sought by the submitter, with the only real difference being that a controlled activity consent would be required for the built form (where it meets these standards) under the MUZ framework, rather than smaller-scale (up to 1000m²) buildings being permitted. The use of the site for predominantly education activities is also entirely consistent with the purpose of the MUZ providing for a range of activities what reinforce the role of City Centre (MUZ-O1). I therefore consider that the application of an entirely new zone is relatively inefficient, given the substantial overlap between the MUZ framework and what is sought by the submitter in the TEZ. I also consider that there is a tension between opposing the application of the MRZ to the site, while also seeking that the rule framework of the MRZ otherwise applies. I also note that the site is already adjacent to the MUZ, and in my view, extending it across this site would be still result in a logical and cohesive boundary. I therefore recommend the site is zoned MUZ.

6.13.10 In coming to this view, I note that the site is different from that of the Bidwill Hospital, as it is a larger site and along with the non-residential scale and nature of the established built form, does not retain a residential character. While I agree that the MRZ is therefore not a good fit for the site, my view is that an entirely new zone is not necessary given the MUZ appears to be an appropriate fit and already adjoins the site. In terms of future proofing the site should the activities conducted on it change in future (e.g. part of the land being surplus to requirements) this is also achieved through the application of the MUZ framework, which allows for a range of other activities to be established.

6.13.11 I also agree with the submitter that given the existing activities established on the site and the importance of these facilities to the district and wider sub-region, some changes to the MUZ framework are appropriate. While these are discussed below in relation to specific provisions, for completeness I note that my recommendation is to apply a Precinct to the site as the mechanism for applying slightly amended controls to this site.

6.13.12 From a drafting perspective, if the need for the TEZ is accepted, then I consider that the following would need to be addressed in the provisions provided by the submitter:

- Re-drafting the objectives so that they follow the same tenor as the other zone chapters (i.e. one objective setting out the zone purpose and another setting out the character and qualities.)
- In my view there are considerable difficulties with including a rule that is reliant on the MRZ framework (SPTEZ-R6 in the submission), given that the activity status differs from that otherwise set out in the SPTEZ, and given the MRZ is subject to a different set of built form standards. Collectively, the rules in the MRZ are also intended to

implement the policy direction and achieve the outcomes sought for the MRZ, whereas those for the SPTEZ are different, making the “line of sight” between adopting the MRZ rules and the policy framework that the rules are intended to implement much less clear.

Conclusions and Recommendations

6.13.13 I recommend that Ara’s Timaru Campus at 32 Arthur Street (as per the blue shading in the figure above) is rezoned MUZ.

6.13.14 In considering s32AA, my view is that application of the MRZ, is not the most appropriate way to achieve the purpose and principles of the RMA, in terms of providing for the social and economic well-being of people and communities or ensuring the efficient use of the existing physical resources. This is due to the investment into the existing facilities on the site, and the likelihood that continued development of similar facilities would not align with the policy framework of the MRZ.

6.13.15 I consider that the application of the MUZ better aligns with the established activity on this site, and provides for its ongoing development and expansion, and is a more efficient approach than applying an entirely new zone, given the significant overlap between what is already provided for in the MUZ, and the rule framework sought by the submitter.

6.14 Neighbourhood Centre Zone – Objectives and Policies

6.14.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in Appendix 2:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
MoE	106.31
Waka Kotahi	143.157
BP Oil et al	196.84
Kāinga Ora	229.114, 229.116
Woolworths	242.23

Submissions

6.14.2 Woolworths [242.23] seek that NCZ-O1 is expanded to refer to servicing needs of both the surrounding residential neighbourhoods “and passers-by”.

6.14.3 MoE [106.31] support NCZ-O2. Waka Kotahi [143.157] seek that NCZ-O2(4) is amended to refer to parking areas being easily accessible “and safe” from the road network, because it considers that the connections from parking areas should also be safe.

6.14.4 BP Oil et al [196.84] seek that NCZ-P2 is extended to direct that residential activities are enabled where they are designed to minimise potential reverse sensitivity effects on existing

non-residential activities, as the policies otherwise do not address the potential for reverse sensitivity effects to arise from sensitive activities locating near existing non-residential activities. Kāinga Ora [229.114] seek that NCZ-P2 is amended to refer to providing an appropriate level of residential amenity for on-site occupants rather than only referring to outdoor living space. It similarly states that the amendments are sought to ensure reverse sensitivity effects are avoided or appropriately mitigated.

- 6.14.5 Kāinga Ora [229.116] seek that NCZ-P5, which relates to industrial activities, is amended so that it directs avoidance of these activities in all instances. It states that such activities would more than likely have adverse effects on both the purpose of the Zone, as well as surrounding residential areas.

Analysis

- 6.14.6 I am comfortable with the addition of passers-by to NCZ-O1, because while it is intended that these areas serve a convenience need, this can extend to people passing by, without these centres becoming more of a destination like LCZ and CCZ are.
- 6.14.7 With respect to NCZ-O2, I agree with the principle behind what is sought but do not consider the addition works in a grammatical sense, so I recommend alternate wording to achieve the outcome sought by the submitter.
- 6.14.8 With respect to NCZ-P2, the purpose of the NCZ is to provide for small-scale commercial activities which serve the local area. The built form anticipated, and reflected through the standards is complementary to these zones being located within residential neighbourhoods. Provision is also made for residential activities located above the ground floor level, as this is not expected to “take up” space for the types of small-scale commercial activities anticipated. Given the limited scale and nature of commercial activities anticipated, I do not consider that there is a need to place additional controls on residential activities in relation to reverse sensitivity. While I note the submitters have sought a change at the policy level, I consider this would need to be implemented through some sort of rule change or additional standard, because at present, under NCZ-R2, residential activity is permitted, subject only to being located above ground floor level.
- 6.14.9 In terms of broader amenity matters, the only standard applying in relation to on-site amenity for residents pertains to outdoor living space, which is reflected in the notified wording of the policy. However, in a subsequent section of this report I have recommended that residential units also be subject to requirements to provide outlook space; as a consequence of this, I agree with extending the policy to more broadly refer to on-site amenity for occupants.
- 6.14.10 The drafting approach used across the Plan, is for the direction “avoid... unless” to be used at a policy level to identify particular activities that are not considered likely to be consistent with the outcomes sought for that zone or area. This is reflected in NCZ-P5. The “unless”, and subsequent clauses, identify those circumstances, while expected to be rare, where such an activity might still be appropriate. If these clauses are deleted, then in my view, an activity

status of prohibited must be applied. I consider that the concerns raised by the submitter – that these activities would more than likely have adverse effects on both the purpose of the Zone, as well as surrounding residential areas – are addressed through the clauses in the policy outlining the limited circumstances in which an industrial activity might be appropriate. I consider that the non-complying activity status and clear policy direction is appropriate to allow for consideration of these activities in limited circumstances, while indicating that they will generally not be appropriate.

Conclusions and Recommendations

6.14.11 Amend NCZ-O1 as follows:

The Neighbourhood Centre Zone provides for small-scale commercial activities that serve the day-to-day convenience needs of the surrounding residential neighbourhood and passers-by, and do not undermine the purpose, function and amenity values of the City Centre Zone and Local Centre Zones.

6.14.12 Amend NCZ-O2 as follows:

The character and qualities of the Neighbourhood centre zone comprise:

[...]

4. well-designed parking areas that are easily accessible from, and safely connected to, the road network, and integrate with the design of the site.

6.14.13 As both additions do not alter the general intent of the objectives, the original s32 evaluation still applies.

6.14.14 Amend NCZ-P2 as follows:

Enable new residential activities where they are located above ground floor level and ~~with~~ provide an appropriate level of on-site amenity for occupants ~~area of outdoor living space~~.

6.14.15 I consider that the change to the policy is required to support the recommended rule changes – the assessment of which under s32AA is set out later in this report.

6.15 Neighbourhood Centre – Rules

6.15.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in Appendix 2:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
MoE	106.33
Woolworths	242.24, 242.25
Kāinga Ora	229.118

Submissions

- 6.15.2 NCZ-R1 relates to commercial activities, and permits these within the NCZ where they do not exceed 300m² in area, and are not a specified type of commercial activity. Woolworths [242.24] seek that the 300m² limitation is amended so that it does not apply to a trade supplier, supermarket, restaurant or café. It states that this is sought for consistency with the other CMUZ. Woolworths further seek [242.25] that NCZ-R3, which is the rule applying to new buildings and structures is amended so that the total gross floor area of any new building or buildings is limited to less than 300m².
- 6.15.3 Kāinga Ora [229.118] seek that the default rule (NCZ-R5) applying to activities not otherwise listed, is non-complying, rather than discretionary. It states that activities such as offensive trades and hazardous activities would have an adverse effect on surrounding residential activities.
- 6.15.4 MoE [106.33] seeks that education facilities are specifically listed as a permitted activity, on the basis that there is potential for a population to support them in this zone, and they are considered essential social infrastructure and will support active modes of transport and reduce trip lengths and times.

Analysis

- 6.15.5 My understanding of Woolworth's request is that new buildings of 300m² or more would require consent, as a restricted discretionary activity, but the establishment of a trade supplier, supermarket, restaurant or café within an existing or new building above this size would be permitted. I do not consider this to be appropriate, as to achieve NCZ-O1, consideration needs to be given to the scale of the activity, whereas consideration of the scale of the built form only would only align with NCZ-O2. I do not consider that the change is appropriate simply to align these rules with other commercial zones, because the outcomes sought across different zones are different. Instead, the rule framework reflects the intent that unlike larger commercial zones, the NCZ is expected to contain small-scale commercial activities which serve the surrounding community.
- 6.15.6 With respect to the default activity rule (NCZ-R5) I consider the discretionary status appropriate. Those activities that are expected to have an adverse effect on surrounding residential activities that would not align with the outcomes sought in the zone, are already identified in NCZ-R4, which applies a non-complying activity for most industrial activities (which would include offensive trades and hazardous activities).
- 6.15.7 With respect to educational facilities, I consider that the RMA requires consideration of whether a permitted activity status is appropriate to achieve the outcomes sought in this zone. I do not consider that a permitted status would reflect that the primary purpose of the zone is the provision of small-scale commercial activities serving the day-to-day convenience needs of the surrounding residential neighbourhood. Rather, I consider educational facilities are best considered on a case-by-case basis as to whether they meet NCZ-P4.

Conclusions and Recommendations

6.15.8 No changes are recommended in response to these submission points.

6.16 Local Centre Zone – Objectives and Policies

6.16.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in Appendix 2:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
MoE	106.34, 106.35
FENZ	131.75, 131.76
Waka Kotahi	143.160
Woolworths	242.26, 242.27

Submissions

6.16.2 MoE [106.34, 106.35] seek that “educational facilities” are added to LCZ-O1 and LCZ-P1 to explicitly enable educational facilities. FENZ [131.75, 131.76] support the notified wording of LCZ-O1 and LCZ-P1. Woolworths [242.26] seek that LCZ-O1 is expanded to refer to servicing needs of both the surrounding residential areas “and passers-by”.

6.16.3 Waka Kotahi [143.160] support LCZ-P3. Woolworths [242.27] seeks that LCZ-P3 is amended to allow for operational needs, as well as functional needs to be taken into account, noting that these pertain to technical, logistical or operational characteristics or constraints.

Analysis

6.16.4 I do not agree with adding educational facilities to LCZ-O1, because the objective sets out the activities are primarily provided for in the Local Centre Zone. This does not preclude educational facilities being established, but their inclusion in the objective would imply that this is a central focus of the zone, which is not intended. Similarly, I do not consider it appropriate to “enable” these activities through their inclusion in LCZ-P1, noting that they can be considered on a case-by-case basis against LCZ-P5 which contemplates other activities being allowed in the zone subject to the criteria in that policy. The current wording is also consistent with the description of the zone set out in the NP Standards.

6.16.5 I am comfortable with the addition of passers-by to LCZ-O1, because while it is intended that these areas serve a residential catchment, it will also serve people passing through an area, without this detracting from the purpose, function and amenity values of the CCZ.

6.16.6 I also agree with adding reference to operational needs. This is because while functional needs and operational needs are similar, and relate to the need for an activity to traverse, locate or operate in a particular place, functional need relates to this being because an activity can only occur in that place, whereas operational needs relates to this being because of technical, logistical or operational characteristics or constraints. I consider the latter is likely to be of

more relevance to the activities managed under LCZ-P3, because it allows for consideration of the design and layout of larger-scale development to take into account such characteristics or constraints.

Conclusions and Recommendations

6.16.7 Amend LCZ-O1 as follows:

The Local Centre Zone provides for community facilities and a range of commercial activities which:

- 1. primarily support the daily and weekly goods and services needs of the surrounding residential areas and passers-by; and*
- 2. are of a size and scale that do not undermine the purpose, function and amenity values of the City Centre Zone.*

6.16.8 Amend LCZ-P3 as follows:

Require larger-scale development to be designed and laid out in a manner that:

... 3. takes into account the functional needs and operational needs of commercial activities.

6.16.9 These additions do not alter the general intent of the objective or policy and therefore original s32 evaluation still applies.

6.17 Local Centre Zone – Rules

6.17.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in Appendix 2:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Woolworths	242.29
MoE	106.36
FENZ	131.78

Submissions

6.17.2 Woolworths [242.29] request that the matters of discretion in LCZ-R3 (b., c., and d.), applying to buildings and structures of 450m² or more, are amended to refer to operational and functional requirements.

6.17.3 MoE [106.36] seek that educational facilities are expressly provided for as a restricted discretionary activity, as they are concerned that they would otherwise be captured in the catch-all rule and therefore non-complying. They consider that that educational facilities,

particularly early childhood centres and schools, should be provided for where there is potential for a population to support them, including in the LCZ.

- 6.17.4 FENZ [131.78] seek a new permitted activity rule for Emergency Service Facilities in the LCZ, on the basis that new fire stations may be necessary and as FENZ is not a requiring authority. They consider a permitted activity rule is the best way to facilitate new fire stations.

Analysis

- 6.17.5 I broadly agree with providing for consideration of operational and functional requirements, as this is consistent with LCZ-P3. I note that matter of discretion d. already refers to functional needs and consider it appropriate that as with LCZ-P3, this is extended to also refer to operational needs. I also agree with adding this consideration to matter c., which relates to the design, form, scale and detailing, as I consider it to be a relevant consideration. With respect to matter b., which relates to “promoting” active engagement with public spaces, I do not consider a specific addition relating to functional and operational needs is required, as while these needs may influence the extent to which this can be promoted, I do not agree that it should negate the requirement entirely, which the addition might suggest.

- 6.17.6 With respect to educational facilities, I note that the catch-all rule which would apply to such facilities is discretionary (LCZ-R5), not non-complying. I consider that this allows for a case-by-case assessment of any educational facility, both in terms of its effects, as well as alignment with the objectives and policies. Buildings themselves would also be managed under LCZ-R3, meaning that larger buildings would require resource consent and design would be considered through that process. This is essentially the same as that sought by the submitter, except that consideration would not be limited. While I recommend retention of the discretionary activity status, should the Hearing Panel consider that a restricted discretionary activity status is more appropriate, then I consider the following matters of discretion would be appropriate (the tracking indicates the changes I recommend from what the submitter put forward):

1. *The extent to which it is necessary to locate the activity within the Local Centre Zone.*
2. *The effects on, and consistency with, the ~~viability, vibrancy, role and function~~ purpose, character and qualities of the Local Centre Zone.*
3. *The extent to which the activity may limit or constrain the establishment and use of land for activities that are permitted in this zone.*
4. *~~Servicing~~ Traffic effects, including conflict with other activities.*

- 6.17.7 With respect to Emergency Service Facilities, by definition, these facilities are a ‘community facility’. As such, they are already permitted under LCZ-R2. I do not agree that it is efficient to add a separate rule specific to this sub-set of community facilities, when they are already covered in the broader rule.

Conclusions and Recommendations

6.17.8 Amend the matters of discretion in LCZ-R3 as follows:

1. *the extent to which the development:*
 - a. ...
 - b. *promotes active engagement with, and contributes to the vibrancy and attractiveness of, any adjacent streets, lanes or public spaces; and*
 - c. *is sympathetic to nearby buildings in respect of the exterior design, architectural form, scale and detailing of the building, while having regard to the functional needs and operational needs of the activity; and*
 - d. *provides a human scale and minimises building bulk through the provision of articulation and modulation, while having regard to the functional needs and operational needs of the activity; and ...*

6.17.9 Under section 32AA, I consider that the changes are minor, and do not alter the general effect of the rule. However they increase the efficiency of the rule by aligning the matters of discretion with the policy direction.

6.18 Large Format Retail Zone - General

6.18.1 This section of the report considers broad submissions made on the LFRZ provisions which are not otherwise addressed in the subsequent sections of the report which address submissions on specific provisions.

6.18.2 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in Appendix 2:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Timaru TC Ratepayers	219.7
Timaru Civic Trust	223.8
Redwood Group	228.1
Harvey Norman	192.10, 192.16, 192.22, 192.23, 192.25, 192.26, 192.27, 192.28, 192.29, 192.30, 192.31, 192.37, 192.38

Submissions

6.18.3 Timaru TC Ratepayers [219.7] and Timaru Civic Trust [223.8] raise concerns about the lack of consultation with the public and key stakeholders, prior to the land being sold to the current developer and consider that the decision to sell the land will negatively impact on the viability and vitality of the CBD and wider local economy.

- 6.18.4 Redwood Group [228.1] opposes the objectives, policies and a number of standards, ultimately seeking that these are amended “*to reflect agreed and consented (and partially developed) retail thresholds*”, and to continue to provide for restaurants and cafes, as well as making amendments to provide for residential activities on the LFRZ land. They note that a resource consent was approved in December 2020 to construct and establish a bulk retail centre, with the level of development being in accordance with the thresholds for the Commercial 2A Zone set out in Rule 2.2 of the ODP. They consider that the PDP contains development thresholds which are in direct conflict with the resource consent.
- 6.18.5 With respect to residential development, they consider the site is suitable for residential development given its convenient location, its ability to provide accommodation for staff working on the site, and the level of amenity provided on site, and due to there being a housing shortage in Timaru.
- 6.18.6 They seek, as a first preference that the LFRZ provisions are amended to reflect the matters raised in their submission, and more specifically that LFRZ-S6 is amended to reflect the GFA maximums in the ODP and consent. As a second preference they seek that the LFRZ is deleted in its entirety and replaced with the ODP zoning and provisions, with amendments to provide for residential activities.
- 6.18.7 The submitter also states that restaurants are currently permitted within the Commercial 2A zone, and that they do not consider it appropriate to change the activity status for these in the LFRZ as this would be in direct conflict with the commercial agreement, operative provisions and approved resource consent.

Analysis

- 6.18.8 The decision to sell the land to the current owner is a matter that sits outside the PDP process. The use of land, including potential effects of such use on the viability and vitality of the CBD and on economic well-being of the community, is a matter the District Plan addresses, and I consider that this is reflected in the proposed objectives and policies, for example in the references to the City Centre Zone in LFRZ-O1 and LFRZ-P1, LFRZ-P5 and LFRZ-P6.
- 6.18.9 With respect to the development thresholds, I note that those in the PDP reflect economic advice received by the Council on the impact that the scale and timing of retail development could have on the City Centre. However, the assessment was prepared prior to the consent referred to by the submitter being issued. The economic advice was also acknowledged in the Council’s report on the resource consent application, but disregarded because the application met the staging and other development thresholds in the ODP. I consider that the resource consent has effectively superceded the restrictions included in the PDP, and aligns with the thresholds in the ODP. I agree that it would be more appropriate to align any thresholds with those contained in the consent (which are effectively the later thresholds contained in the ODP), noting that development in accordance with the consent has already commenced. For completeness, I do not consider it appropriate to “roll over” all the thresholds in the ODP, with respect to those dates that have now passed.

6.18.10 I have reviewed the consent conditions and understand that they include the following thresholds:

- General Merchandise Outlets (excluding) Department Stores shall not in aggregate exceed:
 - 24,000m² GFA open to the public prior to 1 July 2022
 - 29,000m² GFA open to the public prior to 1 July 2025
 - 34,000m² GFA open to the public prior to 1 July 2027
- General Merchandise Outlets (including Department Stores) shall not in aggregate exceed:
 - 27,000m² GFA open to the public prior to 1 July 2022
 - 30,000m² GFA open to the public prior to 1 July 2025
 - 34,000m² GFA open to the public prior to 1 July 2027.

6.18.11 I do not consider it necessary to include the 2022 thresholds in the PDP itself, given that date has now passed.

6.18.12 I note that the ODP (and reflected in the PDP) also includes other development thresholds, which effectively provide for other (non-large format) commercial activities, such as offices, personal services and restaurants, but on a limited basis. For example, restaurants are permitted activities within the ODP (Section 3.5.7, Rule 1.7) where they meet the Development Thresholds set out in Rule 2.5, which limit them to a GFA of 4% *“of the aggregate developed gross floor area of Individual Retail Activities, Multiple Retail Activities and Trade Suppliers.”* In addition, the total GFA applying to Offices, Personal Services and Restaurants (combined) is 5% of the aggregate developed gross floor area of the above.

6.18.13 It is my understanding that the original resource consent application exceeded the development thresholds in relation to personal service retail and food and beverage and the application was updated so that these aspects complied with the limits. While a variation was then sought and granted in September 2022 to change the location of these activities from the 2020 consent, there was no change in the overall floor areas being provided for each of them, and no breach of the ODP thresholds.

6.18.14 Having reviewed the reports relating to the consent and variation, it is my view that the thresholds in the ODP were strongly relied on and therefore it is appropriate to maintain them in the PDP. I consider it appropriate to retain these, but agree with the submitter that this should include permitting restaurants provided they meet the combined thresholds contained in the ODP. This requires changes to be made to LFRZ-R5 and LFRZ-R6 to align with the ODP, and removal of reference to avoiding restaurants in LFRZ-P6.

6.18.15 I also note that the resource consent does not set objectives and policies, and so I consider that there is a need to include this direction within the District Plan (as is proposed through

the LFRZ framework), which will also guide future development, e.g. if variations are sought to the current consents.

6.18.16 With respect to residential development, I do not consider this to be appropriate within this zone. This is because it is not consistent with the description in the NP Standards, as it would not result in a predominance of commercial activities which require large floor or yard areas, nor is it consistent with the approach taken to these zones in other district plans. In my view, it would be more appropriate to consider residential use through a plan change to rezone parts of the site to a residential zoning. This was not directly sought through the submission, with the changes sought being to the LFRZ provisions, and including amendments to provide for residential activity. However, the submission also sought "*such further or other relief, or other consequential amendments as are considered appropriate and necessary to address the concerns*" set out in the submission. There may therefore be scope to consider a re-zoning of the site, but the merits of such zoning would need to be considered, including how potential conflict between large format retail activities and residential activities would be addressed. This has not been addressed at all by the submitter.

Conclusions and Recommendations

6.18.17 I recommend that LFRRZ-P6 is amended as follows:

Avoid the development of:

1. ~~restaurants; and~~
2. ~~any commercial activity (excluding large format retail) that is not ancillary to the primary large format retail activity; and~~
3. ~~retail activities that do not comply with the staging thresholds,~~
unless the activity, either individually or cumulatively, will not undermine the purpose, function and amenity values of the City Centre Zone.

6.18.18 LFRZ-R5, LFRZ-R6 and LFRZ-S5 are amended as follows:

LFRZ-R5	<u>Offices and Commercial Services</u>	
Large Format Retail Zone	Activity Status: Permitted Where: PER-1 Any ancillary office must: 1. occupy no more than 15% of the combined gross floor area of buildings on the site, or 2. for yard-based activities be no larger than 250m²; and PER-2 The Except where an office is ancillary to a permitted activity the gross floor area of all offices and commercial services shall not exceed 2% of the aggregated developed gross floor area of all retail activities; and	Activity status where compliance not achieved with PER-3: Restricted Discretionary Matter of discretion are restricted to: 1. the matters of discretion of any infringed standard. Activity status where compliance not achieved with PER-1: Discretionary

	<p>PER-3 LFRZ-S4 is complied with; and</p> <p>PER-4 LFRZ- S5 and LFRZ-S6 is complied with.</p> <p>Note: Any associated building and structure must be constructed in accordance with LFRZ-R9.</p>	<p>Activity status where compliance not achieved with PER-2 or PER-4: Non-complying</p>
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LFRZ-R6	<u>Cafes-Food and Beverage</u>	
<p>Large Format Retail Zone</p>	<p>Activity Status: Permitted</p> <p>Where:</p> <p>PER-1 Any café does not exceed 150m² in gross floor area; and The gross floor area of all food and beverage activities must not exceed 4% of the aggregated developed gross floor area of all retail activities.</p> <p>PER-2 There are not more than two cafes located within the zone; and; and</p> <p>PER-3 LFRZ-S4 is complied with; and</p> <p>PER-4 LFRZ- S5 and LFRZ-S6 is complied with.</p> <p>Note: Any associated building and structure must be constructed in accordance with LFRZ-R9.</p>	<p>Activity status where compliance not achieved with PER-3: Restricted Discretionary</p> <p>Matter of discretion are restricted to:</p> <p>1. the matters of discretion of any infringed standard.</p> <p>Activity status where compliance not achieved with PER-1, PER-2 or PER-4: Non-complying</p>

LFRZ-S5	Development staging thresholds	
<p>Large Format Retail Zone</p>	<p>1. Development open to the public prior to 1 July 2028 must not in aggregate exceed 10,000m² of gross floor area for all retail activities, excluding trade suppliers; and</p> <p>2. Development open to the public prior to 1 July 2033 must not in aggregate exceed 15,000m² of gross floor area for all retail activities, excluding trade suppliers; and</p> <p>3. Development open to the public prior to 1 July 2038 must not in aggregate exceed 20,000m² of gross floor area for all retail activities, excluding trade suppliers; and</p> <p>4. Development open to the public after 1 July 2038 must not in aggregate exceed 34,000m² of gross floor area for all retail activities, excluding trade suppliers</p>	<p>Activity status where compliance not achieved: Non-complying</p>

	<ol style="list-style-type: none"> <u>1. The maximum gross floor area of retail activities, offices and personal services must not exceed 34,000m².</u> <u>2. Development open to the public prior to 1 July 2025 must not in aggregate exceed:</u> <ol style="list-style-type: none"> <u>a. 29,000m² of gross floor area for all retail activities (excluding department stores); and</u> <u>b. 30,000m² of gross floor area for all retail activities including department stores.</u> <u>3. Development open to the public prior to 1 July 2027 must not in aggregate exceed 34,000m² of gross floor area for all retail activities including department stores.</u> <u>4. The maximum gross floor area of offices, personal services and food and beverage must not in aggregate exceed 5% of gross floor area for all retail activities</u> 	
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6.18.19 I recommend that LFRZ-R14 is deleted.

6.18.20 As a consequence of the above, I recommend that the following definitions are added to the PDP (which are largely taken from the ODP):

Department Store means a business primarily engaged in selling a wide range of nongrocery and non-food merchandise including worn and carried apparel, household appliances, furnishings and equipment, personal goods and giftware as otherwise described and classified as ANZSIC category 5210, in individual retail premises of no less than 2,000 sqm of gross floor area.

Personal services means a commercial activity which provides individual service to people and includes hairdressers, beauticians and photographers.

6.18.21 In terms of s32AA, if the staging thresholds and other limits are retained as notified, this would result in a mis-match between what is anticipated in the PDP, versus what is authorised under the resource consent. Their retention would also not alter the actual effects that will arise from the consent being fully given effect to. Therefore I consider that the above changes will result in a more efficient approach.

6.19 Large Format Retail Zone – Objectives and Policies

6.19.1 This section of the report considers submissions made on the LFRZ objectives and policies which are not otherwise addressed in the above section, or tied to the rezoning sought for 226 Evans Street (which is discussed in the 'Zoning' section of this report).

6.19.2 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in Appendix 2:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Z Energy	116.32, 116.33, 116.34
ECan	183.158, 183.159
Waka Kotahi	143.162
Alliance Group	173.127
Harvey Norman	192.17, 192.18, 192.19, 192.20, 192.21, 192.24

Submissions

6.19.3 Harvey Norman [192.17] and Z Energy [116.32] support LFRZ-O1 as notified.

6.19.4 Harvey Norman [192.18] and ECan [183.158] support LFRZ-O2 as notified. Z Energy [116.33] seeks that clause 3 is expanded to refer to buildings that have large gross floor areas “*and/or require larger yard areas*”.

6.19.5 Harvey Norman [192.19, 192.20 and 192.21] supports LFRZ-P1, LFRZ-P2 and LFRZ-P3. ECan [183.159] also support the intent of LFRZ-P3.

6.19.6 Waka Kotahi [143.162] support LFRZ-P4. Z Energy [116.34] and Harvey Norman [192.24] support LFRZ-P6. Alliance Group [173.127] state that their site, being immediately adjacent to the zone, is sensitive to reverse sensitivity effects and seeks that this is recognised through a clause being added to LFRZ-P6 requiring that other activities are only allowed where reverse sensitivity effects are appropriately avoided or mitigated.

Analysis

6.19.7 I am comfortable with the addition of reference to larger yard areas. Although the clause is currently related to built form, large yard areas are also an anticipated feature of the zone and I consider it appropriate that this is clearly set out in this objective.

6.19.8 With respect to LFRZ-P6, I note that this policy applies to “other activities” being those that are not permitted. While reverse sensitivity effects may not be relevant to some activities, I consider it appropriate that explicit consideration be given to the potential for this to arise in relation to some activities managed under the discretionary and non-complying activity rules. This includes reverse sensitivity that may arise in relation to neighbouring sites as well as potential reverse sensitivity that might arise in relation to activities within the zone.

Conclusions and Recommendations

6.19.9 Amend LFRZ-O2 as follows:

The Large Format Retail Zone:

... 3. *contains buildings that have large gross floor areas and/or activities that require larger yard areas; and*

6.19.10 Amend LFRZ-P6 as follows:

Only allow other activities to establish and operate within the Large Format Retail Zone where they:

... 4. *Appropriately avoid or mitigate potential reverse sensitivity effects.*

6.19.11 In terms of section 32AA, the addition to LFRZ-O2 does not alter the general intent of the objective and therefore the original s32 evaluation still applies. The addition to LFRZ-P6 will, in my view, assist in the achievement of LFRZ-O1, by ensuring that activities not explicitly provided for in the zone are managed so that they do not undermine the primary focus of the zone, and similarly, that they do not compromise the primary focus of the General Industrial Zone (as set out in GIZ-O1).

6.20 Large Format Retail Zone – Rules and Standards

6.20.1 This section of the report considers submissions made on the LFRZ rules and standards which are not otherwise addressed in the above General section, or tied to the rezoning sought for 226 Evans Street (which is discussed in the 'Zoning' section of this report).

6.20.2 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in Appendix 2:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Waka Kotahi	143.163, 143.165
Alliance Group	173.128
Harvey Norman	192.32, 192.27, 192.33, 192.34, 192.35, 192.36, 192.39
Timaru TC Ratepayers	219.6
Timaru Civic Trust	223.7
Redwood Group	228.3, 228.4, 228.5, 228.6
Woolworths	242.30, 242.31

Submissions

6.20.3 Various submitters support specific rules (Woolworths [242.30] support LFRZ-R1; Waka Kotahi [143.163] support LFRZ-R9; Harvey Norman [192.32] support LFRZ-R10; Alliance Group [173.128] support LFRZ-R13).

6.20.4 Timaru TC Ratepayers [219.6] and Timaru Civic Trust [223.7] seek that further restrictions are placed on the Zone to protect the City Centre from negative impacts, by reducing the quantum of commercial floor area permitted in the Zone and adding restrictions on retail, restricting

the minimum size to 500m². They state that many of the requirements proposed by the rules will never be implemented due to the existing consents.

- 6.20.5 As an alternate to their broader submission point, Redwood Group seek deletion of LFRZ-R12 which applies a non-complying activity status to commercial activities not otherwise specified in the chapter [228.5]; changing the activity status for restaurants (LFRZ-R14) from non-complying to permitted [228.6]; deleting the requirement in LFRZ-R6 which impose a floor limit on cafes and limit the number per zone to two [228.4].
- 6.20.6 Harvey Norman [192.27] note an error in the LFRZ-R5, where non-compliance with PER-3 is listed twice but non-compliance with PER-2 is not stated.
- 6.20.7 Woolworths [242.31] request that functional and operational needs are listed as matters of discretion in LFRZ-R9 so they are a consideration of any resource consent for a building.
- 6.20.8 Harvey Norman support LFRZ-S1 [192.33], LFRZ-S2 [192.34], LFRZ-S3 [192.35] and LFRZ-S4 [192.36]. Waka Kotahi support LFRZ-S6 [143.165].
- 6.20.9 Redwood Group [228.3], as an alternate to their broader relief discussed earlier, seek that LFRZ-S5, which applies development staging thresholds to the zone, is amended to reflect the GFA maximums in the ODP and existing resource consent.
- 6.20.10 With respect to Appendix 9, which provides design guidelines for the LFRZ, Harvey Norman [192.39] seeks changes to the guidelines as they pertain to active frontages, visibility from streets and building materials. They consider that the guidelines are more focused on smaller retail shops and not taller buildings anticipated in the LFRZ, for example, noting that the extent of glazing is, in their view, not practicable.

Analysis

- 6.20.11 In my view, the rules and standards applying in the LFRZ are intended to manage activities in the LFRZ so that they do not undermine the purpose, function and amenity values of the CCZ. I consider it important to note that the site to which the zoning is proposed to apply is already zoned for development, and subject to limitations which manage the timing and quantum of development. While changes to these were included in the notified PDP, due to the timing of the drafting and notification phases of the PDP, I accept that in some cases the requirements proposed in the LFRZ have been “superseded” by resource consents that have been issued. Amending the rules through the PDP process does not affect the activities authorised through the resource consent in any case. The minimum floor area for retail is already required to be 450m² (as large format retail, defined as being a retail tenancy with a GFA above 450m², is permitted under LFRZ-R1, and retail below this would be a non-complying activity under LFRZ-R12). Given the existing zoning of the site, and the resource consents already issued, I do not consider it reasonable to reduce the quantum of commercial floor area permitted in the Zone overall, as this would render some of the land unusable for its zoned purpose. Instead, the staging thresholds limit the timing of development as a way of managing impacts on the CCZ. As noted earlier, I have however recommended that these are amended to reflect the

Operative Plan rules, to align with what is already authorised through the resource consent for the site.

6.20.12 The rules sought to be amended by Redwood Group would allow for any number of restaurants and cafes in the zone as a permitted activity. In my view, this does not align with the primary purpose of the zone, because it would extend beyond activities that support the large scale retail activities. It would also be inconsistent with ODP which includes limits on the quantum of these activities. Permitting these activities in all instances could also undermine the purpose, function and amenity values of the City Centre Zone. As such, I consider that these changes would not align with LFRZ-O1. However, as noted earlier, I have recommended that the limits on these activities are replaced with those from the ODP and consider that this will address the concern of the submitter. Deleting the non-complying activity status for other commercial activities would result in a gap in the rule framework, as the activity status for these would not be specified and therefore be unclear. Given the purpose of the zone, as set out in LFRZ-O1, I consider it appropriate that the rule framework limits other commercial activities in the manner proposed and therefore support retention of LFRZ-R12.

6.20.13 I agree that there is an error in the LFRZ-R5 that should be amended to refer to specify the activity status when PER-2 is not met as non-complying (and remove the double-up reference to PER-3).

6.20.14 I agree that it is appropriate to refer to functional needs in the matters of discretion in LFRZ-R9, to align with LFRZ-O2.4. As the objective does not refer to operational needs, I have not recommended this is included.

6.20.15 With respect to staging thresholds, as noted above, I have recommended that these are amended to reflect the GFA maximums in the ODP and existing resource consent.

6.20.16 I note that Appendix 9 has essentially been rolled over from the current ODP, and is specific to this site – not to areas where smaller retail shops are anticipated. I therefore disagree that the guidelines are focussed on smaller retail shops as they were included in the Plan as part of the current zoning of this area, and are therefore specific to it. They therefore already apply to development in this zone. While I accept that many of the matters listed in the guidelines read as though they are standards, I note that the way the appendix operates is that it is a matter of discretion for any building, and therefore the direction in it applies more as a guide. Through the consent process, consideration can therefore be given to alternate designs/building materials etc, noting that I have recommended an additional matter of discretion be added to provide for consideration of functional and operational needs. I therefore recommend the guidelines are retained as notified.

Conclusions and Recommendations

6.20.17 Amend LFRZ-R5 as follows:

Activity status where compliance not achieved with PER-~~3~~2 or PER-4: Non-complying.

6.20.18 Amend LFRZ-R9 as follows:

...Matters of discretion are restricted to:

... 8. vehicle and pedestrian access-; and

9. functional needs.

6.20.19 In terms of section 32AA, I consider that the changes are minor and do not alter the general effect of the rules. The change to LFRZ-R5 will improve Plan administration by being clear about the activity status applying when PER-2 or PER-3 is not met; and the addition to LFRZ-R9 better aligns the rule with the outcomes expressed in LFRZ-O2.

6.21 Mixed Use Zone – Objectives and Policies

6.21.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in Appendix 2:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
MoE	106.38
Z Energy	116.16
FENZ	131.84
Waka Kotahi	143.166
BP Oil et al	196.86
Te Pūkenga	215.1, 215.5, 215.6
Kāinga Ora	229.124, 229.125, 229.126, 229.127
Dept. Corrections	239.9

Submissions

6.21.2 MoE [106.38], Z Energy [116.16], FENZ [131.84], Kāinga Ora [229.124] and Dept. Corrections [239.9] all support MUZ-O1.

6.21.3 Te Pūkenga [215.5], as an alternate to rezoning their site to a Special Purpose Zone, seeks that MUZ-O1 is amended to recognise the importance of tertiary education, by adding “*and recognises the contribution to the District’s and Region’s social and economic wellbeing made by existing tertiary education activities*”.

6.21.4 Waka Kotahi [143.166] support MUZ-O2. Kāinga Ora [229.125] seeks amendments to the objective to refer to both accommodating and “attracting” large numbers of people, and to add the following additional clauses:

enables a wide range of activities to service the needs of the District; and

creates attractive streetscapes for pedestrians and cyclists; and

enables activities that avoid, remediate and/or mitigate adverse effects and reverse sensitivity effects.

- 6.21.5 Kāinga Ora [229.126] seeks that the title to MUZ-P3 is amended to refer to any industrial activities, rather than only existing ones, and the addition of a clause directing the avoidance of new offensive trades and hazardous facilities, unless they would not compromise residential amenity within the Zone.
- 6.21.6 BP Oil et al [196.86] support MUZ-P4. Kāinga Ora [229.127] seeks amendments to the policy to restrict residential activities being located at the ground floor level, to allow for retail or other appropriate commercial activities at ground floor level, and to direct that privacy and amenity for existing residential units is not compromised by new activities in the zone.
- 6.21.7 Te Pūkenga [215.6], as an alternate to rezoning their site to a Special Purpose Zone, seeks the addition of a new policy in the MUZ chapter specifically recognising existing tertiary education activities and facilities and providing for their ongoing operation and development, as well as for community use of education land and buildings where such use is compatible with, and secondary to, the use of the site for education activity.
- 6.21.8 Te Pūkenga [215.1] also seeks that a new definition is added for ‘tertiary education activity’, to support the changes sought to the MUZ provisions, as follows:

The use of land and/or buildings for the purpose of the facilitating tertiary education, training, development, and instruction and/or related research and laboratories; and includes ancillary and accessory administrative, cultural, commercial, community, staff and student facilities, conferencing, accommodation, retail and recreational activities.

Analysis

- 6.21.9 As I am recommending rejection of Te Pūkenga’s request for a Special Purpose Zone, and application of the MUZ instead, I have considered the alternate change they have sought to MUZ-O1. However, I do not agree that it is appropriate to add additional reference to tertiary education activities in MUZ-O1, because the objective already refers to the zone providing for a range of activities, including educational facilities. In my opinion, this already appropriately recognises that this type of activity is anticipated in the zone, and it is not appropriate to single out one particular activity located in the zone above others. In addition, I consider the additional wording is more of an action rather than an outcome, so in any case would better sit at a policy level.
- 6.21.10 I do not consider adding reference to enabling a wide range of activities in MUZ-O2 is necessary, because this is included in MUZ-O1, which relates to the purpose of the zone. MUZ-O2 is instead more specifically focused on the character and qualities of the zone, rather than on activities. I similarly do not consider it appropriate to refer to enabling activities where they address reverse sensitivity in MUZ-O2 because this is again related to activities, more so than the character and qualities of the zone. In addition, I do not consider it appropriate in either case to refer to enabling activities at the objective level, because this is better addressed at

the policy level; the objectives instead should focus on the outcome sought. With respect to reverse sensitivity, I consider that the outcome sought is already encompassed in clause 5, which refers to provision of a safe and functional working and residential environment. Actions taken to achieve this – including managing reverse sensitivity – is then more appropriately addressed at the policy level. It is also encompassed in MUZ-O1, in that in order to provide for a wide range of activities in the zone, conflicts between them will need to be managed. With respect to adding reference to creating attractive streetscapes, I consider that this is already more broadly covered in clause 4, which refers to development occurring in accordance with good urban design principles. I therefore do not consider that the additional more specific clause is required as well. However, I agree with the addition to clause 1, to refer to attracting people.

6.21.11 In terms of MUZ-P3, this is specifically limited to existing industrial activities, in recognition that there are parts of the zone where such activities are established, but that over time it is anticipated that the zone will transition to a more residential one. As drafted, MUZ-P3 would not apply to new industrial activities, which would instead be governed by MUZ-P6, applying to other activities. This directs that other activities are only provided for where they meet specified criteria, including that they are compatible with the purpose, character and qualities of the zone and that their intensity and scale does not compromise activities that are enabled within the Zone. I consider that this direction is appropriate to apply to other industrial activities, and explicitly requires consideration of any effects relating to the intensity and scale of new industrial activities on residential activities. I do however consider that MUZ-P6 could be amended to also refer to the nature of an activity, allowing more explicit consideration of this with respect to offensive trades and hazardous facilities. I consider this change is within the scope of what is sought by Kāinga Ora.

6.21.12 As noted by Kāinga Ora, the proposed MUZ framework permits residential activities in all instances in the zone. They seek instead that these activities are directed to above the ground floor level. This is a requirement in the CCZ and reflects the focus in the CCZ on commercial activities, with residential activities being enabled in order to add to the vitality and vibrancy of these areas (CCZ-O1.2) while maintaining the commercial and community focus. The MUZ is anticipated to provide for a wide range of activities, in a manner that reinforces the focus of the CCZ as the key commercial and civic centre (MUZ-O1). The chapter introduction also expressly notes that while parts of the area have industrial uses, a transition to more residential living opportunities over time is anticipated. However, while residential activities are permitted, the establishment of new residential units requires consent as a restricted discretionary activity under MUZ-R10.

6.21.13 From a spatial perspective, the MUZ is located between the CCZ and the MRZ. Requiring residential activities to be located above the ground floor level would therefore apply a consistent approach between the CCZ and the MUZ. However, unlike the CCZ, the MUZ does not have the same focus on commercial activities and is intended to support the CCZ's commercial and civic focus, rather than the MUZ having that focus itself. I therefore do not consider that there is a need for residential activities to be restricted at the ground floor level

to achieve the outcome sought in this zone, in the way there is in the CCZ. I also note that single storey buildings are common in the MUZ, whereas the CCZ currently contains predominantly two storey buildings. Limiting residential uses to above the ground floor level would therefore limit the efficient use of existing buildings within the MUZ. I also note that the MUZ framework only permits residential activities within existing buildings, and subject to standards which seek to ensure the provision of good on-site residential amenity for occupants. As noted above, new residential units are restricted discretionary, allowing for consideration of matters including the potential for reverse sensitivity to arise in relation to other existing activities within the zone; and the design and layout of buildings and how they interface with public areas. Overall, I consider that the approach is appropriate to achieve the outcomes sought in MUZ-O1 and MUZ-O2.

6.21.14 I do consider that it is appropriate to amend the policy direction in relation to managing privacy and amenity for existing residential units within the Zone. In my view, this aligns with MUZ-O2.5 which seeks to provide a safe and functional working and residential environment, with a level of amenity that is consistent with the activities provided for within the Zone. Because residential activities are provided for within the zone, I consider that the policies should direct how an appropriate level of amenity for existing residential activities is to be provided for. However, I recommend that this is added to MUZ-P5, which relates to the scale and location of any built form, and therefore manages the effects of built form on surrounding areas, whereas MUZ-P4 provides direction in relation to managing residential activities (not managing effects *on* residential activities.)

6.21.15 With respect to the additional policy sought by Te Pūkenga, I note that MUZ-P2 already refers to educational facilities, directing that they are provided for. This is reflected in the permitted activity status applying to these in MUZ-R5. However, as indicated earlier (and discussed further below), I consider that it is appropriate to apply a Precinct to the site (the 'Tertiary Education Precinct') to allow for a slightly amended approach to be taken with respect to the site. I consider it appropriate as part of this to include policy direction, which explicitly recognises the contribution of the Precinct to the District's wellbeing, through: enabling the ongoing use and development of tertiary education services, as well as complimentary activities which allow for the efficient use of the Precinct's facilities; and managing built form within the precinct to reflect its existing character and the operational and functional needs of tertiary education services.

6.21.16 With respect to the policy wording, this does not include reference to community use of education land and buildings. This is because I consider that managing use of education land and buildings for community uses in a manner that is compatible with, and secondary to, the use of the site for education activity is a matter for the owner of the land/buildings, rather than a resource management matter for the District Plan to address.

6.21.17 As a consequence of applying a Precinct to the site, I also recommend that the Introduction to the chapter is amended to refer to the Precinct and the Precinct is added to SCHED16A. I also recommend including a new definition for 'Tertiary Education Services', (as sought by the

submitter,) to clarify what the proposed policy direction includes, noting that this would be a sub-set of 'educational facilities'.

Conclusions and Recommendations

6.21.18 Amend MUZ-O2 as follows:

The Mixed Use Zone:

1. *accommodates and attracts large numbers of people; and*

6.21.19 Amend MUZ-P5 as follows:

Maintain the amenity values of the surrounding area and adjoining sites, by requiring:

1. *buildings to be setback from the boundaries of adjoining sites within Residential Zones or containing residential activities, to minimise any dominance or privacy effects arising from the location and bulk of buildings; and*
2. *the screening of storage areas from adjoining sites and roads; and*
3. *buildings to be a height that is consistent with the character of the surrounding area while providing for the functional needs of activities; and*
4. *that the design and layout of buildings results in good urban design outcomes.*

6.21.20 Amend MUZ-P6 as follows:

Only allow other activities to establish and operate within the Mixed Use Zone where ~~they~~:

1. *they are compatible with the purpose, character and qualities of the zone; and*
1. *they are of a scale or nature that would not undermine the purpose, function and amenity values of the City Centre Zone-; and*
2. *the nature, intensity and scale of the activity does not compromise activities that are enabled within the Zone.*

6.21.21 In terms of section 32AA, I consider that the changes are minor and do not alter the general intent of the objective or policies and therefore original s32 evaluation still applies. I further consider that the change to MUZ-P5 is a more effective way of achieving MUZ-O2.

6.21.22 Amend the Introduction to the MUZ Chapter as follows:

... The zoning also reflects existing and continued use of parts of the zone for industrial activities, while also seeking to allow for the transition of this area over time in providing for more residential living opportunities.

The Tertiary Education Precinct applies to the site currently operated by Te Pūkenga – New Zealand Institute of Skills and Technology, where tertiary education activities (including a range of ancillary activities) are carried out.

6.21.23 Add a new policy as follows:

PRECX-P1 Tertiary Education Precinct

Recognise the contribution of the Tertiary Education Precinct to the Timaru District and wider region's social and economic wellbeing, by:

1. Enabling the ongoing use and development of tertiary education services;
2. Enabling complimentary activities which allow for the efficient use of the Precinct's facilities; and
3. Managing built form within the precinct to reflect the existing character of the Precinct and recognise the operational needs and functional needs of tertiary education services.

6.21.24 Add the 'Tertiary Education Precinct' to SCHED16A - Schedule of Precincts Layer, as follows:

<u>Unique Identifier</u>	<u>Name</u>	<u>Zone located</u>
<u>PRECX</u>	<u>PRECX - Tertiary Education Precinct</u>	<u>Mixed Use Zone</u>

6.21.25 Add the following definition of 'Tertiary Education Services':

means the use of land and/or buildings for the purpose of facilitating tertiary education, training, development, and instruction and/or related research and laboratories; and includes ancillary and accessory administrative, cultural, commercial, community, staff and student facilities, conferencing, accommodation, retail and recreational facilities.

Note: this definition is a subset of 'Educational Facility'.

6.21.26 In terms of section 32AA, I consider that the identification of the site as a Precinct, and the proposed policy applying to it aligns with the outcomes sought in MUZ-O1 and MUZ-O2, but provides more specific direction with respect to the type of activities and built form that are anticipated within this precinct. I consider that the application of a precinct, with specific policy direction and relates rules will provide a targeted and efficient approach that is still effective at achieving the objectives, and that the difference in approach better takes into account the contribution of the activities undertaken on the site to the community's social and economic wellbeing; as well as more efficiently managing the existing physical resources associated with this site in accordance with s7(b).

6.22 Mixed Use Zone – Rules

6.22.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in Appendix 2:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
FENZ	131.87
Waka Kotahi	143.167
Te Pūkenga	215.7, 215.8, 215.9, 215.13
Kāinga Ora	229.128, 229.129
Dept. Corrections	239.28
Woolworths	242.33

Submissions

- 6.22.2 Kāinga Ora [229.128] seek that MUZ-R7, pertaining to industrial activities, is expanded to include an additional requirement that *“the activity is not a new industrial activity”* and also seek amendments to the related note to refer to alterations and additions to buildings or structures containing an industrial activity.
- 6.22.3 Kāinga Ora [229.129] seeks that MUZ-R8, which applies to residential activities in existing buildings, is amended to also apply to residential units, with additional requirements that new residential activities or units are located entirely above ground floor level; and are located 25m from any existing industrial activity in the MUZ. This is stated as being to broaden the scope of the rule and enable new residential units above ground floor level, as a permitted activity where appropriate.
- 6.22.4 Waka Kotahi [143.167] supports MUZ-R10. Woolworths [242.33] seeks that the matters of control applying to buildings and structures in MUZ-R10 is expanded to allow for consideration of functional and operational needs.
- 6.22.5 FENZ [31.87] seek that a new rule is added to permit Emergency Service Facilities, stating that these are generally of limited scale and support the function and wellbeing of commercial centres, providing for the health, safety and wellbeing of people.
- 6.22.6 Dept. Corrections [239.28] seek that a new rule is added to permit community corrections activities, as they consider these to be compatible and appropriate activities within this zone, providing essential social infrastructure.
- 6.22.7 Te Pūkenga, as an alternate to rezoning their site to a Special Purpose Zone, seeks the addition of a new rule permitting “Buildings and structures for tertiary education activities and facilities”, subject to compliance with built form standards, and limited to a total gross floor area of 1000m² [215.8] and consequentially amending MUZ-R10 to exclude application of the buildings and structures rules to tertiary education buildings [215.7], along with renumbering of the rules [215.9]. Te Pūkenga [215.13] also seek, regardless of whether their site is zoned Special Purpose or MUZ, that Community Facilities are permitted.

Analysis

- 6.22.8 I do not consider that the additional restrictions requested by Kāinga Ora to MUZ-R7 are necessary because PER-1 already states that the activity must have been existing as at 22 September 2022. I do however support changes to the note, as these provide greater clarity, albeit I recommend slightly different wording to capture that the rules also relate to new buildings or structures associated with existing industrial activities, not just alterations and additions to existing buildings.
- 6.22.9 With respect to MUZ-R8, I do not consider it necessary to amend the rule to apply to residential *units*, as these are already controlled under MUZ-R10, and the submitter has not sought a change to this rule. The change to MUZ-R8 would therefore result in duplication and conflict as to activity status, as buildings associated with residential activities are a restricted discretionary activity under MUZ-R10. Under MUZ-R10, the matters of discretion include consideration of reverse sensitivity. In my view, this already allows for consideration of the proximity of residential uses to industrial activities, and how these are to be managed, without a specific setback being required. I do not consider that permitting residential units where they are located entirely above ground floor level (even with a setback from existing industrial activities) is sufficient to address potential reverse sensitivity effects with commercial activities within the zone, and therefore would not align with MUZ-P4.
- 6.22.10 With respect to adding a requirement that new residential activities or units are located entirely above ground floor level, I note that this has been addressed above in relation to Kāinga Ora's submission on MUZ-P4 and for the reasons set out there I do not agree that requiring residential activities to be located above the ground floor level is necessary to achieve the outcomes sought in the MUZ.
- 6.22.11 I do not agree that there is a need to add consideration of operational and functional needs to the matters of control. This is because the activity status is controlled, and my understanding is that matters of control are those things which the Council can impose conditions in relation to. In this instance, matters of control largely relate to the design of the building, and the layout of the site, and allow the Council to consider conditions relating to matters such as the building's design (for example). In considering what conditions to impose in relation to these, the Council may take into account operational and functional requirements, but the condition would relate to the building's design and the site layout; a condition would not itself impose an operational or functional requirement.
- 6.22.12 As noted earlier, Emergency Service Facilities fall within the definition of a 'community facility'. As such, they are already permitted under MUZ-R5. I do not agree that it is efficient to add a separate rule specific to this sub-set of community facilities, when they are already covered in the broader rule. For completeness I note that any building for such an activity would require consent under MUZ-R10, and I consider that this is appropriate, as it applies to all buildings in the zone, regardless of their intended use.

- 6.22.13 I agree with permitting community corrections activities, as I consider that by definition, these are similar in nature to, or essentially the same as some commercial and community activities, for examples offices, or community halls. Although not explicitly stated in the definition, I consider community corrections activities could be considered to be a sub-set of community activities and therefore already permitted under MUZ-R5. However, to be explicitly clear, I recommend that MUZ-R5 is expanded to explicitly include community corrections activities.
- 6.22.14 With respect to Te Pūkenga's request for a permitted activity for buildings and structures for tertiary education activities and facilities up to 1000m², it is my view that this is appropriate, given the scale and nature of existing built development on the site. While it would result in a different approach being taken from the rest of the zone, I consider that the larger size of the site, including that it is largely bounded by public roads therefore separating it from other areas, as well as the nature of existing built form justifies a higher threshold being applied before further consideration of built form is required. From a drafting perspective, I recommend that MUZ-R10 is amended so that the current rule applies outside the recommended Precinct and a new row is inserted controlling built form within the Precinct. This would provide for buildings up to 1000m² as a permitted activity (subject to compliance with MUZ-S1 to MUZ-S4); and apply a controlled activity status beyond this.
- 6.22.15 With respect to community facilities, I note that MUZ-R5 already permits Community Facilities and therefore this part of their submission is already provided for.
- 6.22.16 In considering Te Pūkenga's overall submission, I note that a permitted activity was sought (as part of the proposed TEZ framework) for residential activities for students and staff, or for security purposes. I consider that this is appropriate, and therefore recommend that MUZ-R8 (which relates to residential activities within existing buildings) is amended so that the current rule applies outside the recommended Precinct and a new row is inserted which applies to residential activities within the Precinct. This rule would permit residential activity is for students, staff or security purposes associated with any tertiary education services; and apply a discretionary status for other residential uses. I consider that this approach is justified in the Precinct to reflect that more general residential uses (i.e. those not associated with tertiary education services) need to be managed to ensure they integrate with tertiary education services. For completeness I note that the combination of changes to MUZ-R8 and MUZ-R10 recommended would also require resource consent for new multi-unit residential development (i.e. above 1000m²) even where it is associated with tertiary education services, but this consent requirement would be related to the design of the units rather than their use.

Conclusions and Recommendations

- 6.22.17 Amend MUZ-R5 as follows:

MUZ-R5	<u>Community facilities, and educational facilities and community corrections activities</u>
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- 6.22.18 Amend the note in MUZ-R7 as follows:

Note: Any new building or structure associated with an existing industrial activity, and any additions or alterations to a building and or structure containing an existing industrial activity, must be constructed in accordance with MUZ-R9 and MUZ-R10.

6.22.19 I consider that these changes are minor and do not alter the general intent of the rules and therefore original s32 evaluation still applies. I consider the change to MUZ-R5 provides clarity that the rule applies to community corrections activities, and I consider that the effects associated with permitting these activities are the same as those relating to other community facilities. I consider that the change to MUZ-R7 provides greater clarity as to when MUZ-R9 and MUZ-R10 applies and will therefore assist with plan administration.

6.22.20 Amend MUZ-R8 as follows:

MUZ-R8	Residential activities within existing buildings	
Mixed Use Zone (outside PRECX - Tertiary Education Precinct)	Activity status: Permitted Where: ...	Activity status where compliance not achieved with PER-1 or PER-2: Restricted Discretionary Matters of discretion are restricted to: 1. the matters of discretion of any infringed standard.
		Activity status where compliance not achieved with PER-3: Discretionary
Mixed Use Zone within PRECX - Tertiary Education Precinct	Activity status: Permitted Where: PER-1 <u>The residential activity is for students, staff or security purposes associated with any tertiary education services; and</u> PER-2 <u>If the residential activity is associated with an existing residential unit, MUZ-S4 must be complied with; and</u> PER-2 <u>If the residential activity is undertaken within an existing building that has not been used previously as a residential unit, MUZ-S4, MUZ-S5, MUZ-S6, MUZ-SX and MUZ-SY must be complied with.</u> Note: Any associated building and structure must be constructed in accordance with MUZ-R9 and MUZ-R10.	Activity status where compliance not achieved with PER-1: Discretionary
		Activity status where compliance not achieved with PER-2 or PER-3: Restricted Discretionary Matters of discretion are restricted to: 1. <u>the matters of discretion of any infringed standard.</u>

6.22.21 Amend MUZ-R10 as follows (noting this incorporates changes to matters of discretion discussed in the next section):

MUZ-R10	Buildings and structures (excluding those specified in MUZ-R9)	
<u>Mixed Use Zone (outside PRECX - Tertiary Education Precinct)</u>	<p>Activity status: Controlled</p> <p>Where:</p> <p>CON-1 The building or structure is associated with or ancillary to a permitted activity; and</p> <p>CON-2 The new building or building addition, is not associated with a residential activity; and</p> <p>CON-3 MUZ-S1, MUZ-S2, MUZ-S3 and MUZ-S4 are complied with.</p> <p>Matters of control are restricted to:</p> <ol style="list-style-type: none"> 1. building design and layout, including interfaces with public areas <u>and the provision of active frontages, where appropriate;</u> 2. pedestrian and traffic safety 3. landscaping; 4. fencing and walls, including screening; 5. storage areas; 6. security and safety; 7. impact on privacy on any adjoining residential zone; 8. signage; 9. noise; and 10. the ability to provide service and storage spaces for solid waste; <u>and</u> 11. <u>the location and design of car parking, including their dominance from public areas.</u> 	<p>Activity status where compliance not achieved with CON-1: The same status as the activity the building or structure is associated with or ancillary to.</p> <p>Activity status where compliance not achieved with CON-2: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. building design and layout, including interfaces with public areas; 2. landscaping; 3. fencing and walls, including screening; 4. security and safety; and 5. reverse sensitivity.
		<p>Activity status where compliance not achieved with CON-3: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. the matters of discretion of any infringed standard; and 2. the matters of control listed for the Controlled Activity.
<u>Mixed Use Zone within PRECX - Tertiary Education Precinct</u>	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 Any new building or structure, or building addition does not exceed <u>1000m² in total gross floor area.</u></p>	<p>Activity status where compliance not achieved with PER-1: Controlled</p> <p>Matters of control are restricted to:</p> <ol style="list-style-type: none"> 1. building design and layout, including interfaces with public areas <u>and the provision of active frontages, where appropriate;</u> 2. pedestrian and traffic safety

	<p><u>PER-2</u> <u>MUZ-S1, MUZ-S2, MUZ-S3 and MUZ-S4</u> <u>are complied with.</u></p>	<p><u>3. landscaping;</u> <u>4. fencing and walls, including screening;</u> <u>5. storage areas;</u> <u>6. security and safety;</u> <u>7. impact on privacy on any adjoining residential zone;</u> <u>8. signage;</u> <u>9. noise;</u> <u>10. the ability to provide service and storage spaces for solid waste; and</u> <u>12. the location and design of car parking, including their dominance from public areas.</u></p> <p><u>Activity status where compliance not achieved with PER-2: Restricted Discretionary</u></p> <p><u>Matters of discretion are restricted to:</u></p> <p>1. <u>the matters of discretion of any infringed standard.</u></p>
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6.22.22 I consider that the additional matter of control in MUZ-R10 relating to functional needs and operational needs will better assist in achievement of MUZ-O2.4.

6.22.23 Under s32AA, I consider that the additional rules applying to the Tertiary Education Precinct are appropriate to implement the new recommended policy, and are a more efficient way of managing activities, including built form, within this part of the Zone, and better recognises the contribution the activities on this site make to the District's wellbeing.

6.23 Mixed Use Zone – Standards

6.23.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in Appendix 2:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Z Energy	116.19
FENZ	131.90
Te Pūkenga	215.10, 215.11, 215.12
Timaru TC Ratepayers	219.5
Kāinga Ora	229.132, 229.133, 229.134, 229.135
Timaru Civic Trust	223.6

Submissions

- 6.23.2 Timaru TC Ratepayers [219.5] and Timaru Civic Trust [223.6] support inclusion of the MUZ, but seek that additional urban design controls placed on the location and design of building frontages, landscaping and car parks within this zone to ensure that streetscapes are not overly dominated by car parks and large areas of tarmac. This would include standards such as requiring car parking behind or beside buildings, requirements for active frontages, boundary treatments, screening of storage areas, and landscaping in parking areas. They suggest that the controls in Appendix 9 (applying to the LFRZ) may be appropriate to apply to the MUZ.
- 6.23.3 Te Pūkenga seeks that a note is added to both MUZ-S2 [215.10] and MUZ-S3 [215.11], that the standards do not apply to road boundaries, on the basis that the control applies to boundaries adjoining a residential zone, and roads may be zoned residential. Kāinga Ora [229.132, 229.133] seek that these standards are amended to apply to boundaries adjoining not only residential zones, but also those adjoining an existing residential activity within the MUZ, with consequential amendments made to the matters of discretion to reflect this. They also seek a note is added to clarify however, that this does not apply where two buildings share a common boundary wall. FENZ [131.90] support MUZ-S3.
- 6.23.4 Z Energy [116.19] seek the MUZ-S4, relating to goods storage, is amended to refer to the visibility applying from the ground level of adjoining sites, so that the rule does not inadvertently capture visibility from the first floor level or above. Kāinga Ora [229.134] seek that the standard is amended so that it must also not be facing any site in a Residential Zone or containing an existing residential unit, and that further matters of discretion are added in relation to this.
- 6.23.5 Kāinga Ora [229.135] seek that the outdoor living space requirement (in MUZ-S5) is amended to reduce the requirement from 20m² per unit, where outdoor living space is provided at the ground floor level, to 12m² per unit, consistent with the area required if provided by way of a balcony.
- 6.23.6 Te Pūkenga [215.12] request that an additional setback standard is applied in the MUZ, requiring buildings and structures to be setback 3m from road boundaries.

Analysis

- 6.23.7 Within the MUZ, while a range of activities are provided for, built form itself is managed under MUZ-R10. Under this rule, all buildings and structures (except accessory structures) require a controlled activity consent. The matters of control already refer to building design and layout, including interfaces with public areas; landscaping, and screening. I also note that there is already a requirement (in MUZ-S4) for screening of outdoor storage areas. With respect to requiring landscaping in parking areas, I note that this is not a requirement in other zones where car parking is anticipated (such as the LCZ and LLRZ), but is something that can be considered under MUZ-R10, with appropriate conditions included on any consent. I consider this to be more appropriate than applying a specific standard.

- 6.23.8 I note that the ‘controls’ in Appendix 9 referred to by the submitters are guidelines applying to consideration of restricted discretionary activity, rather than being standards in and of themselves. The Guidelines are included in the ODP and apply specifically to the current Commercial 2A Zone. I do not consider that they would automatically “fit” if applied to another zone, particularly given that the LFRZ/Commercial 2A zone is focussed on large-scale buildings, whereas the MUZ anticipates a range of different building scales (MUZ-O2.3). They also apply to a largely undeveloped area and provide some guidance that relates to the comprehensive development of the site (e.g. inclusion of public transport facilities), which is different to the MUZ context, which encompasses multiple land parcels. I therefore do not support them being applied within the MUZ.
- 6.23.9 With respect to requiring active frontages, as well as car parking behind or beside buildings, I note that a range of activities are anticipated in the MUZ. MUZ-O2.4, while seeking that built form meets good urban design principles, also seeks that this is in recognition of functional needs of activities. Unlike in areas where the predominant focus is on commercial activities, and there is a desire for such activities to integrate with the street, I consider the outcome sought in MUZ-O2 is more varied and therefore “requiring” active frontages, and precluding parking in certain areas does not reflect that the mix of activities are expected to result in a range of built form outcomes. Because buildings and structures require consent under MUZ-R10, these are matters that can however be considered in the consent process, taking into account the purpose of any new building. However, to allow for an appropriate level of consideration of these matters, I recommend that a more explicit reference to active frontage is included in the matters of discretion, and that an additional matter is added in relation to parking, as this is not currently addressed in the matters of control.
- 6.23.10 I do not consider that a note is required in MUZ-S2 to exempt application of this standard to road boundaries, as this is already set out in APP8. From an efficiency point of view it makes sense to leave this exemption in the appendix as then it is included just once; alternatively, such a note would need to be added to every height in relation to boundary standard in the Plan.
- 6.23.11 I agree with Te Pūkenga that MUZ-S3 would apply to road boundaries, where roads are zoned residential. However, this does not arise in practise, because the approach taken in the PDP is to apply the adjoining zoning up to the centre of the road. Therefore, any road adjoining the MUZ is also zoned MUZ, meaning the setback requirements of MUZ-S3 do not apply to road boundaries because of the way these are zoned. As such I do not consider any change to MUZ-S3 is required.
- 6.23.12 With respect to applying these standards to boundaries adjoining an existing residential activity within the MUZ, I note that a similar requirement is included in NCZ-S3, whereby a buildings setback is applied to both boundaries with a residential zone, or from any site containing a residential activity. The NCZ similarly anticipates some residential use alongside commercial activities. Given the even broader range of activities anticipated in the MUZ, I consider that applying the same approach to setbacks, i.e. to apply the internal setback to

sites within the zone containing an existing residential use, is appropriate. In my view, this aligns with MUZ-O2.5 which seeks to provide a safe and functional working and residential environment, with a level of amenity that is consistent with the activities provided for within the Zone. Because residential activities are provided for within the zone, I consider the standard is necessary to provide an appropriate level of amenity for existing residential activities. I consider that for the same reason it is appropriate to also apply the height in relation to boundary requirements to sites containing residential activities. This also aligns with changes I have recommended at the policy level for the same reasons.

6.23.13 I do not consider that a note is needed in relation to common boundary walls as this exemption is already included in APP8.

6.23.14 I agree with Z Energy that MUZ-S4 (Goods storage) should only apply at ground level, and recommend a change accordingly. I note that this same standard applies in other zones and therefore as a consequence of this recommendation, I consider that changes needs to also be made to NCZ-S5, LCZ-S4, LFRZ-S4, MUZ-S4, TCZ-S4 and CCZ-S2. However, I do not think it is reasonable or necessary to require that good storage does not “face” a residential zone or site containing a residential unit, given the requirement that it must be screened so that it is not visible from the adjoining site.

6.23.15 In terms of the outdoor living space requirement (in MUZ-S5), I am not sure how the changes sought by the submitter would work in practice, as they appear to allow for (but not require) common living space to be provided at ground floor level, but I am not sure if this is intended to be in addition to the balcony requirements or not. I do not in any case consider it appropriate for a standard to be included about something that “may” be provided. If the Hearing Panel agree with requiring residential activities to be located above ground floor level (noting I have not recommended this, for the reasons set out earlier), then I consider that clause 1 of MUZ-S5 can be deleted. If the submitter is seeking that notwithstanding this, common outdoor living space can be provided at ground floor level, then I consider clause 2 should be amended as follows:

Each residential unit must have an exclusive outdoor living space:

- 1. ~~for units located entirely above the ground floor level, that comprises a balcony above the ground floor level of at least 12m², with a minimum dimension of 1.5m; and or~~*
- 2. that comprises a common living space at ground floor level, of at least 12m² per residential unit that it serves, and with a minimum dimension of 3m; and*
- 3. which is located on the north, west or east side of the residential unit or building; and*
- 4. which is readily accessible from the common living space of the residential unit or a common space within a building (e.g. lobby).*

6.23.16 If residential activities are not required to be located above ground floor level, then I do not consider changes to the standard are required.

6.23.17 I do not consider it appropriate to require a 3m setback for buildings and structures from road boundaries. Given that the zone is anticipated to include a range of commercial activities, I consider it appropriate to allow for these to be built up to the road boundary, allowing for active frontage with the street. Requiring buildings to be setback in all instances would not encourage this to occur and could lead to preference for parking to be located in front of buildings.

Conclusion and Recommendations

6.23.18 Amend the matters of control in MUZ-R10 as follows:

Matters of control are restricted to:

1. *building design and layout, including interfaces with public areas and the provision of active frontages, where appropriate;*
2. *pedestrian and traffic safety;*
3. *landscaping;*
4. *fencing and walls, including screening;*
5. *storage areas;*
6. *security and safety;*
7. *impact on privacy on any adjoining residential zone;*
8. *signage;*
9. *noise; ~~and~~*
10. *the ability to provide service and storage spaces for solid waste; and*
11. *the location and design of car parking, including their dominance from public areas.*

6.23.19 Amend MUZ-S2 as follows:

Buildings and structures must be contained within a building envelope defined by recession planes from points 3.5m above ground level at the boundaries of the site when the site boundary adjoins an open space and recreation zone, ~~or~~ a residential zone or any site containing an existing residential activity. The method for determining recession planes and any permitted projection is described in APP8 – Recession Planes.

Matters of discretion restricted to:

1. *any impact on privacy and the ability to use outdoor living space of ~~Residential Zones~~ residential units; and*
2. *any impact on solar access to living rooms of ~~Residential Zones~~ residential units; and...*

6.23.20 Amend MUZ-S3 as follows:

Any building must be setback a minimum of 3m from ~~the~~ any boundary which adjoins a Residential Zone, or any site which contains an existing residential activity.

Matters of discretion restricted to:

1. *dominance, loss of privacy and shading in relation to adjoining sites in Residential Zones or which contain existing residential units; and ...*

6.23.21 Amend NCZ-S5, LCZ-S4, LFRZ-S4, MUZ-S4, TCZ-S4 and CCZ-S2 as follows (and make similar changes to GIZ-S5.3):

Any outdoor storage areas, except for the display of goods for retail sale, must be fully screened by a fence of not less than 2m in height so that it is not visible from adjoining sites and roads at ground level.

6.23.22 In terms of s32AA, I consider that the additions to MUZ-R10 are a more effective way of achieving MUZ-O2.4 through allowing for consideration of active frontages and car parking areas. As these are matters of discretion rather than requirements, I consider that any additional costs are minimal, and are appropriate to achieve the balance sought between good urban design and functional needs.

6.23.23 I consider that the change to MUZ-S2 and MUZ-S3 in relation to applying these standards to any site containing an existing residential activity, will assist in achieving MUZ-O2.5 because it will better provide for residential amenity, noting that residential activities are provided for within the MUZ.

6.23.24 I consider that the changes to MUZ-S4 (and other similar standards across the PDP) to only require that goods storage is not visible at the ground level of adjoining sites strikes a more appropriate balance between providing for activities that are anticipated in each zone (i.e. those that may include such storage) and managing effects on amenity values arising from such storage.

6.24 Town Centre Zone – Objectives and Policies

6.24.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in Appendix 2:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
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MOE	106.41
Hocken, F	112.3
Z Energy	116.22, 116.23
FENZ	131.92
BP Oil et al	196.85
Kāinga Ora	229.139, 229.140, 229.141, 229.142
Dept. Corrections	239.11, 239.12
Woolworths	242.34

Submissions

- 6.24.2 Hocken, F [112.3] seeks that town houses, workers units and visitor accommodation is allowed for in the town centre of Temuka, as they consider that there is little demand for shops, and these other activities are needed.
- 6.24.3 Z Energy [116.22], Kāinga Ora [229.139] and Dept. Corrections [239.11] all support TCZ-O1 as notified. Woolworths [242.34] seeks that the objective is expanded to refer to passers-by.
- 6.24.4 Kāinga Ora [229.140] seek removal of the reference to car parking in clause 3 of TCZ-O2, stating that greater consistency with the NPSUD is required. A grammatical change is also sought to clause 5.
- 6.24.5 FENZ [131.92] and Dept. Corrections [239.12] support TCZ-P1. MOE [106.41] seek that it is expanded to explicitly refer to educational facilities.
- 6.24.6 Kāinga Ora [229.141] support TCZ-P2. BP Oil et al [196.85] seek that the policy, related to enabling new residential activities located above ground floor level, is expanded to direct that they must also be designed to minimize potential reverse sensitivity effects on existing non-residential activities.
- 6.24.7 Z Energy [116.23] seeks that clause 1 of TCZ-P4 is amended, so that existing service stations are exempted from the direction to provide a verandah along the main street frontage. They consider that the policy does not recognise that there are some existing areas that do not align with the direction in the policy and that such provision would be unreasonable, given the functional requirements of service stations.
- 6.24.8 Kāinga Ora [229.142] request that TCZ-P5 is extended to direct that other activities are only allowed where they are not considered to have an adverse effect on the ability to provide for residential units within the Zone.

Analysis

- 6.24.9 With respect to town houses, workers units and visitor accommodation, I note that TCZ-O2 anticipates the TCZ being a focal point for the community, and containing a diverse range of activities that support residents. TCZ-P1 directs that a range of commercial activities,

community facilities are other activities are enabled, where they meet the criteria set out in the policy. This includes visitor accommodation which is permitted in the zone under TCZ-R3. TCZ-P2 is specific to residential activities, and seeks to enable these, where located above ground floor level. New residential units are therefore permitted above ground floor level. Any existing residential units located at ground floor level can continue to be used for this purpose. New residential units located at ground floor level could also be considered through a consent process, as a discretionary activity. I consider that this approach is appropriate because it allows for residential activities (including for workers) within this zone, but within parameters that prioritise the TCZ as a community focal point.

6.24.10 I am comfortable with the addition of passers-by to TCZ-O1, because while it is intended that these areas serve a local catchment (being both the residential areas within the township as well as the wider rural areas), they will also serve people passing through an area, without this detracting from the purpose, function and amenity values of the CCZ.

6.24.11 With respect to car parking, I note that TCZ-O2 describes the character and qualities of the zone. The reference to car parking is in this context – that it is anticipated that these areas will include areas of car parking while retaining a pedestrian-focus. This is reflected in the rules, with matters of control relating to the design and layout of car parking areas, and a restricted discretionary consent pathway for dedicated car parking facilities. With respect to the NPSUD, the direction in it relates to not being able to specify minimum car parking requirements. I do not consider that the framework proposed in the TCZ conflicts with this, and in the absence of reference to car parking in TCZ-O2, it might not be clear that car parking is anticipated in these areas. I therefore consider the reference to car parking should be retained in TCZ-O2.

6.24.12 I do not consider it necessary to expand TCZ-P1 to explicitly refer to educational facilities, as the policy already refers to “other activities”, in addition to commercial activities and community facilities and I do not consider there is a need to add reference to further specific activities.

6.24.13 With respect to expanding the residential activities policy to direct that residential activities must also be designed to minimize potential reverse sensitivity effects on existing non-residential activities, I note that the submitter has not sought changes to the rule framework. It is therefore not clear to me what changes would be required to implement the change to the policy and therefore what the costs and benefits of the approach would be. While I do not recommend the policy is expanded to include this, I note that in response to submissions on the standards applying to residential activities (which are discussed in the section below relating to ‘New Standards for Residential Activities’) I have recommended the addition of standards which seek to more broadly ensure an appropriate level of on-site amenity is provided for residential activities. I therefore recommend that TCZ-P2 is amended to refer to maintaining an appropriate level of on-site amenity to support these standards.

6.24.14 I do not agree with amending TCZ-P4 to exempt existing service stations to provide a verandah along the main street frontage. Any existing buildings which do not meet the requirement

have existing use rights, and these would be taken into account in any resource consent triggered as a result of a building expansion or redesign. I consider that this is appropriate, as I do not agree that an expansion or redesign should automatically be excluded from the requirement, simply because the existing built environment does not meet the anticipated built form outcomes.

- 6.24.15 With respect to expanding TCZ-P5 to direct that other activities are only allowed where they are not considered to have an adverse effect on the ability to provide for residential units within the Zone, I note that zone is intended to be a focal point for the community, containing a range of activities that support residents. While residential activities are anticipated within this zone, they are not its central focus, and therefore it is not expected that these areas be 'reserved' for residential activities. I therefore do not agree that other activities should be subject to a requirement related to not undermining provision of residential units in the zone, as this could result in other activities, that are consistent with the purpose of the TCZ, being excluded because they 'take up' space that might otherwise be used for residential units.

Conclusions and Recommendations

- 6.24.16 Amend TCZ-O1 as follows:

The Town Centre Zone is a focal point for the local community, and provides for a diverse range of activities that support the residents of the township and surrounding rural areas and passers-by.

- 6.24.17 Amend TCZ-O2 as follows:

The Town Centre Zone:

...5. ~~are~~ is of a size and scale that does not undermine the purpose, function and amenity values of the City Centre Zone.

- 6.24.18 I consider that these changes are minor and do not alter the general intent of the objectives and therefore original s32 evaluation still applies.

- 6.24.19 Amend TCZ-P2 as follows:

Enable new residential activities where they are located above ground floor level and maintain an appropriate level of on-site amenity for occupants.

- 6.24.20 I consider that the changes to the policy are appropriate to support the new standards proposed, (noting that the costs and benefits relating to the standards are set out in the 'New Standards for Residential Activities' section below) and collectively better assists in achieving a pleasant environment (TCZ-O2.1) which provides a diverse range of activities (TCZ-O1).

6.25 Town Centre Zone – Rules and Standards

6.25.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in Appendix 2:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
MOE	106.42
Z Energy	116.25
Waka Kotahi	143.169, 143.170
FENZ	131.94
Kāinga Ora	229.145, 229.146, 229.147
Dept. Corrections	239.29
Woolworths	242.36

Submissions

6.25.2 Z Energy [116.25] and Waka Kotahi [143.169] support TCZ-R6, which applies to buildings and structures. Woolworths [242.36] seek that the rule is amended to allow for operational and functional needs to be added as a matter of control.

6.25.3 Waka Kotahi [143.170] support TCZ-R8, pertaining to emergency services facilities. FENZ [131.94] seek that it is amended so that these are permitted, rather than controlled activities, on the basis that new fire stations may be necessary and as FENZ is not a requiring authority. They consider a permitted activity rule is the best way to facilitate new fire stations.

6.25.4 MOE [106.42] seeks a new restricted discretionary rule be added for educational facilities because it may have an operational need to locate assets within the zone.

6.25.5 Dept. Corrections [239.29] seek a new permitted activity rule be included for community corrections activities in the TCZ, stating that these are compatible and appropriate activities in these zones and are essential social infrastructure.

6.25.6 Kāinga Ora [229.145] seek that the height limit applying in the TCZ is increased from 10m to 16m, as they consider the lower limit compromises the zone being a focal point, when compared to the height limit of 16m applying in the MUZ and 12m in the MRZ. As a consequence of this change, they also seek [229.146] that the height in relation to boundary standard (TCZ-S2) is amended to apply from 3.5m, not 2.5m, and it noted in the standard that it does not apply buildings sharing a common boundary wall.

6.25.7 Kāinga Ora [229.147] seek that TCZ-S4, relating to goods storage, is amended so that any outdoor storage areas must also not be facing any site in a Residential Zone or containing an existing residential unit, and that further matters of discretion are added in relation to this.

Analysis

- 6.25.8 I do not agree that there is a need to add consideration of operational and functional requirements to the matters of control. This is because the activity status is controlled, and my understanding is that matters of control are those things which the Council can impose conditions in relation to. In this instance, matters of control largely relate to the design of the building (and wider site layout) and allow the Council to consider conditions relating to matters such as the building's design and how the development addresses the street frontage (for example). In considering what conditions to impose in relation to these, the Council may take into account operational and functional requirements, but the condition would relate to the building's design and how the development addresses the street frontage; the condition itself would not be imposing an operational or functional requirements.
- 6.25.9 I do not agree with permitting emergency services facilities simply because FENZ is not a requiring authority and because a permitted status would better facilitate new fire stations. In my view, whether fire stations should be permitted or not should relate to the appropriateness of such an activity status in implementing the relevant policy direction and achieving the objectives for the zone. I also note that a controlled activity does facilitate fire stations, as a consent cannot be refused. I consider that a controlled activity status is appropriate, because it aligns with the focus of the zone on providing for a diverse range of activities that support residents, while better managing the effects of these types of activities (particularly in terms of their nature) on amenity values of adjoining sites in residential zones, in accordance with TCZ-P1. This reflects that the TCZ areas are relatively small and surrounded by residentially zones areas. While consent must be granted, the matters of control allow for consent conditions to be imposed relating to traffic effects, hours of operation and so on.
- 6.25.10 As notified, educational facilities within the TCZ would require consent as a discretionary activity under the catch-all rule (TCZ-R10). I consider that educational facilities are broadly consistent with the purpose of the zone, as they are activities that support the Township's residents. I consider that restricted discretionary status would allow for consideration of the specifics of any particular facility, and broadly agree that the matters of discretion proposed by the submitter are appropriate, with some minor amendments. For consistency with the approach otherwise taken in the chapter, I consider that the rule should manage the activity, with the built form managed under TCZ-R6.
- 6.25.11 I agree with permitting community corrections activities, as I consider that by definition, these are similar in nature to, or essentially the same as some commercial and community activities, for examples offices, or community halls. Although not explicitly stated in the definition, I consider community corrections activities could be considered to be a sub-set of community activities and therefore already permitted under TCZ-R2. However, to be explicitly clear, I recommend that TCZ-R2 is expanded to explicitly include community corrections activities.
- 6.25.12 With respect to height, I consider it important to note that these areas are intended to be a focal point within the surrounding residential and rural catchments. I consider comparison

with the MUZ is not relevant in this context, given the MUZ is located adjoining the CCZ in central Timaru. Temuka Township does not contain any MRZ, and the Temuka TCZ area is mostly surrounded by GIZ, where height limit is 15m, and some of it adjoins GRZ, where the height limit is 9m. Pleasant Point does not contain any MRZ areas, and the TCZ is almost entirely surrounded by GRZ (9m height limit). Geraldine township contains some MRZ, and the TCZ is adjacent to MRZ (12m height limit notified, 11m height limit recommended), open space and GRZ areas. I tend to agree that 10m is not particularly comparable with potential heights in surrounding areas, but TCZ-O2 also seeks to ensure that within the zone, buildings are of a moderate scale, and TCZ-P1 directs that commercial activities and community facilities are limited in scale so that they do not undermine the purpose, function and amenity values of the City Centre Zone. On balance, I consider that increasing the height limit to 12m would be appropriate to allow for some higher buildings, reflecting the intent that they are a focal point, while taking into account the smaller scale of these areas and the surrounding context. However, I do not consider that TCZ-S2 (Height in relation to boundary) should be broadly amended (increased from applying at 2.5m to 3.5m) as a consequence of this, because it applies to site boundaries that adjoin an open space and recreation zone or a residential zone. The effect of the change is that greater shading would be allowed onto these sites which could compromise the amenity values of these sites and therefore not align with TCZ-O2.4. I do however agree that the higher measurement point (3.5m) should apply to MRZ boundaries, because this is the measurement point applied within the MRZ itself, and therefore reflects the level of amenity anticipated in that zone. As set out earlier, there is no need to amend the note to state that the standard does not apply to common boundary walls, as this is included in APP8 itself.

- 6.25.13 I do not think it is reasonable or necessary to require that good storage does not “face” a residential zone or site containing a residential unit, given the requirement that it must be screened so that it is not visible from the adjoining site.

Conclusions and Recommendations

- 6.25.14 Amend TCZ-R2 as follows:

<i>TCZ-R2</i>	<i>Community facility (excluding emergency services facilities) <u>and community corrections activity</u></i>
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- 6.25.15 Add a new rule as follows:

<i>TCZ-RX</i>	<i><u>Educational Facility</u></i>	
<i><u>Town Centre Zone</u></i>	<i><u>Activity Status: Restricted Discretionary</u></i> <i><u>Matters of discretion are restricted to:</u></i> <i><u>1. The extent to which it is necessary to locate the activity within the Town Centre Zone.</u></i> <i><u>2. The effects on, and consistency with, the purpose, character and qualities of the Town Centre Zone.</u></i>	<i><u>Activity status where compliance not achieved: Not applicable</u></i>

	<p><u>3. The extent to which the activity may limit or constrain the establishment and use of land for activities that are permitted in this zone.</u></p> <p><u>4. Traffic effects.</u></p> <p><u>Note: Any associated building and structure must be constructed in accordance with TCZ-R6.</u></p>	
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6.25.16 Amend TCZ-S1 as follows:

Buildings and structures including additions and alterations to buildings and structures must not exceed:

1. *Maximum height of 12m measured from ground level; or*
2. *For church towers or spires, a maximum height of 30m measured from ground level.*

6.25.17 Amend TCZ-S2 as follows:

Buildings and structures must be contained within a building envelope defined by recession planes from points 2.5m above ground level at the boundaries of the site when the site boundary adjoins an open space and recreation zone or a General residential zone, or 3.5m above ground level at the boundaries of the site when the site boundary adjoins a medium density residential zone. The method for determining recession planes and any permitted projection is described in APP8 - Recession Planes.

6.25.18 In terms of s32AA, I consider the change to TCZ-R2 provides clarity that the rule applies to community corrections activities, and I consider that the effects associated with permitting these activities are the same as those relating to other community facilities. I consider that the change to TCZ-R6 provides a more appropriate balance between providing for activities that are anticipated in the zone (TCZ-O1 and TCZ-P1), and achieving the built form outcomes sought (TCZ-O2 and TCZ-P4). I consider that the new restricted discretionary rule for educational facilities is a more appropriate way to achieve TCZ-O1, reflecting that such facilities support the residents of townships and surrounding rural areas. I consider that the activity status provides a more certain and efficient pathway for the establishment of such activities, while ensuring that the effects of these activities are appropriately managed in order to achieve TCZ-O2.

6.25.19 I consider that the increased height limit better reflects the role of the Town Centre as a focal point (TCZ-O1), while also ensuring they are still of a moderate scale, that is commensurate with the size of these townships (TCZ-O2). I therefore consider the change is more effective at achieving TCZ-O1, while still achieving TCZ-O2.

6.25.20 I consider that amending the height in relation to boundary where adjoining a MRZ is a more efficient approach, while still being consistent with the outcomes sought in that zone.

6.26 City Centre Zone – Southern Precinct

6.26.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in Appendix 2:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
TDC	42.47, 42.48, 42.50, 42.55
Venture Timaru	212.3
Timaru TC Ratepayers	219.4
Timaru Civic Trust	223.5
Kāinga Ora	229.154, 229.157, 229.160

Submissions

6.26.2 TDC [42.47, 42.48, 42.50, 42.55] have sought a number of changes across the CCZ Chapter, to reflect their overarching request to delete the proposed Southern Centre Precinct. The submitter considers that this Precinct was intended to provide a favourable approach for ground floor residential uses. However, a more recent residential study has suggested that residential development in other areas may also be appropriate, and it is therefore investigating other areas further. It considers that the Precinct should be removed, because it currently implies that this area is the only area suitable for terrace housing. It also expresses some concerns that permitting ground floor residential development “*without proper control*” could reduce the quality and confidence of investment in the area. The specific changes resulting from this request are deletion of the precinct from the planning maps, and amendments to the Introduction, CCZ-P4, CCZ-R5, CCZ-R6, CCZ-R7 and CCZ-S4 to remove references to the Southern Centre Precinct.

6.26.3 More broadly, TDC [42.47] note that a central city masterplan is being completed as part of a “City Town project”, which is intended to form the basis for a comprehensive variation to the PDP. It states that the residential study could however be completed ahead of this and enable a separate residential-focussed variation. While seeking deletion of the Southern Centre Precinct at this time, it notes that a future variation to the PDP would look to amend the wider objectives, policies and rules of the CCZ to directly address ground floor residential uses.

6.26.4 Venture Timaru [212.3] expresses support for the Isthmus submission⁴, with regards to better enabling inner city residential development, including use of a Timaru-specific urban design guide.

6.26.5 Timaru TC Ratepayers [219.4] and Timaru Civic Trust [223.5] seek that the CCZ chapter is amended to refer to the City Town Strategy, so that the conclusions and proposals that are included in it in future are integrated into the District Plan review process.

⁴ Isthmus Group has not made a submission on the PDP.

6.26.6 Kāinga Ora [229.154]⁵ seek that the clauses in CCZ-P2 (which distinguish between the Precinct and other parts of the zone) are deleted, with direction added that these activities are to be located above the ground floor level. This is sought so as not to detract from the residential amenity of those units, and to provide for the core function of the CCZ as the primary commercial centre. Consistent with this, it seeks [229.157] that CCZ-R5, applying to residential activities, should be amended to apply the requirement for such activities to be located above ground floor level, across the entire zone; and to CCZ-S4 [229.160]⁶, so that the exemption in clause 4 for the Southern Centre Precinct is removed.

Analysis

6.26.7 The intent of the Precinct is to provide a transition between the core CCZ area into the MUZ, and to place less emphasis in this area on the provision of ground floor retail, with greater opportunities for mixed development, including residential units at ground floor level, while being designed in a way that future proofs them for conversion to commercial uses. Because of this, a more enabling approach is provided to residential uses at ground floor level. While this approach does not require, nor prioritise the use of this area for residential uses, I appreciate the point of TDC, that enabling ground floor residential uses in this area may lead to them being discouraged in other parts of the CCZ, where they may also be appropriate. Therefore, noting also the comments of the submitter that a more comprehensive approach is being considered, which would be informed by a specific residential study, I tend to agree with removal of the Precinct at this time. This, in effect, also aligns with what is sought by Kāinga Ora, as ground floor residential activities will be treated the same across the zone.

6.26.8 I do not agree that it is appropriate to amend the PDP to refer to a Strategy that does not yet exist. Any changes to the PDP that might result from such a strategy need in any case to be considered under the RMA before inclusion into the District Plan.

Conclusions and Recommendations

6.26.9 I recommend that PREC2 - Southern Centre Precinct is removed from the planning maps and from SCHED16A, and that the CCZ chapter is amended as follows:

- Delete the last paragraph of the Introduction.
- Delete CCZ-P2.3
- Delete “(excluding the PREC2 – Southern Centre Precinct)” from clause 3 of CCZ-P4.
- Amending CCZ-R5 to remove the row applying to the Southern Centre Precinct, and to apply it to the whole of the City Centre Zone.
- Deleting “outside of Southern Centre Precinct” from CCZ-R6 such that it applies across the whole CCZ.

⁵ Note that other aspects of this submission point are addressed in the CCZ - Objectives and Policies section of this report as they are not related to the Southern Centre Precinct.

⁶ Note that other aspects of this submission point are addressed in the CCZ - Rules and Standards section of this report as they are not related to the Southern Centre Precinct.

- Deleting matter of control #7 from CCZ-R7
- Deleting “*Except for residential activities within the Southern Centre Precinct,*” from the start of conditions 1 & 4 in CCZ-S4.

6.26.10 In terms of s32AA, I consider that here about removing the precinct is a more appropriate way to achieve the outcomes sought in the Zone, in a manner that is consistent across the whole zone. I consider that the approach still allows for residential development within the zone - consistent with CCZ-O2.2, without prioritising it at ground level in one part of the zone.

6.27 City Centre Zone – Open Space

6.27.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in Appendix 2:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
TDHL	186.47, 186.48, 186.49, 186.50

Submissions

6.27.2 TDHL is concerned that the CCZ chapter does not recognise the need for public open space in the central business area, nor provide mechanisms enabling it to be considered, despite consistent feedback through consultation of the need for such space. It therefore seeks:

- Reference to provision of public open space within the City Centre Zone chapter introduction [186.47];
- Amendments to CCZ-P4 to provide for demolition of existing buildings to retain gaps in the streetscape where public open space is proposed [186.48];
- Insertion of a new rule providing for public open space as a restricted discretionary activity [186.50]; and
- Amendments to CCZ-R6 (Demolition of buildings) to expand the controlled activity status for demolition to apply where a resource consent application is lodged concurrently with an application to establish public open space under the rule set out above [186.49].

Analysis

6.27.3 CCZ-O1 outlines that the CCZ is intended to be the main commercial and civic centre. It is my view that public open space can be part of a civic-focus and therefore should not be precluded. Clause 1 of CCZ-O2 also refers to the CCZ being a vibrant and attractive area, which open space can contribute towards the achievement of. I therefore generally agree with the changes proposed to the introduction and CCZ-P4 to reflect this. I also agree with providing a specific rule for provision of open space, as a restricted discretionary activity, to allow for consideration, on a case-by-case basis, of the appropriateness of any particular open space that may be proposed. I have generally recommended minor changes to the matters of

discretion proposed by the submitter to better align with the drafting style used in the PDP. I have also recommended removing the matter of discretion proposed by the submitter relating to legal mechanism proposed to ensure the site is protected as public open space. I consider that this can be managed through consent conditions, and should an alternate use be proposed in future, it would need to be considered against the zone framework. A legal mechanism would restrict this level of flexibility in a way that I do not consider is necessary to achieve the outcomes sought in the PDP. I also agree with providing for an integrated approach, where this is lodged concurrently with a demolition consent.

Conclusions and Recommendations

6.27.4 Amend the Introduction to the CCZ chapter as follows:

There is also a need to maintain and improve the quality of the City Centre Zones streetscapes to ensure a high-quality urban environment. This will help improve the experience of people visiting the city centre and in turn improve the quality of retailing and make it a desirable place to live and work. This may include provision of public open space within the zone.

6.27.5 Amend CCZ-P4 as follows:

Maintain or enhance the values associated with scheduled heritage items and historic heritage areas and the amenity values of high-quality streetscape, by requiring:

...4. that except where attractive and usable areas of public open space are proposed, demolition of existing buildings and the erection of new buildings minimises gaps in the streetscape;...

6.27.6 Add new rule as follows:

<u>CCZ-RX</u>	<u>Public Open Space</u>	
<u>City Centre Zone</u>	<u>Activity Status: Restricted Discretionary</u> <u>Matter of discretion are restricted to:</u> <u>1. the scale, location and design of the space; and</u> <u>2. the contribution of the open space to maintaining or enhancing amenity values, connectivity and public access; and</u> <u>3. incorporation of National Guidelines for Crime Prevention through Environmental Design in New Zealand (CPTED); and</u> <u>4. the extent to which landscaping, including hard surfaces, planting and seating, will contribute to a high-quality urban environment.</u>	<u>Activity status where compliance not achieved: Not applicable</u>

6.27.7 Amend CCZ-R6 as follows (noting changes to where the rule applies relate to the earlier recommendation to remove the Southern Centre Precinct):

CCZ-R6	Demolition of any buildings	
City Centre Zone outside of Southern Centre Precinct	<p>Activity Status: Controlled</p> <p>Where:</p> <p>CON-1</p> <p><i>The resource consent application is lodged concurrently with the application under CCZ-R7 for a new building.</i></p> <p>Matters of control are restricted to:</p> <ol style="list-style-type: none"> <i>the duration between the demolition of the building and construction of a new building; and</i> <i>measures to ensure the construction of the new building; and</i> <i>any mitigation measures proposed to minimise the impact on the streetscape during construction of the new building.</i> <p>CON-2</p> <p><u><i>The resource consent application is lodged concurrently with the application under CCZ-RX for public open space.</i></u></p> <p>Matters of control are restricted to:</p> <ol style="list-style-type: none"> <u><i>the duration between the demolition of the building and the establishment of the public open space; and</i></u> <u><i>any mitigation measures proposed to minimise the impact on the streetscape during establishment of the public open space.</i></u> 	<p>Activity status where compliance not achieved with CON-1 or CON-2: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> <i>the extent to which the demolition will result in gaps in the streetscape that detract from its character; and</i> <i>the matters of control in CCZ-R7 and CCZ-R8.</i>

6.27.8 In terms of s32AA, it is my view that these changes align with the civic focus outlined in CCZ-O1, and will better assist in the achievement of CCZ-O2, by providing for an activity that can contribute to the attractiveness of the zone and the high volume of people anticipated within this area. I consider that the rule framework, providing a consenting pathway for open space areas is an efficient way to consider the merits of any particular open space proposal and its contribution towards the achievement of the outcomes sought.

6.28 City Centre Zone – Objectives and Policies

6.28.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in Appendix 2:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
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MoE	106.43, 106.44
FENZ	131.99, 131.100
Kāinga Ora	229.152, 229.153, 229.154, 229.155
Dept. Corrections	239.13, 239.14

Submissions

- 6.28.2 FENZ [131.99] and Dept. Corrections [239.13] support CCZ-O1. MoE [106.43] seeks that explicit reference to education is made in clause 1 of CCZ-O1, on the basis that they may have an operational need to locate their assets within this zone. Kāinga Ora [229.152] seeks that clause 2, relating to residential activities, is amended to refer to accommodating these “*where appropriate*”, to reflect that it should be appropriately located as to provide adequate amenity for the on-site occupants.
- 6.28.3 Kāinga Ora [229.153] seek changes to CCZ-O2 to refer to moderate to high density buildings, rather than large-scale high density buildings, and to add two additional clauses relating to providing adequate connections from surrounding areas for all transport users and creating attractive streetscapes.
- 6.28.4 FENZ [131.100] and ARADOC [239.14] support CCZ-P1. MoE [106.44] also seek addition of education facilities to the title of CCZ-P1.
- 6.28.5 Kāinga Ora [229.154]⁷ seek that CCZ-P2, which applies to residential activities, is amended to limit provision for residential activities to “*where appropriate*” and to direct that these be located above ground floor level and that residential amenity for on-site occupants is not compromised.
- 6.28.6 Kāinga Ora [229.155] seeks that CCZ-P6, which relates to industrial activities, is amended so that it directs avoidance of these activities in all instances. It states that such activities would more than likely detract from the character and qualities of the CCZ, as well as the ability to provide for residential activities within the zone.

Analysis

- 6.28.7 With respect to education facilities, I note that the objective refers to a diverse range of activities being anticipated, and note that clause 1 is inclusive rather than exclusive. I do not consider that there is a need to highlight education in particular, which while being part of a diverse range of activities, is not in my view a key focus of this zone being a commercial and civic centre. However, I note that the title to CCZ-P1 only refers to commercial activities and community facilities, despite the policy itself referring to a wide range of activities. Rather than referring explicitly to educational facilities in the title, I consider that it should be amended to refer to a “Diversity of activities”.

⁷ Note that other aspects of this submission point which relate specifically to the Southern Centre Precinct have been addressed earlier in this report.

- 6.28.8 In my view, the change sought by Kāinga Ora to CCZ-O1 does not align with the specific amendment sought. By adding reference to accommodating higher density residential activities “where appropriate”, it is implied that there will be some locations where this is (or conversely is not) appropriate, which in my view is different to ensuring provision of adequate amenity for on-site occupants. For the same reason, I do not agree with the addition of this phrase to CCZ-P2. With respect to the other changes sought to CCZ-P2, I consider that it is important to retain reference to maintaining continuity of commercial activities along ground level street frontages, as this provides clearer intent about why they are encouraged above ground floor level, and will more effectively guide the resource consent process for any applications made for residential activities at the ground floor level. I do consider that it is appropriate to add reference to on-site amenity not being compromised, as this more explicitly supports a number of standards applied to residential units that relates to this, and again, will better guide the resource consent process for any applications made to breach any of these standards.
- 6.28.9 In terms of CCZ-O2, I agree with referring to moderate to high density buildings, as while higher density is anticipated, there is likely to be a range in scale. It is not clear to me what is intended by the additional clause referring to provision of adequate connections from surrounding areas, not how it would be implemented through the CCZ provisions. I also consider that an additional clause relating to streetscapes is not required as this is already addressed in clause 2, to the extent that it relates to the zone provisions.
- 6.28.10 With respect to industrial activities, the drafting approach used across the Plan, is for the direction “avoid... unless” to be used at a policy level to identify particular activities that are not considered likely to be consistent with the outcomes sought for that zone or area. The “unless”, and subsequent clauses, identify those circumstances, while expected to be rare, where such an activity might still be appropriate. If these clauses are deleted, then in my view, an activity status of prohibited must be applied. I consider that the concerns raised by the submitter – that these activities would more than likely detract from the character and qualities of the CCZ, as well as the ability to provide for residential activities within the zone – are addressed through the clauses in the policy outlining the limited circumstances in which an industrial activity might be appropriate. I consider that the non-complying activity status and clear policy direction is appropriate to allow for consideration of these activities in limited circumstances, while indicating that they will generally not be appropriate.

Conclusions and Recommendations

- 6.28.11 Amend CCZ-O2 as follows:

The City Centre Zone:

...5. Contains ~~large-scale~~, moderate to high density buildings; and...

- 6.28.12 Amend CCZ-P1 as follows:

CCZ-P1	Commercial activities and community facilities <u>Diversity of Activities</u>
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6.28.13 Amend CCZ-P2 as follows:

Provide for new residential activities where they:

1. will contribute to the viability and vibrancy of the Zone and if located:

~~1. outside the Southern Centre Precinct,~~ 2. are located and designed to maintain the continuity of commercial activities along ground level street frontages; and

3. maintain an appropriate level of on-site amenity for occupants.

~~2. within the Southern Centre Precinct, are designed to accommodate potential future commercial use.~~

6.28.14 In considering the changes under s32AA, my view is that while higher density building buildings are provided for in the zone, there is still anticipated to be a range in scale of buildings, which the change to CCZ-O2 better reflects. I therefore consider that the change better articulates the amenity values that are to be maintained and enhanced in this zone, in terms of s7(c) of the RMA.

6.28.15 I consider that the changes to CCZ-P2 (those additional to the Southern Centre Precinct matter addressed earlier) are a more effective way to achieve CCZ-O1.2 and CCZ-O.1, by articulating the way in which higher density residential activities are to be managed so that the zone is an attractive place to live in. I also consider that this change improves the efficiency of the plan by providing clear guidance to support the rule package.

6.29 City Centre Zone – Rules and Standards

6.29.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in Appendix 2:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
MoE	106.45
FENZ	131.102
TDHL	186.51, 186.52
Timaru TC Ratepayers	219.3
Timaru Civic Trust	223.4
Kāinga Ora	229.156, 229.160, 229.161, 229.163
Dept. Corrections	239.30
Woolworths	242.38

Submissions

- 6.29.2 Kāinga Ora [229.156] requests that CCZ-R4, which provides a permitted activity status for public toilets, is extended to require that any such facility is not established on a site adjacent to a site containing an existing residential unit, so as not to detract from the residential amenity of on-site occupants.
- 6.29.3 Woolworths [242.38] seeks that CCZ-R7, applying to all buildings and structures, is amended to allow for consideration to be given to operational and functional requirements through the matters of control.
- 6.29.4 FENZ [131.102] seek a permitted activity status for Emergency Service Facilities. They state that these facilities are generally of limited scale and support the function and wellbeing of commercial centres. As new fire stations may be necessary and as FENZ is not a requiring authority, they consider a permitted activity rule is the best way to facilitate new fire stations.
- 6.29.5 Dept. Corrections [239.30] seek a new permitted activity rule be included for community corrections activities in the CCZ, stating that these are compatible and appropriate activities in these zones and are essential social infrastructure.
- 6.29.6 MOE [106.45] seeks a new restricted discretionary rule be added for educational facilities, as they may have an operational need to locate their assets within this zone.
- 6.29.7 TDHL [186.51] seeks that CCZ-S3, which applies to verandahs, is amended to only apply to buildings fronting Stafford Street, only where they are north of George Street. They state that the elongated nature of Timaru's CBD along Stafford Street dilutes vitality and makes the concentration of activity problematic. They consider that only applying the standard north of George Street will support a differentiation in streetscape and allow more concentrated activities north of George Street. They further consider that it will better recognise the more open existing streetscape, south of George Street, where many buildings do not currently have verandahs, are setback from the boundary, and includes numerous vehicle crossings and direct access parks. They similarly seek [186.52] that CCZ-S4, which relates to active street frontage, is amended so that conditions 1 & 2 are not applied south of George Street.
- 6.29.8 Kāinga Ora [229.160]⁸ seeks amendments to CCZ-S4 so that the restriction on new vehicle crossings only applies along National Arterial, Regional Arterial or Principal Roads in the City Centre Zone. They state that *"unless a street provides a key retail or commercial frontage adding to the amenity of the Zone, a vehicle crossing, within reason, could be established as many activities still require vehicle access in order to function."*
- 6.29.9 Timaru TC Ratepayers [219.3] and Timaru Civic Trust [223.4] support various urban design controls being applied within what they refer to as the retail core precinct, including

⁸ Note that other aspects of this submission point which relate specifically to the Southern Centre Precinct have been addressed earlier in this report.

verandahs, active frontage and setback controls. However, they seek that these controls are extended to apply to the Southern Centre Precinct.

6.29.10 Kāinga Ora [229.161] seeks that the outdoor living space requirements for residential units (set out in CCZ-S5) amended to reduce the balcony requirement from 12m² to 8m², but increase the minimum depth from 1.5m to 1.8m. They consider that as the CCZ is a high intensity zone, providing larger balconies may not be achievable across the board, particularly as residential units in this zone are more likely to be smaller units.

6.29.11 Kāinga Ora [229.163] seeks that a height in relation to boundary standard is included in the CCZ, and applied where the site boundary adjoins an open space and recreation zone, the Mixed Use Zone or a residential zone.

Analysis

6.29.12 Public toilets are currently permitted in the equivalent zone (Commercial 1A) in the ODP. I consider that this activity status also aligns with civic focus of the zone. While I consider that it is important to address amenity (so as to ensure that the zone is an attractive place to live in), limiting them so that they are not on a site adjoining any residential activity seems inefficient, especially given the CCZ framework does not encourage residential activities at the ground level. I therefore consider it should only apply to sites containing an existing residential unit at ground floor level.

6.29.13 I do not agree that there is a need to add consideration of operational and functional requirements to the matters of control. This is because the activity status is controlled, and my understanding is that matters of control are those things which the Council can impose conditions in relation to. In this instance, matters of control largely relate to the design of the building (and wider site layout) and allow the Council to consider conditions relating to matters such as the building's design and how the development addresses the street frontage (for example). In considering what conditions to impose in relation to these, the Council may take into account operational and functional requirements, but the condition would relate to the building's design and how the development addresses the street frontage; the condition itself would not be imposing an operational or functional requirements.

6.29.14 With respect to permitting emergency services facilities I note that these are already permitted under CCZ-R2, because by definition, emergency services facilities are a subset of community facilities. I note that the built form associated with any new emergency services facility would still be subject to CCZ-R7, which I consider to be appropriate. I therefore do not consider a new rule to be necessary.

6.29.15 I agree with permitting community corrections activities, as I consider that by definition, these are similar in nature to, or essentially the same as some commercial and community activities, for examples offices, or community halls. Although not explicitly stated in the definition, I consider community corrections activities could be considered to be a sub-set of community

activities and therefore already permitted under CCZ-R2. However, to be explicitly clear, I recommend that CCZ-R2 is expanded to explicitly include community corrections activities.

6.29.16 As notified, educational facilities within the CCZ would require consent as a discretionary activity under the catch-all rule (CCZ-R9), because they do not fall within the definition of a community facility. I consider that educational facilities are broadly consistent with the purpose of the zone, as a diverse range of activities are anticipated, as are large volumes of people. I consider that restricted discretionary status would allow for consideration of the specifics of any particular facility, and broadly agree that the matters of discretion proposed by the submitter are appropriate, with some minor amendments. For consistency with the approach otherwise taken in the chapter, I consider that the rule should manage the activity, with the built form managed under CCZ-R7.

6.29.17 Urban design advice was sought from Ms Lee Sang with respect to those submissions seeking changes to where the verandah [CCZ-S3] and active frontage [CCZ-S4] requirements apply. This is discussed in more detail in Ms Lee Sang's memo, but in essence, Ms Lee Sang supports both controls applying south of George Street. While she notes that the southern part of Stafford Street has less retail frontage, a less consistent building edge and generally less street vitality, she considers that it is suitable to treat Stafford Street consistently across its full length given that the Plan does not seek a different outcome for this area. I consider that the establishment of verandahs and active frontage would lead to an incremental improvement in this area and therefore assist in the achievement of CCZ-O1.1 and CCZ-O1.2. This would result in the positive benefits for pedestrians identified by Ms Lee Sang. I note that a consequence of removing the Southern Centre Precinct is that CCZ-S4 (relating to active frontage controls) would already apply in full, because as notified, only residential activities were exempted from meeting aspects of this standard. CCZ-S3 already applies to the full zone and therefore already applies in the Southern Centre Precinct, consistent with what is sought by Timaru TC Ratepayers and Timaru Civic Trust.

6.29.18 For completeness I note that applying these standards to the full zone does not preclude consent being sought in specific circumstances, for example, where a larger retail building is proposed and meeting the active frontage requirement for the full road frontage may not be practicable. However this can be considered on a case-by-case basis depending on the specific circumstances. I consider this to be more appropriate than simply not applying the standards to the southern area at all. While I appreciate that there are costs associated with the provision of verandahs, I consider that these are outweighed by benefits of seeking to improve pedestrian amenity and achieve a high-quality streetscape along the full length CCZ-zoned length of Stafford Street. Overall, I consider that it is appropriate to retain CCZ-S3 as notified, and apply CCZ-S4 to the full zone, as collectively these standards assist in improving the vibrancy of the full zone as an attractive place to live, work and visit, and in providing a high-quality streetscape (CCZ-O2).

6.29.19 With respect to Kāinga Ora's request that the second standard in CCZ-S4 be amended to only apply to key roads, I note that the policy direction in CCZ-P4 is for verandahs to be provided

in key pedestrian areas and for buildings to generally be built to road boundaries, and to have active frontage. The requirement in relation to verandahs is reflected in the rule framework, however it only applies to Stafford Street, whereas building to the road frontage applies to any road frontage. I consider that new vehicle crossings can interrupt the pedestrian continuity otherwise anticipated in this zone, particularly along Stafford Street. I note that under the operative rules, this limitation (Rule 5.5(2)) only applies to a specific portion of Stafford Street. Taking all this into account, I tend to consider that it would be appropriate to align this part of the standard with the verandah controls, i.e. only apply it to Stafford Street, not to other streets. I consider that this is much clearer to plan users than referring to the roading hierarchy.

6.29.20 With respect to outdoor living space, this has been considered by Ms Lee Sang, who agrees with increasing the minimum depth to 1.8m, but only supports a reduction in the balcony requirements for smaller (studio or one-bedroom units). I consider that this recommendation aligns with the recommended policy direction in CCZ-P2 in terms of the providing an appropriate level of on-site amenity for occupants.

6.29.21 I consider that including a height in relation to boundary standard is consistent with ensuring activities in the CCZ are compatible with the amenity values of adjoining residential and open space and recreation zones (CCZ-O2.6) in terms included in the CCZ, and applied where the site boundary adjoins an open space and recreation zone. However, as the CCZ only adjoins the MRZ, and given the policy direction does not relate to the CMUZ, I consider the rule should be limited to boundaries with a MRZ site.

Conclusions and Recommendations

6.29.22 Amend CCZ-R2 as follows:

CCZ-R2	<u>Community facility and community corrections activity</u>
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6.29.23 Amend CCZ-R4 as follows:

CCZ-R4	Public toilets	
City Centre Zone	Activity Status: Permitted	Activity status where compliance not achieved with
	Where: PER-1 CCZ-S2 is complied with.	PER-1: Restricted Discretionary
	PER-2 <u>The public toilet is not located on a site which adjoins a site containing a residential activity located at the ground floor level.</u> Note: Any associated building and structure must be constructed in accordance with CCZ-R7.	Matter of discretion are restricted to: 1. the matters of discretion of any infringed standard. Activity status where compliance not achieved with

		<p><u>PER-2: Restricted Discretionary</u></p> <p><u>Matter of discretion are restricted to:</u></p> <p><u>1. effects on the amenity of existing residential activities.</u></p>
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6.29.24 Add a new rule as follows:

<u>CCZ-RX</u>	<u>Educational Facility</u>	
<u>City Centre Zone</u>	<p><u>Activity Status: Restricted Discretionary</u></p> <p><u>Matters of discretion are restricted to:</u></p> <p><u>1. the extent to which it is necessary to locate the activity within the City Centre Zone.</u></p> <p><u>2. the effects on, and consistency with, the purpose, character and qualities of the City Centre Zone.</u></p> <p><u>3. the extent to which the activity may limit or constrain the establishment and use of land for activities that are permitted in this zone.</u></p> <p><u>4. traffic effects.</u></p> <p><u>Note: Any associated building and structure must be constructed in accordance with CCZ-R7.</u></p>	<p><u>Activity status where compliance not achieved: Not applicable</u></p>

6.29.25 Amend CCZ-S4 as follows (noting changes to conditions 1 and 4 relate to the earlier recommendation to remove the Southern Centre Precinct):

<u>CCZ-S4</u>	<u>Active street frontage</u>	
<u>City Centre Zone</u>	<p><u>1. Except for residential activities within the Southern Centre Precinct, All new buildings shall be built up to the street frontage.</u></p> <p><u>2. On sites fronting Stafford Street, tThere must be no vehicle crossings across footpaths or pedestrian areas.</u></p> <p><u>3. For new buildings, at least 60% (by length) of the façade of the ground floor of a building where the facade fronts the road or other public area must contain windows.</u></p> <p><u>4. Except for residential activities within the Southern Centre Precinct, Any windows</u></p>	<p><u>Matters of discretion restricted to:</u></p> <p><u>1. visual engagement between the street and the ground floor of a building; and</u></p> <p><u>2. maintenance or enhancement of the character of the building and street taking into account those matters set out in CCZ-P4; and</u></p>

	<i>located on the ground floor of a building where the facade fronts the road or other public area must remain visually transparent and be used either for the display of goods and services; or kept clear of obstructions to provide a view into the building.</i>	<i>3. contribution towards the role of the retail core as the City Centre Zone.</i>
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6.29.26 Under s32AA, I consider the change to CCZ-R2 provides clarity that the rule applies to community corrections activities, and I consider that the effects associated with permitting these activities are the same as those relating to other community facilities.

6.29.27 I consider that the change to CCZ-R4 is a more appropriate way to manage the potential amenity effects of public toilets on neighbouring residential activities, contributing to the attractiveness of the zone as a place to live in accordance with CCZ-O2.1, while still providing for an activity that aligns with civic focus of the zone (CCZ-O1). In particular, I consider that the amendment is the most efficient way to achieve both outcomes.

6.29.28 I consider that the additional matter of discretion in CCZ-R7 provides a more appropriate balance between providing for the range of activities that are anticipated in the zone (CCZ-O1) and achieving the built form outcomes sought (CCZ-O2 and CCZ-P4).

6.29.29 I consider that the new restricted discretionary rule for educational facilities is a more appropriate way to achieve CCZ-O1, reflecting that a diverse range of facilities are anticipated in the zone. I consider that the activity status provides a more certain and efficient pathway for the establishment of such activities (which will be assessed against CCZ-P5), while ensuring that the effects of these activities are appropriately managed in order to achieve CCZ-O2.

6.29.30 In my view, the change to CCZ-S4 better aligns with the application of the verandah controls and therefore provides a more efficient approach which will still achieve the outcomes sought in CCZ-O2.

6.30 “Other Activities” Policies

6.30.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in Appendix 2:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
MoE	106.16, 106.19, 106.32, 106.37, 106.39
Woolworths	242.17, 242.20

Submissions

- 6.30.2 MoE seek that various policies in the RESZ and CMUZ chapters⁹ are amended so that they direct that activities are “enabled” where they meet the criteria set out in the policy rather than the policy directing that these are “only allowed” in these circumstances. It states that this is a minor amendment and aligns with the language used in the strategic directions. Its particular interest is in allowing for educational facilities to support the needs of local communities.
- 6.30.3 Woolworths [242.17], in relation to GRZ-P4 and MRZ-P6, seeks deletion of the word “only” from the stem of the policy.

Analysis

- 6.30.4 The drafting approach used across the Plan, is for the word “enable” to be used at a policy level to support permitted and controlled activities – being those activities that are anticipated in a particular zone or area. Within the RESZ chapter, this is reflected in policies that seek to enable residential activities, reflecting the purpose of these zones (and reflected in the related objective). Conversely, where activities are not expected to be appropriate in all instances, but may be in some cases, the policy direction used is “only allow... where”, with the policy subsequently directing matters that must be satisfied in order for such an activity to be allowed. This is then generally implemented through restricted discretionary and discretionary activity status for such activities, with the policy providing clear guidance as to what must be met in order for consent to be granted. I consider that “enabling” these activities – which are not the main activities anticipated in these zones - would not be consistent with the objectives relevant to these zones. Similarly, I consider amending the direction to “allow”, rather than “only allow” would change the emphasis of the policy.
- 6.30.5 For completeness I note that while SD-O10 seeks that a range of recreational, social and community facilities are enabled to meet community needs, I do not consider that this requires that these activities are enabled in every zone or area. Whether an activity should be enabled in any particular zone, should, in my view, be considered against the more specific outcome sought for that zone. Enabling these activities in all instances/zones also does not reflect that SD-O10 is more nuanced, in that it is focused on enabling these where they meet the long-term needs of the community. The change sought by the submitter to the policies would also extend the policy direction beyond recreational, social and community facilities in any case and could therefore have unintended consequences in enabling a much broader range of activities.
- 6.30.6 Overall, I consider the objectives of each zone in the RESZ and CMUZ chapter are better achieved through retention of the current policy direction for “other activities”.

⁹ Including GRZ-P4, MRZ-P6, NCZ-P4, LFRZ-P6, MUZ-P6.

Conclusions and Recommendations

6.30.7 I do not recommend any changes in response to these submission points.

6.31 Infringement of Standards

6.31.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in Appendix 2:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
ECan	183.156, 183.157
Kāinga Ora	229.76, 229.105, 229.119, 229.130, 229.144, 229.158

Submissions

6.31.2 Kāinga Ora [229.76, 229.105, 229.119, 229.130, 229.144, 229.158] seek that a new rule is added to various chapters (including GRZ, MRZ, NCZ, MUZ, TCZ and CCZ), which states that the infringement of any applicable zone standard to an activity, is a Restricted Discretionary Activity. It considers that this enables the infringement of any and each Zone Standard to be assessed on its own merits, rather than being linked to the activity, which it considers should also be assessed individually. It states that this approach is considered fairly common practice across District Plans around New Zealand.

6.31.3 ECan [183.156, 183.157] also seeks, in relation to the GRZ and MRZ, that the rules are amended to apply the built form standards to all activities, regardless of activity status. They note that within the residential zones, the built form standards are only referenced in some rules, and consider the standards should apply to all activities, as these form an important part of settlement character and the permitted baseline.

Analysis

6.31.4 The drafting approach taken in the PDP is to identify within each rule, those standards which are relevant to that rule. As a number of standards relate to built form, they are applied to any rules that manage built form (e.g. residential units, or other buildings and structures) but are not applied to other rules which relate to activities. In some cases, a note is included in the activity-based rules, noting that any new buildings and structures associated with an activity are managed under a separate rule. For some activity-based rules, there are no applicable standards and therefore none are specified. Where a rule is subject to one or more standard, non-compliance with the standard is already specified as a restricted discretionary activity, with the matters of discretion set out in the relevant standard. Because of this, I do not consider the additional rule requested to be necessary, and it would lead to confusion as to when a zone standard is or isn't "applicable" to an activity – whereas under the current drafting, this is very clear. I also do not consider the approach proposed to be out of step with other plans.

6.31.5 In reviewing these submission points, I have however noted that GRZ-R8, which relates to open space, includes reference to compliance with all the standards in the chapter. This is inconsistent with the general approach (and potentially confusing) and I recommend deletion of this requirement as a clause 16(2) change.

Conclusions and Recommendations

6.31.6 I do not recommend any changes in response to these submission points.

6.32 New Standards for Residential Activities

6.32.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in Appendix 2:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Kāinga Ora	229.84, 229.109, 229.112, 229.113, 229.122, 229.123, 229.136, 229.137, 229.138, 229.149, 229.150, 229.151, 229.162, 229.164, 229.165,

Submissions

6.32.2 Kāinga Ora seeks that a new standard is added requiring minimum outlook spaces for residential units (in GRZ, MRZ, NCZ, MUZ, TCZ, CCZ) of:

- 6m between windows of principal living rooms in different units, where there is a direct line of sight between the windows (GRZ, MRZ and NCZ) or between windows of a principal living rooms and other habitable rooms in a separate building, where there is a direct line of sight between the windows (MUZ, TCZ, CCZ);
- 3m between windows of principal bedrooms in different units, where there is a direct line of sight between the windows (GRZ, MRZ and NCZ) or between windows of principal bedrooms and other habitable rooms in a separate building, where there is a direct line of sight between the windows (MUZ, TCZ, CCZ); and
- 1m between windows of other bedrooms, where there is a direct line of sight between the windows (GRZ, MRZ and NCZ) or between windows of a other bedrooms and other habitable rooms in a separate building, where there is a direct line of sight between the windows (MUZ, TCZ, CCZ).

6.32.3 It states that this will enable better management of effects on neighbouring sites, such as privacy and overlooking.

6.32.4 Kāinga Ora also seek that a new standard is added (MRZ, NCZ, MUZ, TCZ, CCZ) specifying minimum residential unit sizes of 35m² for units containing one habitable room, or 45m² for units containing more than one habitable room. This is sought to ensure that the District Plan creates liveable places for people, providing for their general well-being.

- 6.32.5 Kāinga Ora [229.109, 229.136, 229.149, 229.162] seek that zone standards which set out minimum service and storage space requirements for residential units (MRZ-S4, MUZ-S6, TCZ-S7 and CCZ-S6) are amended to require that residential units above ground floor level are also provided adequate storage areas for their goods, whether that be within the unit itself or within an accessible location at ground floor level. This is achieved through amending the standard which allows for communal provision of storage space, to require that such space is at ground floor level and in an accessible location; and by adding a requirement for goods storage space for residential units above ground floor level, of 2m² and a minimum dimension of 1m.

Analysis

- 6.32.6 It is not clear to me how the specific minimum outlook standard sought would work in relation to GRZ, MRZ and NCZ, given it applies setbacks between windows of the same type. In other words, it appears that separation is required between windows of the same type (i.e. between windows of principal living rooms), but there would be no requirement between the window of a principal living room in one unit and the window of a principal bedroom in another unit. I therefore consider that if a standard is applied, the specific standard should be applied the same across all the zones and reflect the submitter's drafting proposed in relation to MUZ, TCZ and CCZ.
- 6.32.7 In considering whether outlook spaces are necessary in Timaru, I have sought advice from Ms Lee Sang. She notes that outlook controls enable habitable rooms within dwellings to have a sense of space, daylight and visual amenity, and provide for a reasonable level of privacy between different habitable rooms and buildings. She considers that an outlook standard is important as residential living becomes denser and greater proximity between buildings result, and therefore supports their application in zones where more intensive residential living is anticipated, such as terraced and apartment living. I consider that this applies to MRZ, NCZ, MUZ, TCZ and CCZ, but not the GRZ, and therefore do not consider it necessary to apply the standard in the GRZ to achieve the outcomes sought for that zone.
- 6.32.8 In terms of the specific standards applying, as noted earlier, some submitters have sought the application of the MDRS within the MRZ, which include an outlook space requirement. This is slightly different to the specific drafting sought by Kāinga Ora, in that the MDRS require provision of an area (i.e. 4m x 4m) outside any window, whereas Kāinga Ora have sought a setback only. Ms Lee Sang considers that it is more appropriate for outlook controls to be more generous than the MDRS, given Timaru is seeking to enable medium density and apartment living, but does not have the housing supply and land scarcity issues in jurisdictions when the MDRS are required to be applied. I note that this is consistent with what is sought by Kāinga Ora, who have suggested a of 6m for principal living rooms; 3m for principal bedrooms; and 1m for other principal rooms, whereas the MDRS only require a 4x4 space for principal living rooms and 1x1m for all other habitable rooms. I therefore consider that what is sought by Kāinga Ora is more appropriate in the Timaru context.

6.32.9 With respect to specifying minimum residential unit sizes, this has also been considered by Ms Lee Sang. She considers that minimum dwelling sizes assist with ensuring dwellings are functional and of a sufficient size for the day to day needs of residents, based on the number of occupants the dwelling is designed to accommodate. In considering the alignment of this with the outcomes sought in the Plan, I note that SD-O1 seeks that sufficient residential development capacity is provided to meet demand and household choice through a range of densities in existing urban areas and higher densities in close proximity to the Timaru and Geraldine town centres, and Highfield Village Mall. I agree with the submitter that it is appropriate to ensure that such choice results in liveable places for people, providing for their general well-being and reflects the direction in various zone chapters to provide appropriate on-site amenity for occupants (e.g. MRZ-O2.3, NCZ-P2, MUZ-O2.5, TCZ-O2, CCZ-P2 as recommended). I note that Ms Lee Sang recommends adopting the minimum sizes set out in the Christchurch District Plan, which include higher minimum sizes for 2-bedroom and 3 or more bedroom units. I consider that this is beyond the scope of the submission (as it would introduce a requirement which was not included in the PDP, and which is a greater requirement than that sought by the submitter), and therefore recommend the change sought by Kāinga Ora is applied.

6.32.10 I agree with the changes sought by Kāinga Ora to require that where service space is provided on a communal basis, it is located at the ground floor level. With respect to the additional standard sought, it is not clear to me why additional storage space is required for units located entirely above ground floor level, nor what the space is required for, i.e. the current standard is specifically to provide room for storage of waste and recycling bins. I do not agree with the additional matters of discretion because I consider that alternative arrangements are already covered in the first matter of discretion (i.e. consideration of how useable service and storage space is provided allows consideration for alternate options); and I do not consider that the intent of the standard – which is about providing a sufficient level of space – is related to visual and residential amenity effects.

Conclusions and Recommendations

6.32.11 Add the following standard to the MRZ, NCZ, MUZ, TCZ and CCZ chapters, (and make consequential changes, where necessary, to apply it to rules which manage residential activities):

<u>XXX-SX</u>	<u>Outlook Space for Residential Units</u>	
<u>XXX Zone</u>	<p><u>1. A separation distance of at least 6m shall be provided from any window of a principal living room, to a window of another habitable room in a separate residential unit, where there is a direct line of sight between the windows.</u></p> <p><u>2. A separation distance of at least 3m shall be provided from any window of a principal bedroom, to a window of another habitable</u></p>	<p><u>Matters of discretion are restricted to:</u></p> <p><u>1. privacy, overlooking and dominance effects; and</u></p> <p><u>2. residential amenity; and</u></p> <p><u>3. any mitigation measures; and</u></p>

	<p><u>room in a separate residential unit, where there is a direct line of sight between the windows.</u></p> <p><u>3. A separation distance of at least 1m shall be provided from any window in any other bedroom, to a window of another habitable room in a separate residential unit, where there is a direct line of sight between the windows.</u></p> <p><u>4. These separation distance must be contained within the boundaries of the site on which the residential unit is located.</u></p>	<p><u>4. any unusual characteristics of the site or development which make compliance with this Standard difficult.</u></p>
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6.32.12 Add the following standard to the MRZ, NCZ, MUZ, TCZ and CCZ chapters, (and make consequential changes, where necessary, to apply it to rules which manage residential activities):

<u>XXX-SX</u>	<u>Minimum Residential Unit Sizes</u>	
<u>XXX Zone</u>	<p><u>Every residential unit must have a net floor area of at least:</u></p> <p><u>1. 35m² for a residential unit only containing one habitable room; or</u></p> <p><u>2. 45m² for a residential unit containing more than one habitable room.</u></p>	<p><u>Matters of discretion are restricted to:</u></p> <p><u>1. the design, size and layout of buildings.</u></p> <p><u>2. whether an appropriate level of privacy and amenity is provided for occupants of the unit.</u></p>

6.32.13 Amend MRZ-S4, MUZ-S6, TCZ-S7 and CCZ-S6 as follows:

<u>Service and storage spaces</u>	
<p>... The required spaces can be provided either individually or within a communal space <u>at ground floor level</u> for multiple units.</p>	<p><u>Matters of discretion are restricted to:</u></p> <p>1. provision of useable service and storage space; and</p> <p>2. accessibility and convenience for residents.</p>

6.32.14 Under s32AA, I consider that the additional outlook space rules for residential units will ensure that units maintain a sense of space, daylight, visual amenity and privacy and therefore have positive environmental and social benefits. I consider that this outweighs the increased economic costs associated with the greater requirements. I consider that this better balances the achievement of those objectives which anticipate higher density living environments, with those objectives and policies (e.g. MRZ-O2.3, NCZ-P2, MUZ-O2.5, TCZ-O2, CCZ-P2 as

recommended) seeking that this is still undertaken in a manner that provides an appropriate level of on-site amenity.

6.32.15 In my view, the minimum unit size standard will have positive environmental and social benefits from ensuring that the provision of housing results in liveable places for people. I note that the minimums recommended are similar to those used in other plans and in my view do not impose unreasonable costs. I consider that they will assist in achieving those objectives and policies that seek an appropriate level of on-site amenity occupants (MRZ-O2.3, NCZ-P2, MUZ-O2.5, TCZ-O2, CCZ-P2 as recommended).

6.32.16 I consider that the change to the service and storage spaces standard is minor, and ensures that these spaces are provided in a practical location. Again, I consider that this will better assist in the achievement of those objectives and policies that seek an appropriate level of on-site amenity occupants (MRZ-O2.3, NCZ-P2, MUZ-O2.5, TCZ-O2, CCZ-P2 as recommended).

6.33 Emergency Services

6.33.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in Appendix 2:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
FENZ	131.21, 131.22, 131.29, 131.30, 131.32, 131.70, 131.71, 131.73, 131.79, 131.80, 131.82, 131.89, 131.95, 131.96

Submissions

6.33.2 FENZ seek that:

- various height standards (GRZ-S1, MRZ-S1, NCZ-S1, LCZ-S1) are amended to exempt towers and poles associated with emergency service facilities up to 15m in height [131.21, 131.29, 131.70, 131.79]; or within the TCZ, that these are provided for up to 30m (TCZ-S1) [131.95].
- various height in relation to boundary standards (GRZ-S2, MRZ-S2, NCZ-S2, LCZ-S2, MUZ-S2, TCZ-S2) are amended to exempt towers and poles associated with emergency service facilities from the standard [131.22, 131.30, 131.71, 131.80, 131.89, 131.96].
- various outdoor storage standards (MRZ-S9, NCZ-S5, LCZ-S4), which specify requirements for outdoor storage areas to be screened by way of a 2m fence, are amended to state that *“Screening shall not obscure emergency or safety signage or obstruct access to emergency panels, hydrants, shut-off valves, or other emergency response facilities.”* [131.32, 131.73, 131.82]

6.33.3 With respect to GRZ-S1, they also seek [131.21] that a note is added to state that in all instances, height is measured from the natural ground level.

- 6.33.4 The exemptions to the height limits are sought in order to appropriately provide for the operational requirements of fire stations, better providing for the health and safety of the community by enabling the efficient functioning of these activities.

Analysis

- 6.33.5 Given the scale and nature of towers and poles that are associated with emergency service facilities, I consider it reasonable to allow for a higher height for these. I therefore recommend that a higher height is allowed for in the LCZ and TCZ, where such facilities are either permitted, or controlled activities, with buildings and structures subject to the height limits. However, in the NCZ, such facilities are discretionary (under NCZ-R5) and are not subject to the height standard. As the height standard would therefore not be engaged for an emergency service facility, there is no point in providing an exemption in NCZ-S1.
- 6.33.6 I also agree with exempting towers and poles from the height in relation to boundary standards. This reflects that this standard is intended to address shading and access to sunlight for adjoining properties, and in my view these structures will not unreasonably impinge on this. However, from a drafting perspective, I consider it more efficient for this exemption to be included in APP8 itself, which already contains other exemptions, rather than listing it in separate rules.
- 6.33.7 In terms of outdoor storage, I do not consider that the exemption is necessary. The requirement applies within private sites, requiring that storage areas are screened from adjoining sites and roads. It is not clear to me how such fencing could obscure the identified emergency response facilities, given such facilities would not, to my understanding, be located on the private site where the screening is required. In addition, the fencing is to ensure that outdoor storage is not visible; it does not require that these areas are made inaccessible.
- 6.33.8 With respect to the additional note regarding ground level in GRZ-S1, I do not consider this to be appropriate as ground level is already defined, and the note could contradict this definition.

Conclusions and Recommendations

- 6.33.9 I recommend that GRZ-S1 is amended as follows:

The maximum height of buildings and structures must not exceed 9m measured from ground level to the highest part-, or for towers and poles associated with emergency service facilities, must not exceed 15m.

- 6.33.10 I recommend that LCZ-S1 is amended as follows:

Buildings and structures, including additions and alterations to buildings and structures, must not exceed a maximum height of 10m measured from ground level-, or for towers and poles associated with emergency service facilities, must not exceed 15m.

- 6.33.11 I recommend that TCZ-S1 is amended as follows:

Buildings and structures including additions and alterations to buildings and structures must not exceed:

- 1. Maximum height of 10m measured from ground level; or*
- 2. For church towers or spires, or towers or poles for emergency service facilities, a maximum height of 30m measured from ground level.*

6.33.12 I recommend that APP8 is amended as follows:

Permitted projections above recession planes:

- a. Any projection in height above a recession plane of less than 1.5m² area (viewed on a site plan), and no greater than 1m in height (viewed on an elevation drawing); and*
- b. Eaves inclusive of gutters with a maximum depth of 20cm measured vertically; and*
- c. Antennas, aerials, satellite dishes (less than 1m in diameter) and flues provided these do not project more than 3m above a recession plane-; and*
- d. Towers and poles associated with an emergency services facility provided that they are no more than 15m in height.*

6.33.13 Under s32AA, I consider that the higher height limit for these facilities (in the zones in which they are permitted or controlled), and exempting them from recession plane requirements, will have economic and social benefits in providing for their operational needs. Given the limited scale of towers and poles, I consider that this will not have unreasonable costs in terms of effects on neighbouring properties. I therefore consider that the changes are more efficient, while still being effective at achieving the built form outcomes sought in each relevant zone.

6.34 Servicing Standards

6.34.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in Appendix 2:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
FENZ	131.18, 131.19, 131.25, 131.27, 131.33, 131.74, 131.77, 131.83, 131.86, 131.91, 131.93, 131.98, 131.101, 131.104

Submissions

6.34.2 FENZ seek that a new standard is added to the GRZ, MRZ, NCZ, LCZ, MUZ, TCZ, CCZ (and applied to various rules) requiring the provision of firefighting water supply for activities (such as the construction of a new residential dwelling) not subject to subdivision. The standard would require that all new developments requiring a water supply be connected to a public reticulated water supply, where one is available; and where not connected, or where an

additional level of service is required that exceeds that provided by the reticulated system, that an alternative and satisfactory water supply can be provided to each lot.

- 6.34.3 FENZ [131.18] also seek an additional policy is added to the GRZ chapter, directing that it is ensured that all land use activities and developments are connected to the public reticulated wastewater, stormwater, and water supply network unless an approved alternative system is available. They consider that this will better give effect to GRZ-P1, and provide a better policy framework to support the additional standard sought.

Analysis

- 6.34.4 In responding to these submission points, advice was sought from the TDC Infrastructure Team. Their key point is that between the Timaru District Consolidated Bylaw 2018 as well as service consent and building consent processes, there are already sufficient requirements to connect to Council's network and to confirm fire-fighting supply is provided to address the matters raised in FENZ's submission. The Infrastructure Team also expressed concerns that the proposed standard could imply that any new activity would require a new water supply connection. However, in an instance where multiple household units or businesses are proposed on a single allotment, TDC does not permit multiple water connections to a single title as the rating system does not allow for multiple charges for a single record of title. Additionally, even where permitted activities are concerned, water for fire-fighting purposes is provided for in the reticulated network through public and private hydrants. For the above reasons, and given the RESZ and CMUZ are in areas with reticulated water supplies, I do not consider the additional standard, or any related policy, is necessary.

Conclusions and Recommendations

- 6.34.5 I do not recommend any changes in response to these submission points.

6.35 Outdoor Storage Standard

- 6.35.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in Appendix 2:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Waka Kotahi	143.159, 143.161, 143.164, 143.168, 143.171

Submissions

- 6.35.2 In relation to NCZ-S5, LCZ-S4 and LFRZ-S4, TCZ-S4 which require the screening of outdoor storage areas, Waka Kotahi [143.159, 143.161, 143.164, 143.168, 143.171] seeks amendments to require that any fencing adjacent to a State Highway, where the speed limit exceeds 70km/hr, does not have a maximum diameter that exceed 100mm. It states that while the requirement to screen these areas is supported to reduce distraction from drivers, the amendment will ensure frangibility of an errant vehicle.

Analysis

6.35.3 In my view, the standard is about maintaining amenity values of surrounding residential area and adjoining sites. The additional requirement would essentially be serving a different purpose and therefore would only be appropriate if required to achieve the direction sought in another part of the Plan. The submitter may wish to advise which policy or objectives they consider the request relates to. Regardless of this, I note that this standard essentially requires fencing in certain circumstances. Fencing in other instances is not controlled and therefore the additional requirement would only apply to fencing for this particular purpose. I therefore consider the addition would have limited impact because it would apply in only limited circumstances.

Conclusion and Recommendations

6.35.4 I do not recommend any changes in response to these submission points.

6.36 Rail Corridor Setbacks

6.36.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in Appendix 2:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
KiwiRail	187.85

Submissions

6.36.2 KiwiRail [187.85] seek that for health and safety reasons, a consistent 5m setback is applied to all zone chapters which are adjacent to the rail corridor. This includes the GRZ, MRZ, LFRZ, MUZ, TCZ & CCZ, which are considered in this report. It states that a 5m setback from the rail corridor is appropriate in providing for vehicular access to the backs of buildings (e.g. a cherry picker) and allowing for scaffolding to be erected safely.

Analysis

6.36.3 I have concerns with the efficiency of applying a 5m setback to any boundary with a rail corridor. This could result in a fairly substantial area being unable to be developed (in absence of applying for a resource consent) for what seems to be very limited purposes, i.e. only in relation to when vehicular access or scaffolding may be required where a building adjoins the railway corridor. It is also not clear what policy such a standard would be intended to implement or what objective it would be achieving. For completeness I note that the standard has not been sought to address potential reverse sensitivity effects from noise associated with the railway line, noting that a standard to address this is proposed in the noise chapter (NOISE-R9, requiring acoustic insulation). Overall I consider that the costs of this approach outweigh what appears to be a limited benefit.

Conclusions and Recommendations

6.36.4 I do not recommend any changes in response to this submission point.

6.37 Definitions

6.37.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in Appendix 2:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
FENZ	131.1
Harvey Norman	192.10
Kāinga Ora	229.6
Dept. Corrections	239.5

Submissions

6.37.2 FENZ [131.1] supports a definition being provided for Emergency Services Facilities. However, they request that the note included in the definition, which states that these are a subset of the community facilities definition is removed.

6.37.3 Harvey Norman [192.10] seeks a new definition be included for drive-through restaurants. This stems from their request for these to be permitted in the LFRZ, and to distinguish them from other food and beverage activities that are not considered suitable within this zone.

6.37.4 Kāinga Ora [229.6] support the definition of ‘supported residential care activity’. Dept. Corrections [239.5] considers that the definition of ‘residential activity’ already captures those activities included in ‘supported residential care activity’. They support retention of the definition only if the definition of ‘residential activity’ does not capture the supported accommodation activities provided by the submitter.

Analysis

6.37.5 I disagree with removing the note relating to Emergency Services Facilities being a sub-set of community facilities. This would make it unclear if policies and rules relating to community facilities apply to Emergency Services Facilities or not. If they are not treated as a sub-set of community facilities, consideration would need to separately be given to how such facilities are treated in the rule framework for each zone, where there is not a separate rule (and related policies) for emergency services facilities – otherwise they would be subject to the default rule in each zone. I do not consider that this would be an efficient approach.

6.37.6 As I have not recommended including a rule specific to drive-through restaurants in the LFRZ, I do not consider that a new definition is needed for these. For completeness I note that the changes I have recommended to the LFRZ framework would in any case provide for these, which is what is ultimately sought by the submitter.

6.37.7 I agree with Dept. Corrections that those activities captured in the definition of ‘supported residential care activity’ also fall within the definition of ‘residential activities’. As such, the former is a subset of the latter. The reason for this, is that in the rule framework supported residential care activities are sometimes distinguished from other residential activities, in the same way as some commercial activities are distinguished from others. For example, in GRZ, GRZ-R6 is specific to supported residential care activities. GRZ-R1, while applying to residential activities, only applies to residential activities that are not otherwise listed in the chapter. Thus in this GRZ Chapter, supported residential care activities would be subject to GRZ-R6 not GRZ-R1. I therefore consider that the definition of ‘supported residential care activity’ should be retained so that it is clear what the related rule framework applies to.

Conclusions and Recommendations

6.37.8 No changes are recommended to the definitions of ‘residential visitor accommodation’, ‘Emergency Services Facilities’, or ‘supported residential care activity’.

6.38 Definitions – Matters Arising from Hearing A

6.38.1 I have reviewed the Section 42A Report of Ms Hollier. In this, she discusses submissions made relating to the definition of ‘reverse sensitivity’¹⁰. This is relevant to this topic, because the term is used in MRZ-P1, PREC1-O1, PREC1-P1, MUZ-P4. While recommending changes to the definition, Ms Hollier also noted that amendments to provisions throughout the PDP might be required to align with the recommended amendments to the definition. I have therefore considered the provisions in this topic which rely on the definition, in light of Ms Hollier’s recommended changes.

6.38.2 The provisions in this topic relating to reverse sensitivity are:

- PREC1-O1 (in the GRZ) which seeks that *“Low-density residential development is provided in the Old north general residential precinct in a way that minimises reverse sensitivity effects on the adjacent General industrial zone”*. The related policy is titled “Reverse Sensitivity”, with the direction being to require a low density of development and separation distances from industrial development. The matters of discretion applying when the specific density, setbacks or site coverage standards specific to the Precinct are breached include *“potential reverse sensitivity effects on the General Industrial Zone”*.
- MRZ-P1, which directs that residential activities are enabled where *“potential reverse sensitivity effects on any adjacent Commercial and mixed-use or General industrial zones are minimalised.”*
- MUZ-P4 which directs that residential activities are provided for *“where they are designed to minimise potential reverse sensitivity effects on commercial or existing industrial activities.”*

¹⁰ Officer’s Report: Part 1 and Overarching Matters, paragraphs 187-207.

- A matter of discretion within CCZ-S7, which applies to all buildings and structures within the zone, allowing consideration of *“the extent to which any potential reverse sensitivity effects are avoided or mitigated”*

6.38.3 I have considered the above provisions in light of the changes recommended by Ms Hollier. My understanding is that the effect of her recommended changes is that the direction would alter slightly, in terms of the minimisation of reverse sensitivity effects, to include minimisation of potential reverse sensitivity effects in relation to not only existing activities, but also those permitted or consented, or otherwise anticipated by the Plan. I consider that it is appropriate, because it will be more effective in managing activities within the residential zones (PREC1 in the GRZ and MRZ) to take into account what is anticipated in the adjoining CMUZ or GIZ areas. In the MUZ and CCZ, it will ensure that residential activities (or in the CCZ, other sensitive activities) are designed to take into account not only existing activities, but also those that are anticipated by these zone frameworks. I therefore do not consider that changes are required to these provisions as a result of Ms Hollier’s recommended changes to the definition.

6.39 Zonings

6.39.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in Appendix 2:

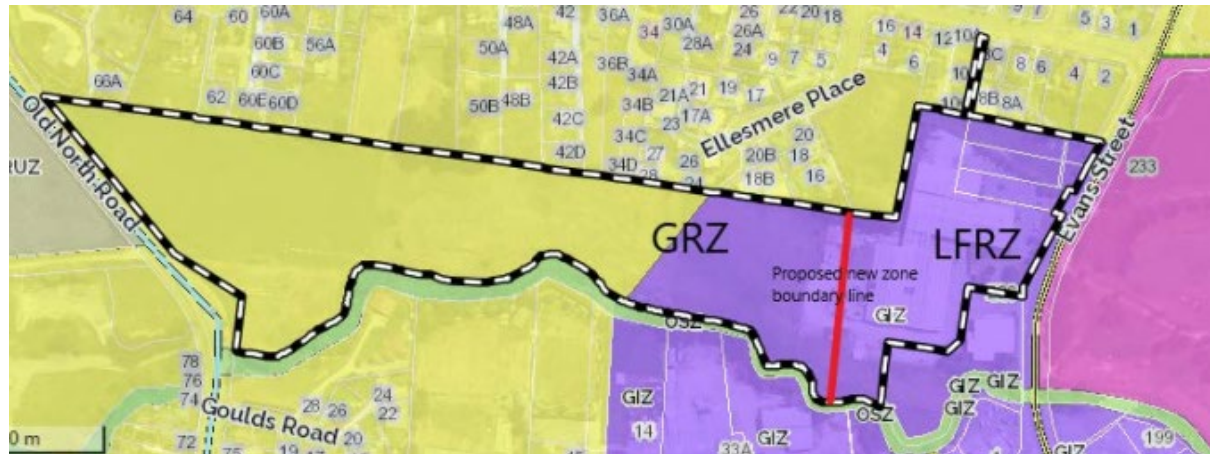
SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Timaru Old Boys	5.1
J. McKenzie	10.1
TDC	42.72
Baekelandt, A	87.1
McKenzie & Choung	103.1
Hocken, F	112.1
Broughs Gully	167.1, 167.2
Regenvanu, M	180.1
Harvey Norman	192.1
Foodstuffs	193.2, 193.3
Hussey, D and C	218.1
Kāinga Ora	229.85, 229.86
Willowridge	235.1
Aitken et al	237.5, 237.9

Submissions and Analysis

6.39.2 Kāinga Ora [229.85] supports the zoning of areas to MRZ, including both sites zoned Residential 1 Zone under the ODP, as well as those zoned Residential 2. This support is noted.

- 6.39.3 TDC [42.72] and Kāinga Ora [229.86] seek deletion of the “*Grey Road / Arthur Street - Potential Large Scale Retail Specific Control Area*” from the planning maps. Both submitters note that the control area is not included in the provisions of the PDP and is therefore a mapping error. Kāinga Ora further considers that it would be inappropriate to add a control over the sites the Area applies to, as it could limit their potential for medium density residential development. I agree with submitters that the “*Grey Road / Arthur Street - Potential Large Scale Retail Specific Control Area*” should be removed from the planning maps, as there are no controls in the PDP relating to it (including that it is not listed in SCHED16B) and therefore the inclusion of such an area in the maps is confusing and potentially misleading.
- 6.39.4 Willowridge [235.1] seek that 192, 194, 196, 204, 206 and 208 Evans Street and 4 Grants Road, are rezoned LCZ. The submitter considers that given the location of these sites at the entrance to the showgrounds, LCZ would provide the opportunity to redevelop the site in a manner more consistent with the volume of traffic and character of the area, noting that NCZ is more suited to only serve the day-to-day convenience needs of the surrounding residential neighbourhood. I note that while the other properties are proposed to be zoned NCZ, 192 and 194 Evans Street are proposed to be zoned GRZ. These sites do not contain commercial activities, nor have resource consents been sought for this. The LCZ is proposed to be applied to shopping areas, and is anticipated to provide for a range of commercial activities and community facilities, including supermarkets, to provide for daily and weekly good and service needs of surrounding residential areas. This is reflected not only in the rule framework applying within the zone, but also the scale of areas where the zoning applies – with those areas with a proposed LCZ zoning being larger than the submitter’s properties (even when including 192 and 194 Evans Street). In my view, the size of these properties does not lend itself to these properties being zoned LCZ, as even with redevelopment, I do not consider they would fully achieve what is intended under the LCZ. I therefore support retention of NCZ for these properties.
- 6.39.5 Harvey Norman [192.1] seek that the eastern part of 226 Evans Street is rezoned from General Industrial Zone (GIZ) to LFRZ; and that the GRZ zoning of the western portion is extended further to the east. It considers that LFRZ better reflects the current consented and likely future uses on the eastern part of the site, and that the rezoning would be more desirable from a plan administration perspective. With respect to the GRZ zoning sought, it considers that this zoning should extend further eastward to recognise the existing and consented environment, and provide for residential activities. The new boundary line sought would extend up to 5m from the consented ‘boundary’ line of the Harvey Norman Warehouse,¹¹ with the submitter stating that this provides the opportunity for amenity buffer planting between the two zones.

¹¹ I have confirmed with the submitter that the correct location for the zone boundary is shown on the first plan contained in Annexure 1 to their submission, which differs slightly from the “Proposed new zone boundary line” shown below.



6.39.6 As a consequence of seeking that LFRZ is also applied to 226 Evans Street, Harvey Norman seek a range of changes to the LFRZ chapter provisions, including:

- Changes to the introduction to refer to the Evans Street site or make it less site-specific to the former A&P Showgrounds site [192.16]
- Deletion of LFRZ-P4, or amendments to specifically refer to the A&P showgrounds site [192.22]
- Amendment to LFRZ-P5.3 to specifically refer to the A&P showgrounds site [192.23]
- Those rule conditions requiring compliance with LFRZ-S5 and LFRZ-S6 (LFRZ-R1 PER-2; LFRZ-R2 PER-2; LFRZ-R3 PER-4; LFRZ-R6 PER-4) are deleted, or amended to specifically refer to the A&P showgrounds site [192.25, 192.26, 192.27, 192.28]. As alternate relief in relation to LFRZ-R6, they seek that the rule is amended to allow for an additional café in the LFRZ on western side of Evans St
- The addition of two new permitted activity rules in the LFRZ Chapter, providing for drive-through restaurants and service stations on the western side of Evans Street, [192.29, 192.30], and a related definition for drive-through restaurant [192.10]
- Amending the staging thresholds (LFRZ-S5) and opening of business standards (LFRZ-S6) to be specific to the A&P showgrounds site [192.37, 192.38]
- Amending LFRZ-R9, applying to buildings and structures, so that there is no requirement to comply with LFRZ-S5, on the basis that the standard is specific to the A & P Showgrounds [192.31]

6.39.7 The submitter considers that a drivethrough restaurant and service station are appropriate on this site, that the site is in an ideal location, that it would complement large format activities and not detract from the function or vitality of the town centre.

6.39.8 As noted by the submitter, the site is 9ha in area, with the eastern portion currently containing a Harvey Norman store and warehouse, PGG Wrightson and a transport depot. 5ha of the site at the western end is undeveloped. Harvey Norman also have a resource consent to redevelop site, including an expansion to Harvey Norman store, demolition of a transport building and

its replacement with two retail tenancies (955m² and 1210m²), as well as an onsite warehouse for Harvey Norman.

6.39.9 With respect to the LFRZ sought, I consider that this zoning might be appropriate for existing development that essentially aligns with the activities anticipated in the LFRZ, i.e. large format retail. This is because under the GIZ, these activities are not generally anticipated (with a non-complying activity status applying under GIZ-R5). However, rezoning to LFRZ will also allow for new large format retail to establish on the site. From discussions with the submitter, I understand that this would be limited to two new tenancies (955m² and 1,210m²) which are included in the resource consent, and the current PGG Wrightson building (925m²), were this to be used for another activity. Under the conditions of the consent, the type of retail activity that could establish on the site is limited; therefore the key change from rezoning to LFRZ would be to permit a wider range of retail activities to establish.

6.39.10 I also note that the LFRZ framework is comprehensive, including limits on staging of new development and on the scale of other types of commercial activities, which are intended to manage potential adverse effects on the CCZ. I note that the submitter seeks not only rezoning of the site, but changes to the framework such that these limitations would not apply to their site. I consider that applying LFRZ to parts of the site where large format retail is not established could affect the CCZ, and in turn could risk the achievement of LFRZ-O1. Further information was therefore sought from the submitter to assess this potential. The submitter has provided a statement of evidence from Fraser Colegrave, an experienced economics consultant, which is included in **Appendix 4** to this report.

6.39.11 Mr Colegrave's view is that the rezoning sought is *"highly unlikely to cause material adverse effects on the City Centre Zone"* for several reasons, including that the CCZ is not able to accommodate the type of development (large format retail) enabled by the rezoning; any relocation of existing CCZ tenants to the site would be limited to three tenancies and therefore not cause retail distribution effects; and CCZ's wider functions (beyond retail) will not be affected by the rezoning. Mr Colegrave also considers that increasing provision for large format retail will increase district spend by diverting trade from out-of-district retailers, and the CCZ will continue to provide for specialist retail needs. In coming to this conclusion, Mr Colegrave refers to a previous assessment undertaken which had a similar quantum of large format retail activity to what would be enabled through the rezoning. I accept that this previous assessment is sufficiently similar to enable consideration of the rezoning, and demonstrates that the effect on the CCZ and other retail locations would be limited, and not extend beyond trade competition effects. I also note his comments that further large format retail development would reduce leakage out of the District, or increase spending coming into the district from other areas. I accept that this would have positive economic benefits for the District.

6.39.12 I also note that in undertaking his assessment, Mr Colegrave has focused on the additional large format retail that would be enabled through the rezoning (i.e. up to 3090m²) and comparative to what would otherwise be enabled under the proposed GIZ. His assessment

therefore assumes a “worst case scenario” in terms of assuming this is all taken up by large format (whereas the LFRZ provisions would also enable trade suppliers).

6.39.13 Based on Mr Colegrave’s assessment, I support the rezoning of the site from GIZ to LFRZ.

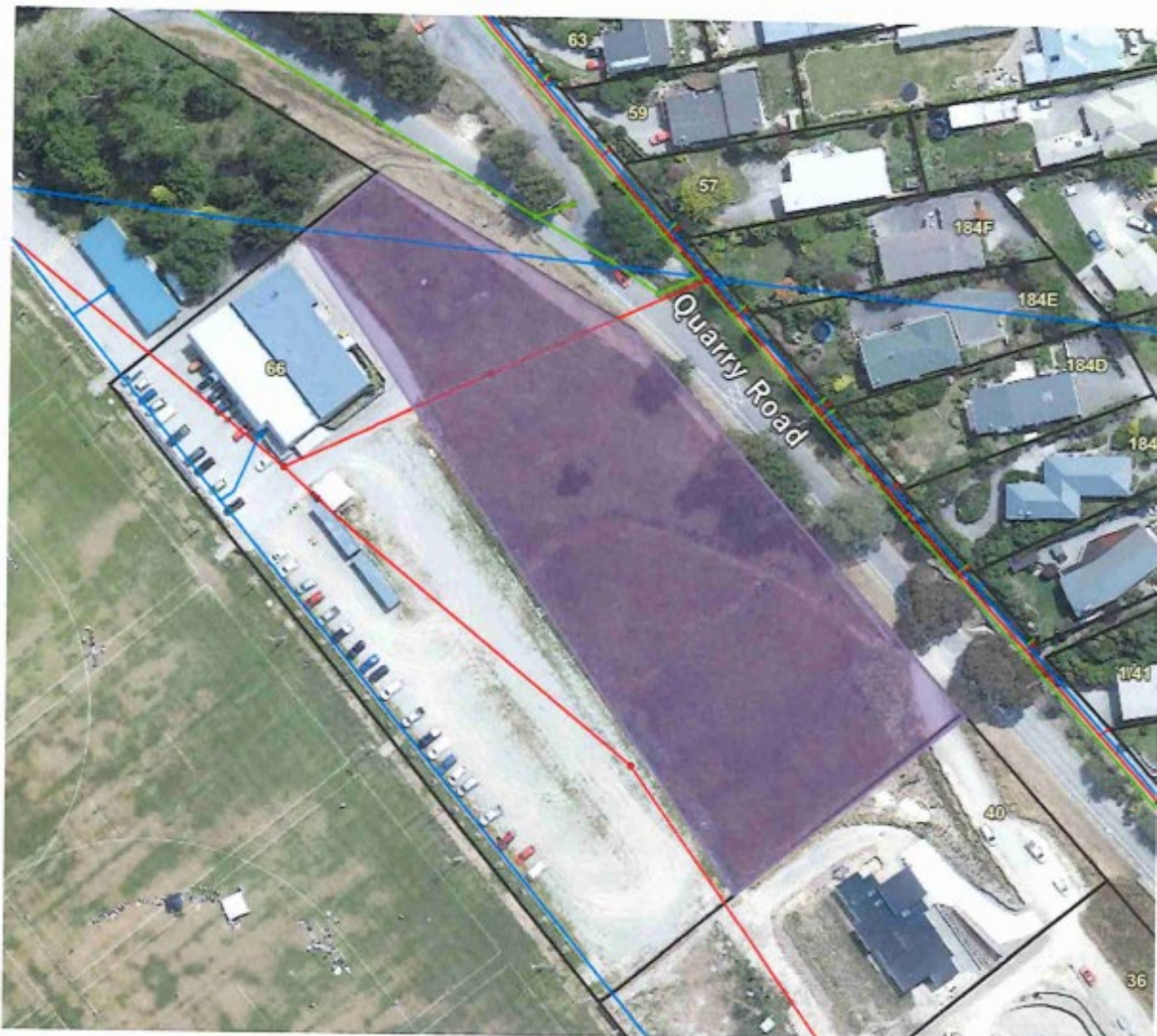
6.39.14 In his assessment, Mr Colegrave also supports excluding this site from the application of the staging thresholds otherwise applying to the LFRZ, on the basis that the site does not form a practical extension of the Showgrounds site (being disconnected by Evans Street); and that as the site is relatively small and will only accommodate a small number of retail stores, it does not have the ability to become a destination that competes with the city centre. I do not consider that Evans Street results in a significant separation of the site from the Showgrounds site, and I consider that the rezoning the site will consolidate the area in which large format is located. In other words, I consider that the submitter’s site will add to the Showgrounds site as an overall destination for large format retail. However, as noted earlier, I have recommended re-instating the staging thresholds from the ODP (which also reflects consented staging of development on the Showgrounds site). This only limits the quantum of overall development to 30,000m² by July 2025, and 34,000m² by July 2027, being one and three years away respectively. I consider that Mr Colegrave’s analysis supports the additional floor space being provided for on the site (i.e. the overall quantum in both locations being above 34,000m²) and given the relatively short timeframe to which the lower limit would otherwise apply, I do not consider that there is a need to apply the staging thresholds to this site.

6.39.15 Mr Colegrave also supports adding service stations, drive-through restaurants and cafes as permitted activities on the subject site, on the basis that will have no incremental effect on retail distribution as they are activities which are permitted under the proposed GIZ. I accept this, but note that under GIZ-R3 restaurants, cafes and take away food outlets are limited to gross floor area of 200m² or less. As notified, LFRZ-R6, applying to cafes, was limited to 150m² in gross floor area and restaurants (which would include drive-through restaurants) was expressly non-complying. I have recommended that LFRZ-R6 be amended to apply to food and beverage activities more broadly, with the existing limit applied to the Showgrounds site re-instated. To provide for the same quantum of development on the submitter’s site as a permitted activity, as is provided for under the GIZ, I recommend a 200m² is applied to the Evans Road area for these activities.

6.39.16 With respect to service stations, I note that these are currently a discretionary activity in the Commercial 2A Zone (Rule 2.4). While I accept that these are permitted in the GIZ, this reflects, in my view, that they are compatible with the type of activities anticipated in the GIZ. This may not necessarily be the case in the LFRZ, where consideration may be needed on a case-by-case as to how they are managed with respect to other activities within the Zone. I therefore consider it more appropriate to retain the current discretionary activity status for service stations. For completeness I note that these are likely to trigger a resource consent as a high trip generating activity under the Transpower Chapter provisions as well.

- 6.39.17 As a consequence of rezoning the Evans Road site to LFRZ, I agree with the submitter that there is a need to make consequential changes to the framework to take into account the wider application of the zone. I consider that the most appropriate way to do this, and to align with the drafting approach taken in the Plan, is to identify the Showgrounds site as a precinct, and apply those policies/rules/standards which will be specific only to the Showgrounds, to the Precinct.
- 6.39.18 I broadly agree with the request to extend the GRZ further east, as it extends an area of currently undeveloped land with which it is contiguous. I note that the land to the immediate south of this area is zoned OSZ, but beyond this small strip of OSZ zoning, the land is zoned GIZ. The rezoning would therefore largely shift where the GIZ/GRZ interface is, but at this southern boundary, there would remain a slight buffer in the form of a strip of OSZ. With respect to where the LFRZ/GRZ zone boundary should be located, I understand from the submitter that the new boundary line would be located 5m from the trailer parking area; but more like 15-20m from the edge of the consented building adjoining this boundary. The current LFRZ does not directly adjoin a residential zone and therefore there are no setbacks required between buildings and residential zones. However, I consider 15-20m to provide a reasonable buffer.¹² and also note that when the GRZ portion is developed, there would be the ability to provide further mitigation on the GRZ side of the boundary, in the form of a setback, as well as additional measures such as an acoustic fence. I therefore consider that the objectives sought for the GRZ would not be compromised by the proposed zone boundary change. However, to reflect the new boundary interface, I recommend that a 15m setback for buildings in the LFRZ is applied, should the part of the site adjoining the GRZ boundary be redeveloped in future.
- 6.39.19 Timaru Old Boys [5.1] seeks that the land that fronts Quarry Road between 42 - 66 Quarry Road is rezoned from Open Space to General Residential. It states that this area is surplus to the requirements of the sports club and should be rezoned GRZ to allow funds to be released to support the various sports codes of the club. The submitter states that they initially purchased a parcel of land adjacent to the School Park to build clubrooms, and purchased further hillside sections with the lower sections of these developed for car parks.

¹² I note that similar setback distances, or other controls or requirements relating to outdoor storage and landscaping, are applied within the GIZ under GIZ-S3, GIZ-S6 and GIZ-S6 where the GIZ adjoins a residential zone.



6.39.20 I note that the land in question is a strip /sloping bank that flows down into an existing carpark area. The south-eastern part is already zoned MRZ. I note that further down the road from these sites contain residential development, although it does not back directly onto the sports field / car parking area. The Council's infrastructure team have advised that this area can be serviced by sewer and water mains. With regards to stormwater disposal, pumping to the stormwater main within Quarry Road is not considered to be desirable, and therefore additional attenuation to allow for a discharge to ground is likely to be required. This is however, a matter that can be addressed and resolved at the time of subdivision, and does not preclude the site's rezoning. In my view, the extension of the GRZ zone further to the northwest would be logical. While the interface with the existing car parking area would need to be managed, the matters of discretion for subdivision (under SUB-R3) allow for measures to manage adverse effects, which could allow for consideration of the need for a setback, planting or fencing between residential development and the sportsfield car park.

6.39.21 Aitken et al [237.5] seek that 27 Hally Terrace is rezoned from GRZ to TCZ, noting that the property is zoned Commercial 1 in the ODP, and stating that it reduces the scope for

commercial use of the land. In the PDP, the TCZ is located either side of King Street, extending the full block to Vine Street on its western side, but on the eastern side, only extending the full depth to Hally Terrace up until 19 Hally Terrace. The boundary between the TCZ and GRZ appears to relate to existing land uses, with residential dwellings being located from 19 Hally Terrace to the north. I accept that GRZ affects the potential for the property to be used for commercial purposes, albeit such a land use could still be considered through a resource consent under the GRZ framework. In my view, rezoning 27 Hally Terrace would result in an isolated pocket of TCZ, and would only be appropriate if the southern properties were also rezoned, which is outside the scope of the submission. Even if these could be considered, my view is that it is not necessary to zone additional land TCZ which currently has a residential land use established, unless there is no shortfall of commercially zoned land, which is not the case in Temuka. I therefore recommend retention of the GRZ for this property.

6.39.22 Aitken et al [237.9] seek that 168 King Street, Temuka, is rezoned from GRZ to TCZ, noting that the property is zoned Commercial 1 in the ODP, and stating that it reduces the scope for commercial use of the land. The properties to the north and east of 168 King Street, Temuka, are zoned GRZ, and the properties to the south and west (across Wood Street and King Street) are zoned TCZ. 168 King Street itself contains a large non-residential storage building, and (5 Wood Street, which comes up in the planning maps as part of 168) an old run-down non-residential building which appears to be unused. I consider that either a TCZ or GRZ zoning would allow for redevelopment of the site. From an urban form perspective I also consider either zoning to be suitable given it is located at the interface between these zones. On balance I consider TCZ would be more suitable given the site is not currently used for a residential activity and therefore support the site being rezoned.

6.39.23 Foodstuffs [193.2] seek that 11 Chalmers Street in Highfield, Timaru, is rezoned from MRZ to LCZ. The site is around 1000m² in area, and has been granted resource consent for a car park extension for the Highfield New World supermarket. The submitter considers that LCZ better aligns with the land use authorised under the resource consent, stating that the rezoning will not detract from Timaru Town Centre and would acknowledge that the land is no longer suitable for residential purposes. The submitter notes that a plan change and resource consent was applied for in 2018 to redevelop the Highfield Mall, to better meet the retail needs of the local community. It considers that the rezoning is consistent with the direction in the draft Growth Management Strategy to reinforce and consolidate commercial activity in the Timaru Town Centre and in other key activity centres where it does not detract from the town centre.

6.39.24 I accept that this zoning better reflects the consented use of the site for car parking and the low likelihood that the site would return to a residential use. I agree that rezoning this area is not of a sufficient scale to detract from Timaru Town Centre and the small expansion is consistent with the Growth Management Strategy. However, it is important to consider what the LCZ framework would allow on the site and the effects of this, rather than only considering its use for a car park, in order to determine if the rezoning could result in effects that are not adequately managed through the LCZ framework. I also consider it important to consider

whether there are any conditions imposed on the car parking consent that would be 'lost' through the rezoning.

6.39.25 Following discussions with the submitter, a comparison was provided by them as to the conditions of the consent, and the rule framework contained in the PDP applying to the LCZ; as well as between the built form standards in the MRZ and LCZ. What this demonstrates is:

- The noise limits applying at the residential zone boundary are generally more restrictive in the resource consent than the noise limits proposed for the MRZ in the PDP;
- Lighting controls and landscaping are generally more permissive in the resource consent than the standards applying in the PDP (LIGHT-S1 and S2 and TRAN-S1); and
- The built form controls applying to the LCZ (relating to height, height in relation to boundary and setbacks) are more stringent than those applying under the MRZ.

6.39.26 Based on the above, I am satisfied that if the site was redeveloped, the LCZ controls would be appropriate to manage potential effects at the 'new' LCZ/MRZ interface, with respect to built form requirements, lighting and landscaping. I note however, that the level of amenity afforded to the neighbouring properties through the consent conditions, in relation to noise, could be reduced, should either the consent be varied in future (to align with the noise limits otherwise applying), or this site be redeveloped. However, I am also conscious that the noise levels set in the consent conditions result in a more stringent outcome than the PDP otherwise anticipates. I further note that the zoning of the site does not alter the noise limits that would apply under the PDP (because the noise rules are based on the zoning of the site receiving the noise) and therefore retention of the MRZ would not change the distinction between the noise limits in the consent conditions and those in the PDP.

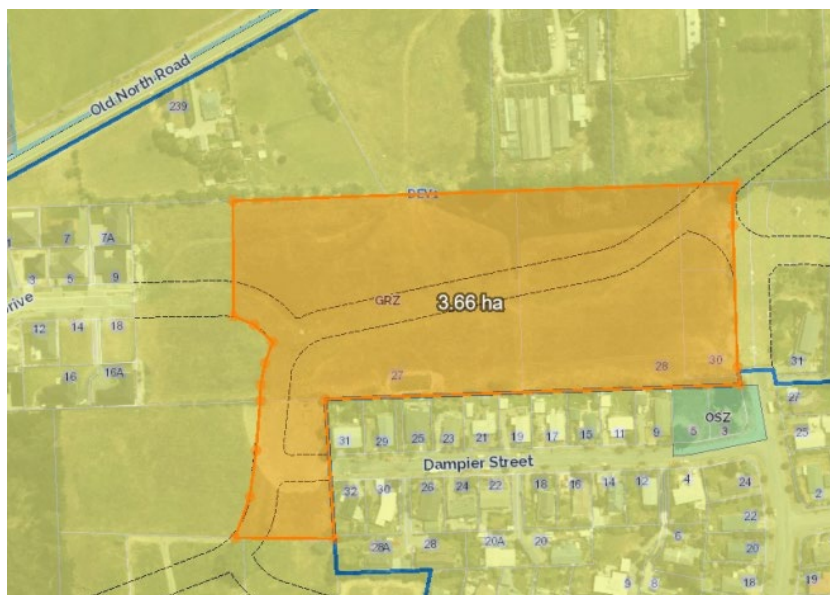
6.39.27 Overall, I therefore consider that rezoning the site LCZ is appropriate, because it better aligns with the current use of the site, and the effects of any future redevelopment of the site (or alterations to the current consent) on adjoining residential properties would be adequately managed through the LCZ framework.

6.39.28 Foodstuffs [193.3] seeks that a 10m strip of land at 18A Hobbs Street, which is adjacent to the Pak'n Save supermarket, is rezoned from MRZ to LCZ. The submitter states that this strip was purchased to widen the service area and provide more room for back-of-house operations at the supermarket. It notes that the land is zoned Commercial in the ODP and seeks an LCZ to enable its use for supermarket activities. The land previously contained the Timaru Tavern, but this has been demolished, and consent granted to construct residential dwellings on the site.

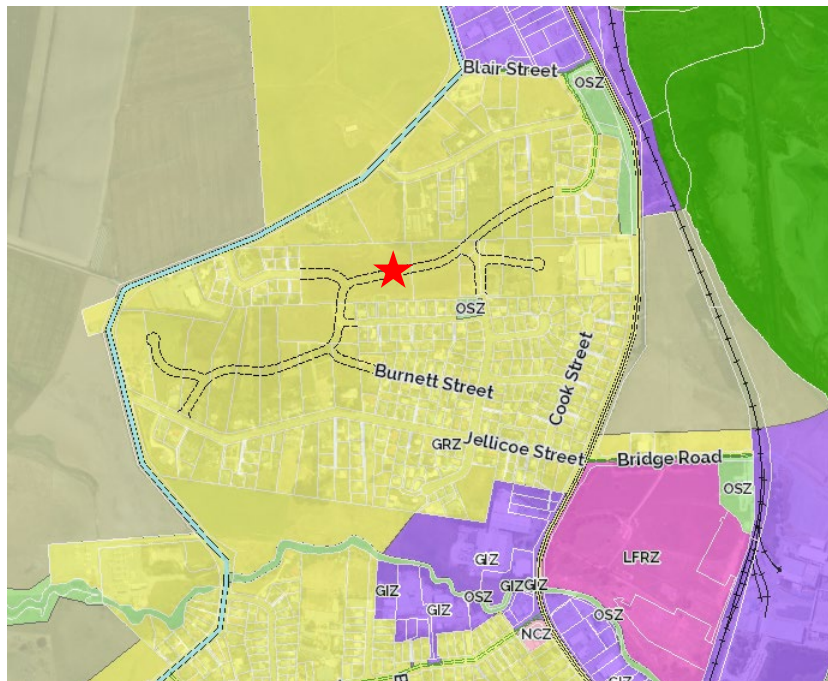
6.39.29 I note that this land is proposed to be created through a subdivision and land use consent granted in April 2022 (101.2021.79.1), and in which the area for which the LCZ zoning is sought was explicitly considered as continuing to contain commercial use, with it noted that this was to be purchased by Foodstuffs. The remaining lots, while zoned Commercial 2 under the ODP,

obtained consent for residential development, and the conditions imposed on the consent (in some cases secured by way of consent notice) include conditions seeking to manage the interface and potential conflict between the supermarket activities and the residential development. The PDP proposed zoning reflects the residential development for which consent has been granted, but does not align with the intended continued commercial use of this parcel of land. In my view, the rezoning is appropriate, because it simply shifts the location of the boundary between the MRZ and LCZ slightly, is consistent with the land use consent, and the potential conflict at the interface has been addressed through the subdivision and land use consent.

6.39.30 Broughs Gully [167.1, 167.2] seek that the central area of the site at 27 Dampier Street and 28 and 30 Tasman Street, Broughs Gully, Timaru is rezoned from GRZ to MRZ. This area is approximately 3.66ha. The area is shown in the figure below, taken from the submission. The submitter states that the MRZ is stated as being located in existing residential areas near commercial centres, noting that the site is within an existing residential area and 400m as the crow flies from the LFRZ area, which would provide for daily shopping needs, similar to the Highfield Mall. It states that MRZ provides for a higher site density, which supports a sustainable urban form and greater housing choice and affordability.



6.39.31 I have been advised by the Council's infrastructure experts that there is no servicing impediment to increasing the density of development in this location. However, I note that these sites are located within an area zoned GRZ and would result in a higher density node away from any commercial centre. This is demonstrated spatially in the figure below, the central part of the site where the rezoning is sought indicated with a red star. The nearest commercial zoning is LFRZ, which only provides for a particular (larger retail) commercial use, rather than being a commercial centre with a wide range of commercial activities servicing the local residential catchment. In other areas, the MRZ is located around a Local Centre, Town Centre, or Mixed Use area. I consider that applying MRZ to these sites would not be appropriate, as it would result in a pocket of higher density development away from any of these centres.



6.39.32 Hocken, F [112.1] seeks that 18 College Road, Parkside, Timaru, is rezoned to enable one household per 250m² site area to allow for town houses for old people, as the site is located close to town, is flat and is orientated to the sun. The submitter considers that Council should upgrade storm water and sewage lines to help enable the development. I note that 18 College Road, Parkside, Timaru, is proposed to be zoned MRZ in the PDP. Under the subdivision standards (SUB-S1.2) this allows for the creation of allotments with a minimum net site area of 300m², or no minimum size if it is proposed as part of a combined subdivision and land use consent. Under the MRZ framework, three residential units per site are permitted (MRZ-R2, PER-1). I therefore do not consider that rezoning is required to allow for consideration of dwellings at a density of 250m².

6.39.33 Five submitters [10.1, 87.1, 103.1, 180.1 & 218.1] seek that 2, 4, 6, 12 Shaw Street and 6 & 6A Hislop Street are rezoned GRZ. The reasons include that these allotments are small, and are considered to be part of the "urban precinct" of Geraldine, and are connected to services. They also note that those properties located on the opposite side of Shaw Street are zoned MRZ and consider a GRZ zoning would provide a better graduation in zoning. They further

note that these properties cannot meet the standards in the RLZ. I agree with rezoning these sites to GRZ. These are located adjoining the current urban area, and in my view GRZ better reflects the existing size of these sites. From an infrastructure perspective, the Council's infrastructure experts have not identified as servicing constraint to the rezoning, noting that these lots are all connected to Council's reticulated services. This is also the only area where the MRZ adjoins an RLZ zoning.

Conclusions and Recommendations

6.39.34 Remove the *"Grey Road / Arthur Street - Potential Large Scale Retail Specific Control Area"* from the planning maps.

6.39.35 I consider that this change is minor as it has no practical effect, given there are no provisions applying to the identified area. However, removing the Control Area avoids the potential for confusion, and better assists in the efficient administration of the Plan.

6.39.36 Rezone the eastern part of 226 Evans Street to Large Format Retail Zone; and extend the General Residential Zoning of the western portion of 226 Evans Street to 5m from the boundary of the consented location for trailer parks.

6.39.37 As a consequence of these zoning changes, I recommend that the former Showgrounds site is identified as a Precinct, and

- The Introduction is amended to refer to controlling the timing of development only in respect to the Precinct;
- LFRZ-P4, LFRZ-S5 and LFRZ-S6 is amended to apply only to the Precinct;
- LFRZ-P5 is amended so that the staging clause only applies to the Precinct;
- LFRZ-R5 and LFRZ-R6 are amended so that the staging thresholds only apply to the Precinct, but other controls on scale apply outside the Precinct.
- LFRZ-P2 is amended to refer to buildings being suitably separated from the boundary of the General Residential Zone, and LFRZ-S3 amended to require a setback of 15m.

6.39.38 Under s32AA, I consider that the economic assessment provide by the submitter demonstrates that the rezoning will not undermine the purpose, function and amenity values of the City Centre Zone (and therefore aligns with LFRZ-O1) and will also have positive economic benefits for the District in terms of reducing retail leakage. I also consider that the site has characteristics that align with LFRZ-O2. I consider that the rezoning will contribute to a consolidated retail area that efficiently accommodates growth of a particular type of commercial activity (UFD-O1.i.). I consider that the changes to the LFRZ to identify the former Showgrounds site as a Precinct are consequential to the zoning change and supported by the economic evidence as still being appropriate to achieve LFRZ-O1.

- 6.39.39 I consider that the increase in the GRZ area, along with a new setback rule for LFRZ from GRZ, will provide a sufficient buffer to minimise conflict between any potentially incommensurate activities (UFD-O1.x).
- 6.39.40 Rezone the land that fronts Quarry Road between 42 - 66 Quarry Road (as identified in the submission by Timaru Old Boys) to General Residential Zone.
- 6.39.41 Under s32AA, I consider that application of the GRZ to this land is a more efficient use of the site, given it is surplus to requirements as a recreation area. Because of this, I consider that removing the open space zoning does not undermine achievement of SD-O10, as the land is not required to meet the recreational or open space needs of the community. The application of GRZ also aligns with UFD-O1 by providing for further residential development in a consolidated manner and within the existing urban area.
- 6.39.42 Rezone 168 King Street, Temuka to Town Centre Zone.
- 6.39.43 Under s32AA, I consider that the TCZ is a lightly more suitable zoning for this parcel of land, given that it is not currently used for residential purposes. The application of TCZ will still result in a consolidated area of town centre zoning (in accordance with UFD-O1) and will provide greater capacity for commercial activities, noting that the TCZ framework still provides for residential activities.
- 6.39.44 Rezone 11 Chalmers Street in Highfield, Timaru to Local Centre Zone.
- 6.39.45 Under s32AA, I consider that application of LCZ will better achieve consolidation of the Highfield Mall area and better reflects the consented use of the site. I consider that the LCZ framework, including the application of district-wide controls including noise, will achieve UFD-O10.x.
- 6.39.46 Rezone the 10m strip of land at 18A Hobbs Street (as identified in the submission by Foodstuffs) to Local Centre Zone.
- 6.39.47 In terms of s32AA, I consider that application of LCZ will better achieve consolidation of the existing commercial area, in accordance with UFD-O10, and better reflects the use of the land anticipated under the resource consent. I note that enduring controls have been imposed through the resource consent process to minimise conflicts between the GRZ and LCZ boundary, in line with UFD-O10.x. I consider that the rezoning will not undermine the achievement of LCZ-O1.2 or CCZ-O1.
- 6.39.48 Rezone 2, 4, 6, 12 Shaw Street and 6 & 6A Hislop Street to General Residential Zone.
- 6.39.49 Under s32AA, I consider that application of GRZ to these sites is more appropriate than retention of RLZ. The existing size of these sites means that they already align with GRZ-O2, and application of GRZ also avoids inefficiencies associated with resource consents being triggered for any redevelopment. The rezoning will also align with achieving a consolidated settlement pattern (UFD-O10), and is also integrated with servicing (UFD-O10.ii).

7. Conclusion

- 7.1.1 This report has considered the zone framework for all proposed Residential and Commercial and Mixed Use zones within the PDP. A number of recommendations have been made to improve the provisions, but which do not alter the intent and outcomes sought for each zone, and instead are expected to result in a more efficient and effective framework to achieve these outcomes. Several of these relate to better ensuring that residential activities are managed to provide good on-site amenity for occupants.
- 7.1.2 In relation to the zoning of properties, rezoning (or application of a SCA or precinct) has been recommended where the application of an alternate zone (or SCA or precinct) is considered to better align with the existing use of a site, or provide for development opportunities that are appropriate in that location, and which still achieve the overarching outcomes of the Plan, particularly SD-O10.
- 7.1.3 This report also recommends the removal of the Southern Centre Precinct, resulting in residential activities and built form controls applying the same way across the full CCZ.
- 7.1.4 Overall, I consider that the recommended suite of provisions provides clear guidance on the outcomes sought in each zone, and ultimately how the purpose of the RMA is to be achieved in each area. I consider that the recommended approach to how these outcomes are to be achieved – including where the CMUZ and RESZ are applied, as well as the policy and rule framework are the most appropriate way to achieve the stated objectives, taking into account their efficiency, effectiveness, costs and benefits.