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IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of the Whangarei District Council hearing on plan changes 82A and B 88A – J, 109, 115, 136, 143, 144, 145, 147 & 148:  
District Plan changes: Urban & Services.

AND

IN THE MATTER of Submissions by G.O. King  
(Submitter)

WRITTEN STATEMENT OF GEOFFREY OLIVER KING  
26<sup>TH</sup> NOVEMBER 2019.

## 1.0 INTRODUCTION

- 1.1 My full name is Geoffrey Oliver King. I am an Architect & Town Planner and a Director of Designgroup Architects h + k Ltd in Whangarei. I hold the degrees of Bachelor of Architecture (B,Arch) and Bachelor of Town Planning (BTP). I am a Registered Architect (#1977); a member of the New Zealand Institute of Architects (NZIA) and a member of the New Zealand Planning Institute (NZPI).
- 1.2 I have been employed in Architecture and Planning for 40 years.
- 1.3 Designgroup Architects h + k Ltd, of which I am a Director, leases a building at 196A Bank Street, Whangarei which falls within the local Commercial zone. This building is owned by my Mother-in-law's Family Trust, the Krivoklat Family Trust. This Trust also owns 2 commercial buildings in Kamo which also fall within the local Commercial zone.
- 1.4 The following submissions were made in relation to this proposed zone.

## 2.0 SUBMISSION POINT 237.1

- 2.1 The first section of our submission relates to the proposed road boundary setback of 500mm as noted in the originally notified Building setback rule (LC-R3 now LCZ-R3). Our submission being that there was no need for this small setback as it is so small as to be of no logical or aesthetic value in a Commercial Environment. It would have created a 500mm wide maintenance problem that the Council's footpath, finishing at the boundary, would not have addressed leading to a potential unsightly mess. We sought that this road frontage setback be deleted.

- 2.2 The Planner's report <sup>1</sup> states that the setback is to maintain amenity values on neighbouring sites, and with respect to the 0.5 metre setback it will 'maintain an Active Building Frontage and promote a Pedestrian Centric Environment'. There is no other explanation in the report.
- 2.3 Unfortunately I have no idea what this means, nor do I understand how a strip of land 0.5 metre wide is meant to achieve this goal.
- 2.4 To make it clear, we do not oppose the setbacks from the Residential and Open Space zones we only oppose the setback from the road boundary and we are only seeking the removal of part 2 of rule LCZ-R3.
- 2.5 If we look at the wording of the rule in the original plan change: -

"LC-R3 2. The building is setback from 0.5metres of the road boundary at ground floor level for the entire length of the street frontage for any front site, except:  
a) A setback of up to 1.5 metres for a maximum width of 2.5 metres to allow for a recessed pedestrian entrance."

As written, because of the word 'from' this means that the building may be built anywhere on the site but not extend closer than 500mm of the street frontage boundary on the ground floor although the upper floors may be built up to the front boundary. As a result, the exemption clause for the pedestrian entrance is irrelevant and superfluous.

- 2.6 I surmise the intent was to ensure the front façade of the building was located within the first 500mm of the site but the wording did not adequately portray this and in fact it had the opposite effect, of not allowing buildings in the first 500mm.
- 2.7 I note that the Planners have changed the wording of this clause in the attachment to the Planners report it now reads: -

'LCZ-R3 2. The building is within 0.5mm of the road boundary at ground floor for the entire length of the site frontage for any front site, except:  
a) One setback of up to 1.5 metres for a maximum width of 2.5 metres to allow for a recessed pedestrian entrance'. <sup>2</sup>

- 2.8 This rule allows for a building to be built up to the front boundary, which would satisfy our submission but it is still an unworkable rule as the wording requires that the whole building on the site be built within the first 500mm of the site. This is obviously not what was intended but nonetheless it is literally what it says as the definition of a building is the whole structure not just a façade.
- 2.9 I surmise that the intent is still to have all front building façades within the first 500mm of the site which is a total reversal of what was initially advertised where buildings could be located anywhere on the site except within the first 500mm.

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<sup>1</sup> Clause 144 Planners report

<sup>2</sup> Local Commercial Zone revised rules Page 6

- 2.10 The Commissioners will need to consider carefully whether there is a mandate to change from a poorly drafted rule that precluded buildings within the first 500mm to an equally poorly drafted rule that requires that the whole building be built within the first 500mm. This option has not been available for public scrutiny.
- 2.11 Our submission gives a mandate to allow an amendment to the rule to permit buildings within the first 500mm but fails to give a mandate to require that all buildings must have their front façades within the first 500mm of the site as I believe the current intent is.
- 2.12 Our submission would be satisfied if LCZ-R3 2 is deleted from the rule, which will allow all buildings to be built up to the front boundary, but does not require that they must be built to the front boundary. This I believe would also satisfy the concerns of those other submitters interested in obtaining an exemption from this rule such as Service Stations, Emergency Services and Grocery stores, which the Planner has now recommended be exempt from the control anyway.

### 3.0 SUBMISSION 237.2; 238.2; 239.2

- 3.1 This section of our submission relates to building floor-to-ceiling height (LCZ-R4). Our submission is that this is not a planning issue but a building issue, and as such should be deleted from the proposed plan change.
- 3.2 In the building industry it is normal to refer to floor to floor heights of a building as floor to ceiling heights vary on each floor level depending on the activity undertaken in that space. It may be appropriate to have a higher ceiling in a retail outlet but it would be uncommon to extend that ceiling height into toilets or office areas for economic, aesthetic and practical reasons.
- There is little point in heating or cooling a large volume unnecessarily.
  - It costs more to line and finish a larger volume than a smaller volume.
  - Larger more powerful ceiling lights are required to provide the required lux levels at the working plane when fitted to a higher ceiling rather than a lower ceiling.
  - Areas above a lowered ceiling are often useful for the installation of services such as, air conditioning handling units, drainage and supply pipes from the floor above etc.
- 3.3 I surmise that the purpose of this rule is to ensure that buildings are designed to be versatile for future repurposing. If this is the intent then surely a floor to floor, or floor to underside of roof structure would be a more appropriate control, rather than a floor to ceiling control.
- 3.4 In terms of the District Plan and the Resource Management Act what does it matter to the Planners what height a ceiling is so long as the structural volume is of sufficient volume to allow for future repurposing of the structure.
- 3.5 It would be totally ludicrous and in no one's interest to need to obtain a Resource Consent for a Discretionary Activity to be able to lower a ceiling to 2.4 metres in a toilet or office area, which this rule would require and what happens if no ceiling is proposed as is reasonably common nowadays?
- 3.6 We seek the removal of this poorly drafted rule altogether as it is an inappropriate method of trying to achieve a desired result and if Council is concerned enough to want to install a building level control it should undertake a plan change to introduce a more appropriate

control. Out of interest the maximum comfortable reach that a person has is about door head height or approx. 2 metres. In a retail outlet the space above this is inaccessible to the shopper, and purely there to create ambience, accommodate lights and provide space for airflow. It is a long way up to a 3.5 metre ceiling.

#### **4.0 SUBMISSION 237.3; 238.3; 239.3**

- 4.1 This section of our submission relates to proposed rule LCZ-R6 (Building Frontages). Our submission on this matter seems to be echoed by other submitters that this rule is so poorly conceived that it will do little to improve the aesthetics or amenity value of the buildings in the zone. We seek the removal of this rule.
- 4.2 We are pleased to see the removal of the 'no blank wall' concept; but as there is little planning relevance in the rest of the rule, we would like to see the whole rule removed.
- 4.3 The 65% clear glazing at ground floor level (LCZ-R6.1) is I surmise to allow people to look into the building and make the building façade more open. Not all activities need, or indeed want, to be visible from the street, such as medical facilities, offices etc. This rule while requiring clear glazing does not preclude the use of internal translucent films, curtains and/or blinds or external shutters from being installed to give privacy and sunshade, thus making a mockery of the intent of this rule, and effectively blocking off the clear glazing, why therefore has this rule been promoted?
- 4.4 Part 2 of this rule requires that the main pedestrian entrance is to be provided within 3 metres of the site frontage, except for Service Stations (LCZ-R6.2).
- 4.5 To start with it is unclear in the wording of this rule whether the pedestrian entrance referred to is access onto the site or into the building. It is highly likely that all developments will make provision for pedestrian access onto the site so compliance would be achieved despite the rule. However, if it is meant to relate to the building entrance many activities, principally due to the requirements to provide carparking, may have the building entrance on the side of the building facing the carparking. It may be that the building entrance is greater than 3 metres from the site frontage, which may be advantageous to the carpark layout, pedestrian flow and building design. A rule requiring that the pedestrian entrance be within 3 metres of site frontage does nothing to improve the building design or street appeal.
- 4.6 The final section of this rule prohibits roller doors (except security grills which allow views from the street into the premise) along site frontage (LCZ-R6).
- 4.7 A roller door is a specific item (a retractable sheet metal screen wrapped around a cylindrical drum). If a building owner specifically required a security screen or vehicle access into the building this rule would do nothing to prevent the use of a tilta-door, sectional garage door, hinged or sliding door, or sliding screens that could be stacked two deep on say the 35% of the building frontage that does not need to be glass and at times pulled across the glazed frontage. These items may be attractively designed or equally could be an eye-sore of rusty panel steel on a steel frame, which I think this rule was meant to preclude.  
It is also interesting to note that the roller door is not allowed to be on the 'site frontage' which by definition is the property boundary. If the building was set back from the property boundary

then the rule would not preclude the installation of a roller door on the building frontage, as it would not be on the 'site frontage'.

Please note also that a grill is a cooking appliance while a grille with an 'e' is a grating or screen of metal bars or wires.

4.8 These LCZ-R6 Building Frontage rules do nothing to improve aesthetics in the Urban Environment, nor are they sympathetic to the spatial needs of the buildings promoted in the zone. They will not preclude bad building design but may potentially hinder good design.

4.9 As a result we seek the removal in full of these rules as they are pathetically ineffective and therefore superfluous to requirements. Our submission gives a mandate to remove the rules totally but not to tinker with them further.

## 5.0 SUBMISSION 237.4; 238.4; 239.4.

5.1 RULE LCZ-R7 deals with verandahs, we have requested that the proposed verandah clauses be removed and replaced with the existing Business 3 verandah rules adjusted to suite the new zone requirements.

The principal difference between the two sets of rules are:

a) The proposed rules require:

1) 'All buildings fronting a road provides a verandah:'

apart from being grammatically incorrect this rule requires that all buildings need to provide a verandah whether or not the building is located at the front of the site or the rear of the site.

The existing rule notes that buildings constructed or altered within 2 metres of the site frontage are required to have verandahs. Buildings beyond 2 metres of the front boundary do not require verandahs.

b) The proposed rule requires a verandah running 90% of the building frontage. The existing rules requires the verandah to be the entire width of the building excluding vehicle access and that the verandah forms a continuous line of shelter with adjacent verandahs.

The principal purpose of a verandah is to provide shelter for pedestrians and secondarily to provide shelter and shade for the building's frontage and entrance, by allowing a verandah of only 90% of the frontage it somewhat defeats the purpose of the verandah.

c) The width of the verandah will vary from site to site depending on the footpath depth but the most important issue is to determine that the verandah is set back 600mm from the kerb for reasons outlined in the Planner's report. There is no need to define a minimum and maximum width other than to relate it to the footpath width. As soon as a width is defined in numbers there is potential for the footpath to be too narrow to meet the minimum width or the verandah may not be wide enough to provide adequate cover over the footpath. The wording of the existing control covers all of these issues, adequately.

d) The existing rule makes it clear that the verandah is not affected by the building setback rules or the height in relation to boundary rules which the proposed plan does not which potentially may give rise to issues in the future.

5.2 For these reasons we seek that the existing rules for verandahs be reinstated but in a format that dovetails with the other proposed rules. A sample of an amended rule appears in the appendix 1 to this report.

5.3 The issue of verandah fascia height is a building issue and should be more a function of design rather than planning regulation. Irrespective of this rule a fascia cannot be greater than 1 metre anyway as rule LCZ-R7 (b) requires that the verandah be no lower than 3 metres and no higher than 4 metres above the footpath.

In order to drain water from a verandah roof it is common to fall the verandah roof back towards the building where it is possible to install a downpipe. This means that the high point of the roof is generally adjacent to the street and the fascia at that point needs to cover not only the verandah structure but also make allowance for the roof fall. It may be possible to do this within 500mm but to do so may require the structure and soffit to slope in line with the roof which may not tie in with adjacent verandahs.

If the Commissioners decide to keep this portion of the rule please note that a building fascia is spelt with an 's'.

## 6.0 CONCLUSION

I am disappointed that there are so many poorly conceived and drafted rules in the Local Centre Zone. I note that some of these rules are copied through into other Commercial Zones which I unfortunately did not make a submission on.

6.1 If the Commissioners consider my submission worthy of support and if it is within your powers I would suggest that these matters be addressed similarly in the other Commercial Zones.

G.O.King

B.Arch; BTP; ANZIA; MNZPI.

## Appendix 1

### LCZ-R7 Verandah

Activity Status: <u>Permitted</u>	Activity Status when compliance not achieved <u>Discretionary</u>
<p>Where:</p> <ol style="list-style-type: none"><li>1. All buildings within 2.0m of a road boundary shall be provided with verandahs:<ol style="list-style-type: none"><li>a) Along the entire building frontage (excluding vehicle access), and shall form a continuous line of shelter with adjacent verandahs; and</li><li>b) The clearance above the footpath is at least 3.0m and no more than 4.0m; and</li><li>c) The width of the verandah is:<ol style="list-style-type: none"><li>i) The width of the corresponding footpath less 600mm from the kerb; and</li><li>ii) 5.0m maximum.</li></ol></li></ol></li></ol> <p>NOTE:</p> <p>The required verandahs, in terms of this Rule, are exempt from the Building Setbacks in Rule LCZ-R3 and the building height in relation to boundary in Rule LCZ-R5.</p>	

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