

BEFORE HEARING COMMISSIONERS

UNDER the Resource Management Act 1991
(‘RMA’)

IN THE MATTER OF the Timaru District Council
Proposed District Plan Review

**STATEMENT OF EVIDENCE OF NATASHA ANNE RIVAI (PLANNING)
ON BEHALF OF
HARVEY NORMAN PROPERTIES (N.Z.) LIMITED**

5 JULY 2024

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1. Introduction

Qualifications and Experience

- 1.1 I hold the qualification of a Bachelor of Planning and a Masters in Legal Studies from the University of Auckland and I am a member of the New Zealand Planning Institute.
- 1.2 I have worked in the field of Planning and Resource Management for 17 years. My planning experience includes regulatory planning work both in preparing and processing resource consent applications, and policy work being involved in notice of requirements, designations, and private plan changes.

Expert Witness Code of Conduct

- 1.3 I have read the Code of Conduct for Expert Witnesses contained in the Environment Court's Practice Note 2023. I have read and agree to comply with that Code.
- 1.4 I have complied with the Code of Conduct in preparing this evidence and agree to comply with it while giving oral evidence before the Hearing Commissioners, as if this were a hearing before the Environment Court. I have considered all material facts that I am aware of that might alter or detract from the opinions that I express. This evidence is within my area of expertise, except where I state that I am relying on the evidence of another person.

Involvement in the Project

- 1.5 On 13 December 2022, Harvey Norman Properties (N.Z.) Limited ("the Submitter") made a submission on the Timaru District Council's ("the Council") Proposed District Plan ("PDP").
- 1.6 I have been engaged by the Submitter to prepare this state of evidence in response to Council's Section 42A Report dated 18 June 2024. Specifically, this evidence builds on the Submission by Harvey Norman Properties on the proposed Large Format Retail Zone ("LFRZ") as it applies to the site at 226 Evans Street, Oceanview ("the Site").
- 1.7 In preparing this statement of evidence, I have read the relevant parts of the s.42A report and the submissions as they relate to the proposed LFR zoning of 226 Evans Street. I have also read the assessments of Ms Deb Lee Sang on Urban Design Matters for Council and evidence by Mr Fraser Colegrave on economic impacts of the LFRZ being applied to the Site.
- 1.8 Harvey Norman's submission and my evidence are generally in support of the s.42A recommendations as they relate to the application of the LFRZ zone to the Site. There are only few matters in disagreement which I focus on below.

Scope of Evidence

- 1.9 The scope of my evidence specifically addresses those matters relating to the proposed LFR zoning and applicable design guidelines as they apply to the Submitters site at 226 Evans Street, Oceanview.

2. Submission

- 2.1 Within Timaru, Harvey Norman owns and operates a LFR store from its landholding at 226 Evans Street, Oceanview. The Site measures almost 9ha and is located between Evans Street (SH1) and Old North Road. The eastern portion of the Site, which fronts onto Evans Street, is occupied by commercial activities, including the Harvey Norman store and warehouse, PGG Wrightson and a transport depot. The balance of the Site, comprising approximately 5ha, is undeveloped.
- 2.2 Harvey Norman has a resource consent (No. 102.2014.147), which was granted on 2 July 2015, to redevelop and expand the existing retail and commercial activities on the Site from 3,300m² to 6,550m². This consent has a 10-year lapse period and has not yet been given effect to. On 4 August 2022 a variation to this existing resource consent was approved (reference 102.2014.147.2) to provide for a less intensive scheme and associated changes to site layout. In summary, the consent provides for an expansion of the existing Harvey Norman store to 4,385m², the existing transport building being demolished and replaced by a new building with two retail tenancies (955m² and 1,210m²) and an on-site warehouse for Harvey Norman (1,895m²).
- 2.3 Harvey Norman had identified a number of notified PDP provisions which are included in their Submission, with associated reasons and requested amendments. For those provisions which it opposes, Harvey Norman considers that the requested amendments will better promote the purpose and principles of the Resource Management Act 1991 ("RMA").
- 2.4 Those Submission points have been clearly articulated and assessed by the Council Planner in Appendix 2 of the s.42A Report, with further track change amendments included, and which I respond to below.

3. The Section 42A Report

- 3.1 The Submitter's request that the eastern part of 226 Evans Street be rezoned to LFRZ has been accepted by the Council Planner with Mr Colegrave's assessment providing robust economic justification of the potential impacts of the LFR zoning of the Site on the CCZ. Further, the rezoning aligns with the current consented and likely future uses on this eastern part of the site.

- 3.2 In relation to the realignment of the zone boundaries on the Site, the Council Planner has recommended a 15m setback for buildings in the LFRZ to the adjoining GRZ to the west to reflect the new boundary interface. This recommended setback is substantial and Council notes that this aligns with similar setback distances applied for industrial and residential zone interfaces. Activities anticipated in industrial zones are likely to have greater nuisance effects on residential environments than those anticipated under the LFRZ, which are generally commercial in nature. It is noted that under the Operative DP, the commercial zone has predominantly a 5m setback applied to residential activities/zones, and that a 5-10m setback would be more reasonable given the LFR zoning and the anticipated/consented activities on the Site.
- 3.3 The Council Planner accepts that consequential amendments need to be made to the LFRZ provisions where they are specifically required for the A&P Showgrounds site and that are not necessary for the Submitter's Site. Based on Mr Colegrave's assessment, the proposed rezoning and consequential amendments to the LFRZ has been supported from an economics perspective. These consequential changes relate to retail activities, staging, other activities and apply only to the A&P showgrounds site.
- 3.4 The Submitter's requested insertions to the LFRZ design guidelines in relation to glazing for ground floor building facades being visible from the street/reserve was not supported by the Council Planner. Similarly, changes sought to include timber and concrete building and site materials have not been supported. The option of a timber and concrete finish for development in this LFRZ should not be excluded.
- 3.5 The Council Planner has noted that the design guidelines are contained in an appendix to the LFRZ (and not a rule/standard), and whilst being a matter for discretion for any new building, its reference applies more as a guide rather than a direction. The Planner has sought to clarify this to enable consideration of alternative design materials by including a matter for discretion, *where there is a functional and operational need*. However, this matter sets a relatively high bar that needs to be met to seek an alternative material treatment on development on the Site.
- 3.6 Further, in relation to materiality, the Urban Design Memo provided by Ms Sang does not reference the LFRZ design guidelines, and therefore there does not appear to be any justification for not including timber and concrete treated finishes for large format retail developments.
- 3.7 It is common for Architects to select materials and finishes for developments with an emphasis on aesthetics that ensure good urban design principles rather than only those with 'a functional and operational need'. The Council Planner's recommendation would stymie a diverse and modern approach to building design and construction in the LFRZ that would be inconsistent with the outcomes sought by the zone.

- 3.8 The recommended criteria places an unreasonably high threshold and stifles the pursuit of alternative material treatments (i.e. some of which may be more sustainable, have greater thermal efficiencies or be produced by local contractors with locally sourced products).
- 3.9 The Council Planner has rejected the Submitter's amendments to Points 1 and 6 of the design controls in relation to glazing, without specific justification. The proposed extent of window elements is simply not practical for some LFR activities given the size of these buildings, and the amount of glazing required should reflect the scale and nature of LFR buildings.
- 3.10 Whilst it is the intent for the design guidelines to be treated as so, this approach grants full discretion to the processing planner, who may require guideline-specified finishes only. Conversely, explicitly listing timber and concrete finishes as approved options within the guidelines would significantly enhance development flexibility, streamline administration of LFRZ applications and provide long term opportunities as new building products advance over time. Further, having a wider range of pre-approved materials will help to minimise construction delays should supply chain disruptions as seen during the COVID era re-occur.
- 3.11 The Submitter had also requested provision for drive-through restaurants on the western side of Evans Street as a permitted activity and in response, 'Food and Beverage' activities 'outside' of the (Showgrounds) Precinct up to a GFA of 200m² has been explicitly provided for in the LFRZ. This is supported.
- 3.12 The Submitter similarly requested the same permissive provision for service stations, that it be provided for on the western side of Evans Street. It has been noted that the Submitter's Site is particularly suited to accommodating a service station given its location on an arterial road and with easy vehicle access, and such an activity will not detract from the town centre. However, the Council Planner noted that service stations are a discretionary activity in the Commercial 2A Zone, and whilst has included provision for this in the LFRZ, applies a discretionary activity consent status. Whilst not being the permitted threshold the Submitter sought, the activity status is consistent with service station activities in a commercial zoning.

4. Conclusion

- 4.1 The Submitter has been generally satisfied with the constructive responses from the Council Planner and amendments made to the LFRZ appended to the s.42A report.
- 4.2 Harvey Norman acknowledges and appreciates the work that the Council has put into developing the PDP and looks forward to continuing to work with the Council as these considerations are brought into alignment.

Natasha Anne Rivai

5 July 2024

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