

Appendix 1 – Officers Recommended Amendments to Town Centre Chapter as sought by Kāinga Ora- V2 Right of reply

Note the below provisions represent provisions sought by Kāinga Ora (formatting plan wide consistency updates) with the Section 42A Report Writing Officer's recommended amendments to the provisions (with underline used for new text and ~~strikethrough~~ for deleted text). Recommendations made throughout the Reporting Officer's right of reply are shown in red underline for new text and red ~~strikethrough~~ for deleted text.

Overview

The Town Centre Zone applies to the existing urban centre of the District's largest township – Kerikeri. The focus of the zone is to continue to support the vitalisation of the Kerikeri urban centre in recognition of its significance ~~in~~ to the District. The zone provides for a wide range of retail, service, business, recreational and community activities to serve the needs of local residents, regional businesses, as well as visitors.

~~Economic~~ Commercial and residential growth and intensification are encouraged within the town centre and any new development should contribute towards achieving an attractive, vibrant, safe, diverse and high amenity environment. Residential activities are encouraged within the town centre as this will enhance community safety, vibrancy and commercial success. New activities which are not consistent with the anticipated amenity and character within the town centre are encouraged to be located outside of the town centre.

It is essential that the design and built form within the town centre contribute positively to the pedestrian experience and does not compromise the character, vibrancy and amenity of the town centre. The typical built form within the town centre is anticipated to be up to six storeys. In town centre "main street" environments, where a pedestrian frontage is applied as per the planning maps, buildings are typically built up to the road boundary with verandas and display windows and provide a high amenity retail and commercial-centre environment for the community.

Objectives	
TCZ-01	The town centre of Kerikeri is a strategically important focal point for ongoing investment, and is a centre that promotes commercial and residential activities, provides employment, housing and goods and services, at a variety of scales
TCZ-02	The intensification of the existing town centre of Kerikeri is undertaken in a manner that provides for the social and economic needs of the District, with sufficient capacity for employment, commercial, and community opportunities being provided.
TCZ-03	Development in the Town Centre Zone is of a form, scale and design quality that achieves a high quality urban form that is visually attractive, safe, easy to orientate, conveniently accessible, and responds positively to local character and content.
TCZ-04	The adverse environmental effects generated by activities within the zone are managed, in particular at zone boundaries.

Policies	
TCZ-P1	Accommodate a diverse range of activities that are compatible with the function and role the town centre , and support the vibrancy and viability, of the town centre.
TCZ-P2	Promote residential activities and limit activities which would unreasonably detract from residential amenity.
TCZ-P3	Discourage incompatible activities within the town centre zone to ensure that the role, function and amenity of the town centres is maintained.
TCZ-P4	<p>Growth of Town Centre Provide for growth in commercial activities <u>(including supermarkets)</u>¹ primarily through the intensification of Kerikeri town centre by enabling a wide range of compatible activities and increased building heights and building scale.</p> <p>Improve access to a range of facilities, goods and services in a convenient and efficient manner.</p> <p>Supports a safe and efficient multi-modal transport network which is integrated with the centre.</p>
TCZ-P5	Require new development within the town centre to be high quality in a manner that: <ul style="list-style-type: none"> (a) Provides an attractive urban environment with a distinctive sense of place and quality public places; (b) Manages <u>adverse</u> effects on adjoining environments; (c) Encourages medium to high intensity development forms; (d) Achieves the functional and operational requirements of activities within a town centre; (e) Provides high quality street environments and an active street frontage that contributes to the character and coherence of a centre; (f) Encourages pedestrian activity and amenity along streets and in adjoining lower intensity residential or open space zones; and (g) Locates parking and storage areas where they do not visually dominate the street frontage, and avoiding carparking <u>areas</u> that have direct frontage to main retail streets.
TCZ-P6	Ensure residential development achieves high quality on-site residential amenity through providing: <ul style="list-style-type: none"> (a) Adequately sized and conveniently located outdoor living spaces, and access to reasonable levels of sunlight commensurate with a commercial environment; (b) Reasonable levels of privacy through unit design, balcony placement, and window orientation that limits the extent of overlooking of private spaces by other residential units; and (c) Adequate internal floor areas and layouts.
TCZ-P7	Ensure an acceptable level of amenity is provided by activities adjacent to residential and open space zones, through controls on building setbacks, recession planes, boundary landscaping, and the types of activities anticipated in Town Centre Zone.
TCZ-P8	<p><u>Consider the following matters where relevant when assessing and managing the effects of land use and subdivision in the Town Centre Zone:</u></p> <ul style="list-style-type: none"> a. <u>consistency with the scale, density, design, amenity and character of the planned Town Centre environment;</u> b. <u>the location, scale and design of buildings or structures, outdoor storage areas, parking and internal roading;</u>

¹ Foodstuffs (S363.001)

	<ul style="list-style-type: none"> c. <u>Opportunities for connectivity, within and between developments, public open space, services and facilities</u> d. <u>at zone interfaces:</u> <ul style="list-style-type: none"> i. <u>any setbacks, fencing, screening or landscaping required to address potential conflicts;</u> ii. <u>any adverse effects on the character and amenity of adjacent zones;</u> e. <u>the adequacy and capacity of available or programmed development infrastructure to accommodate the proposed activity; including:</u> <ul style="list-style-type: none"> i. <u>opportunities for low impact design principles;</u> ii. <u>management of three waters infrastructure and trade waste;</u> f. <u>managing natural hazards;</u> g. <u>the adequacy of roading infrastructure to service the proposed activity;</u> h. <u>any adverse effects on historic heritage and cultural values, natural features and landscapes or indigenous biodiversity, and</u> i. <u>any historical, spiritual, or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6.</u>
Rules	

Notes:

1. There may be other rules in Part 2 - District-Wide Matters of the District Plan that apply to a proposed activity, in addition to the rules in this zone chapter. These District-Wide rules may be more stringent than the rules in this chapter. Ensure that relevant District-Wide Matters chapters are also referred to in addition to this chapter, to determine whether resource consent is required under other rules in the District Plan. Refer to the *how the plan works* chapter to determine the activity status of a proposed activity where resource consent is required under multiple rules.
2. The zone chapter does not contain rules relating to setback to waterbodies for building and structures or setbacks to waterbodies for earthworks and indigenous vegetation clearance. The Natural Character chapter contains rules for activities within wetlands, lakes and river margins. The Natural Character chapter should be referred to in addition to this zone chapter.
3. For sites within the Pedestrian frontage overlay for any Restricted Discretionary, Discretionary or Non complying activity an Urban design assessment by a suitably qualified Urban designer is required as part of the application, addressing the following:
 - a. The character and amenity of the surrounding area
 - b. Dominance in relation to the road and adjoining sites
 - c. Loss of privacy to adjoining sites, including potential loss in relation to vacant sites
 - d. Shading and loss of access to sunlight to adjoining sites
 - e. Landscaping.²

TCZ-R1	New buildings or structures, <u>relocated buildings</u> or extensions or alterations to existing buildings or structures	
Town Centre zone	Activity status: Permitted Where: <u>PER-1</u> <u>The new building or structure, relocated buildings or extension or alteration to an existing building or structure, will accommodate</u>	Activity status where compliance not achieved with PER-1 <u>2</u>, <u>PER -3 and PER -4</u>: Restricted Discretionary Matters of discretion are restricted to:

² Vision Kerikeri 3 (FS570.720)

	<p><u>a permitted, controlled, restricted discretionary or discretionary activity.</u>³</p> <p>PER-12 The new building or structure, <u>relocated buildings</u> or extension or alteration to an existing building or structure <u>that increases the existing building footprint</u> complies with standards, <u>except where the building or structure is associated with an electric vehicle charging station</u>⁴:</p> <p>TCZ-S1 Maximum height; TCZ-S2 Height in relation to boundary; TCZ-S3 Setback (excluding from MHWS or wetland, lake and river margins); TCZ-S4 Pedestrian frontages; TCZ-S5 Verandahs; TCZ-S9 Landscaping for sites that adjoin any other than mixed use. <u>TCZ-S10 Coverage</u></p> <p>PER-2⁵ Any extension or alteration to an existing building or structure where the activity is Non-complying</p> <p>PER 3 <u>Extension or alteration to an existing building or structure that does not increase the building footprint, complies with standards:</u> <u>TCZ-S1 – Maximum Height</u> <u>TCZ-S2 – Height in relation to boundary</u>⁶</p> <p>PER-4 <u>Buildings or structures associated with electric vehicle charging stations comply with the following standards:</u></p> <p><u>TCZ- S1 Maximum height</u> <u>TCZ-S2 Height in relation to boundary</u> <u>MUZ- Setback (excluding from MHWS or wetland, lake and river margins)</u>⁷</p>	<p>a. the matters of discretion of any infringed standard.</p> <p>Activity status where compliance not achieved with PER-21 : <u>Non-Complying Discretionary</u></p>
TCZ-R2	Commercial activity (<u>Excluding Trade Supplier and Supermarkets</u>) ⁸	

³ Foodstuffs (S363.001)⁴ Foodstuffs (S363.001)⁵ Foodstuffs (S363.001)⁶ Foodstuffs (S363.001)⁷ Foodstuffs (S363.001)⁸ Foodstuffs (S363.001)

Town Centre zone	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 Any new non-residential activities or extensions or alterations to an existing building or structure is: a. Less than 450m² GFA where a pedestrian frontage applies as identified on the Planning Maps. b. Less than 1,000m² GFA where a pedestrian frontage does not have apply as identified on the Planning Maps.</p> <p><u>The activity is a not a service station.</u></p> <p><u>PER-2</u> <u>Any office does not exceed GFA of 300m².</u></p> <p><u>PER-3</u> <u>The activity is a not a drive through</u></p> <p><u>PER-4</u> <u>The new building or structure, relocated building or extension or alteration to an existing building or structure on the site, does not exceed GFA 450m².⁹</u></p>	<p>Activity status where compliance not achieved with PER-1, <u>PER-2, or PER-3</u>: Restricted Discretionary</p> <p><u>PER -2 Matters of discretion are restricted to:</u></p> <p><u>a. Any effects on the transport network.¹⁰</u></p> <p><u>PER-1 and PER-3 Matters of discretion are restricted to:</u></p> <p>The extent to which the development:</p> <ul style="list-style-type: none"> a) Recognises and reinforces the centre's role, context, and character. b) Promotes active engagement with, and contributes to the vibrancy and attractiveness of, any adjacent streets, lanes or public spaces. c) Takes account of nearby buildings in respect of the exterior design, architectural form and detailing of the building. d) Provides a human scale and minimises building bulk while having regard to the functional requirements of the activity. e) Is designed to promote Crime Prevention Through Environmental Design (CPTED) principles, including surveillance, effective lighting, management of public areas and boundary demarcation. f. Provides safe, legible, and efficient access for all transport users. <p><u>Activity status where compliance not achieved with PER-4: Discretionary</u></p> <p>Notification: An application under this rule is precluded from being publicly notified or limited</p>
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⁹ Foodstuffs (S363.001)

¹⁰ Foodstuffs (S363.001)

		notified in accordance with section 96 of the RMA.
TCZ-R3	Visitor accommodation	
Town Centre zone	Activity status: Permitted Where: PER-1 Where the site is identified with a pedestrian frontage as per the planning maps, the visitor accommodation is located above the ground floor level of a building. This rule does not apply to visitor accommodations that existed at 27 July 2022.	Activity status where compliance not achieved with PER-1: Non-complying

TCZ-R4	Emergency Service facility	
Town Centre zone	Activity status: Permitted	Activity status where compliance not achieved with PER-1: Discretionary Not applicable ¹¹
TCZ-R5	Residential unit	
Town Centre zone	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1</p> <ul style="list-style-type: none"> a) Each Residential Unit shall be a minimum of 35m² Gross Floor Area for a studio and 45m² Gross Floor Area for units containing one or more bedrooms. The GFA excludes areas used as garaging or outdoor living space b) Each residential unit shall be provided with an outdoor living space or a contiguous area that is a minimum area of 8m² and a minimum dimension of 1.5m. c) Balconies or living area windows at first floor level or above shall be setback a minimum of 4m from internal boundaries, with bedroom windows setback a minimum of 1m. No setbacks are required for: <ul style="list-style-type: none"> i. Windows associated with a hall, stairwell, or bathroom; ii. Windows that are more than 90 degrees to the boundary; iii. Windows where the sill height is more than 1.6m above internal floor level. <p>PER-2</p> <p>Where the site is identified with a pedestrian frontage as per the planning maps, the residential unit is located above the ground floor level of a building. This rule does not apply to residential units that existed at 27 July 2022.</p>	<p>Activity status where compliance not achieved with PER-1: Restricted discretionary</p> <p>Matters of discretion for TCZ-R5.a. are restricted to:</p> <ul style="list-style-type: none"> a. The functioning of the size and dimension of the internal habitable space <p>Matters of discretion for TCZ-R5.b. are restricted to:</p> <ul style="list-style-type: none"> a. The degree to which the outdoor living space will receive sunlight b. The function, accessibility, convenience, size and layout of the outdoor living space for the occupiers. <p>Matters of discretion for TCZ-R5.c. are restricted to:</p> <ul style="list-style-type: none"> a. Any adverse privacy overlocking, or visual dominance effects on adjacent sites b. Privacy and amenity of occupants <p>Activity status where compliance not achieved with PER -2: Non - Complying</p>
TCZ-R6	Healthcare activity	
Town Centre zone	Activity status: Permitted	Activity status where compliance not achieved: Not applicable

¹¹ Foodstuffs (S363.001)

TCZ-R7	Community facility	
Town Centre zone	Activity status: Permitted	Activity status where compliance not achieved: Not applicable
TCZ-R10 8	Conservation activity	
Town Centre zone	Activity status: Permitted	Activity status where compliance not achieved: Not applicable
TCZ-R11 9	Healthcare activity	
Town Centre zone	Activity status: Permitted	Activity status where compliance not achieved: Not applicable
TCZ-RXX 9	Community Corrections activity¹²	
Town Centre zone	Activity status: Permitted	Activity status where compliance not achieved: Not applicable
TCZ-R10	Supermarkets¹³	
Town Centre zone	Activity status: Permitted PER-1 <u>The new supermarket or extension or alteration to an existing supermarket does not exceed GFA 450m².</u>	Activity status where compliance not achieved: Restricted Discretionary Matters of discretion are restricted to: <u>a. The extent of any effect on the transport network;</u> <u>b. Any access is designed and located to provide efficient circulation on site and avoid potential adverse effects on adjoining sites, the safety of pedestrians and the safe and efficient functioning of the road network;</u> <u>c. Minimises building bulk, and signage while having regard to the functional requirements of the activity; and d. Landscaping is provided especially within surface car parking areas to enhance amenity values.</u>
TCZ-R12 11	Educational facility	
Town Centre zone	Activity status: Restricted Discretionary Where:	Activity status where compliance not achieved: Discretionary

¹² FS42.002-006¹³ Foodstuffs (S363.001)

	The maximum business net floor area <u>GFA</u> is 800m ²	
TCZ-R12	Activities not otherwise listed in this chapter	
Town Centre zone	Activity status: Discretionary	Activity status where compliance not achieved: Not applicable
TCZ-R13	Retirement village	
Town Centre zone	Activity status: Non-complying	Activity status where compliance not achieved: Not applicable
TCZ-R15	Large format retail	
Town Centre zone	Activity status: Non-complying	Activity status where compliance not achieved: Not applicable
TCZ-R17	Activities not otherwise listed in this chapter	
Town Centre zone	Activity status: Discretionary	Activity status where compliance not achieved: Not applicable
TCZ-R18 14	Drive-through Activity	
Town Centre zone	Activity status: Non-complying	Activity status where compliance not achieved: Not applicable
TCZ-R19 15	Heavy industrial activity	
Town Centre zone	Activity status: Non-complying	Activity status where compliance not achieved: Not applicable
TCZ-R20 16	Primary production activity	
Town Centre zone	Activity status: Non-complying	Activity status where compliance not achieved: Not applicable
TCZ-R21 17	Rural industry	
Town Centre zone	Activity status: Non-complying	Activity status where compliance not achieved: Not applicable
TCZ-R22 18	Land fill	
Town Centre zone	Activity status: Non-complying	Activity status where compliance not achieved: Not applicable

NOTE: For sites within the Pedestrian frontage overlay any breach of one of the below standards will be required to provide an Urban design assessment by a suitably qualified Urban designer addressing the following:

- a. The character and amenity of the surrounding area
- b. Dominance in relation to the road and adjoining sites
- c. Loss of privacy to adjoining sites, including potential loss in relation to vacant sites
- d. Shading and loss of access to sunlight to adjoining sites
- e. Landscaping.¹⁴

Standards		
TCZ-S1	Maximum height	
Town Centre zone	<p>The maximum height of a building or structure, or extension or alteration to an existing building or structure, is 22m <u>16m</u> above ground level.</p> <p>This standard does not apply to:</p> <ol style="list-style-type: none"> i. Solar and water heating components not exceeding 0.5m in height above the building envelope on any elevation; ii. Chimney structures not exceeding 1.2m in width and 1m in height above the building envelope on any elevation; iii. Satellite dishes and aerals not exceeding 1m in height above the building envelope and/or diameter on any elevation; iv. Architectural features (e.g. finials, spires) not exceeding 1m in height above the building envelope on any elevation; and v. Lift overruns provided these do not exceed the height by more than 1m above the building envelope on any elevation <p style="text-align: center;">c.</p>	<p>Where the standard is not met, matters of discretion are restricted to:</p> <ol style="list-style-type: none"> a. the character and amenity of the surrounding area; b. dominance in relation to the road and adjoining sites; c. loss of privacy to adjoining sites, including potential loss in relation to vacant sites; d. shading and loss of access to sunlight to adjoining sites; e. landscaping; and f. natural hazard site constraints.
TCZ-S2	Height in relation to boundary	
Town Centre zone	<p>Where the building or structure, or extension or alteration to an existing building or structure adjoins a site zoned General Residential, <u>Medium density residential zone</u>, Rural Residential, Rural Lifestyle, Māori Purpose - Urban, Open Space, Natural Open Space, or Sport and Recreation it must be contained within a building envelope defined by recession planes measured inwards from the respective boundary:</p>	<p>Where the standard is not met, matters of discretion are restricted to:</p> <ol style="list-style-type: none"> a. loss of privacy to adjoining sites, including potential loss in relation to vacant sites; b. shading and loss of access to sunlight to adjoining sites, including buildings and outdoor areas; and c. natural hazard site constraints.

¹⁴ Vision Kerikeri 3 (FS570.720)

	<p>1. 60 degrees at 4m above ground level at the side and rear boundaries of the site.</p> <p>This standard does not apply to:</p> <ul style="list-style-type: none"> i. solar and water heating components not exceeding 0.5m in height on any elevation; ii. Chimney structures not exceeding 1.2m in width and 1m in height on any elevation; iii. Satellite dishes and aerals not exceeding 1m in height and/or diameter on any elevation; iv. Architectural features (e.g. finials, spires) not exceeding 1m in height on any elevation; or v. lift overruns provided these do not exceed the height by more than 1m on any elevation. 	
TCZ-S3	Setback (excluding from MHWS or wetland, lake and river margins)	
Town Centre zone	<p>The building or structure, or extension or alteration to an existing building or structure must be setback at least 3m from the boundary of any site zoned General Residential, <u>Medium Density Residential Zone</u> Rural Residential, Rural Lifestyle, Māori Purpose - Urban, Open Space, Natural Open Space, or Sport and Recreation.</p> <p>This standard does not apply to:</p> <ul style="list-style-type: none"> i. solar and water heating components not exceeding 0.5m in height above the building envelope on any elevation; ii. fences or walls no more than 2m in height above ground level; or iii. uncovered decks no more than 1m above ground level. 	<p>Where the standard is not met, matters of discretion are restricted to:</p> <ul style="list-style-type: none"> a. the natural character of the coastal environment; b. screening, planting and landscaping on the site; c. the design and siting of the building or structure with respect to privacy and shading; d. natural hazard mitigation and site constraints; e. the effectiveness of the proposed method for controlling stormwater; f. the safety and efficiency of the current or future roading network; and g. the impacts on existing and planned public walkways.
TCZ-S4	Pedestrian frontages	
Town Centre zone	<p>For sites with pedestrian frontage identified on the planning maps:</p> <ul style="list-style-type: none"> 1. Any new building, or extension or alteration to a buildings (including alterations to the façade) must be built up to the road boundary; and 2. At least 65% of the building frontage at ground floor must be clear glazing; and 3. The principal public entrance to the building must be located on the front boundary. 	<p>Where the standard is not met, matters of discretion are restricted to:</p> <ul style="list-style-type: none"> a. the character and amenity of the streetscape; and b. the ability to reuse and adapt the building for a variety of activities.

	4. <u>Any new building or redevelopment of a building that must apply a 6 metre setback from the fourth floor and above.</u> ¹⁵	
TCZ-S5	Verandahs	
Town Centre zone	<p>For sites with pedestrian frontage identified on the planning maps:</p> <ol style="list-style-type: none"> 1. A verandah must be provided for the full frontage of the road boundary of the site. The verandah shall: <ol style="list-style-type: none"> a. directly adjoin any adjacent veranda so there is no horizontal gap to provide continuous pedestrian coverage; b. have a minimum height of 3m and a maximum height of 6m above the footpath immediately below; and c. be setback a minimum of 300mm and a maximum of 600mm from a vertical line measured up from the face of the kerb. 	<p>Where the standard is not met, matters of discretion are restricted to:</p> <ol style="list-style-type: none"> a. pedestrian amenity, including shelter; b. maintenance of character of the building and street; and c. whether the provision of a complying verandah would detract from the quality of the streetscape.
TCZ-S6	Landscaping for sites that adjoin any sites other than <u>Town Centre</u>, mixed use or industrial <u>zones</u>¹⁶	
Town Centre zone	<p>Site boundaries that adjoin any zone other than <u>Town Centre</u>, Mixed Use, Light Industrial or Heavy Industrial must:</p> <ol style="list-style-type: none"> 1. be fenced with a solid fence or wall with a minimum height of 1.8m; or 2. be landscaped with plants or trees with a minimum height of 1m at installation and shall achieve a continuous screen of 1.8m in height and 1.5m in width within five years; or 3. be screened with a combination of (1) and (2) above. 	<p>Where the standard is not met, matters of discretion are restricted to:</p> <ol style="list-style-type: none"> a. the outlook, character, and amenity of adjoining sites in a residential, rural, open space or Māori purpose zone; b. the scale of the building and its distance from the boundary with residential, rural, open space or Māori purpose zones; c. the ability to mitigate any adverse visual effects of reduced, alternative or no screening through the use of alternative methods; and d. the design, layout and use of the site which may compensate for reduced, alternative or no screening.
<u>TCZ-S107</u>	<u>Coverage</u>	

¹⁵ Vision Kerikeri 3 (FS570.720)

¹⁶ Foodstuffs (S363.001)

<u>Town Centre zone</u>	<ol style="list-style-type: none"> 1. <u>At least 10% of the site shall be planted in grass, vegetation or landscaped with permeable material; and</u> 2. <u>Where a connection to Council's reticulated stormwater system is not available the stormwater must be disposed of within the site</u> <p><u>An engineering/ site suitability report is required to determine compliance with these standards--</u></p>	<p><u>Where the standard is not met, matters of discretion are restricted to:</u></p> <ul style="list-style-type: none"> - a. <u>the character and amenity of the surrounding area;</u> b. <u>whether the activity is within an existing consented urban stormwater management plan or discharge consent;</u> c. <u>the extent to which building site coverage and impermeable surfaces contribute to total catchment impermeability and the provisions of any catchment or drainage plan for that catchment;</u> d. <u>the extent to which low impact design principles have been used to reduce site impermeability;</u> e. <u>natural hazard mitigation and site constraints;</u> f. <u>the effectiveness of the proposed method for controlling stormwater without adverse effects on adjoining waterbodies (including groundwater and aquifers) on adjoining or downstream properties;</u> g. <u>the extent to which existing grass, vegetation or landscaping provided on site can mitigate the adverse effects resulting from reduced, alternative or no permeable surface; and</u> h. <u>extent of potential adverse effects on cultural, spiritual, heritage and/or amenity values of any affected waterbodies.</u>
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SUB-S1	Minimum allotment sizes	
<u>Zone</u>	<u>Controlled Activity</u>	<u>Discretionary activity</u>
<u>Town Centre zone</u>	<u>No minimum lot size</u>	<u>No minimum lot size</u>