

UNDER	the Resource Management Act 1991 ('the Act')
IN THE MATTER	the proposed Far North District Plan ('the proposed District Plan')
AND	
IN THE MATTER	of submissions on that proposed District Plan

STATEMENT OF EVIDENCE OF JOHN ANDREW RIDDELL

HEARING 12 – HISTORIC HERITAGE

INCLUDING KORORĀREKA RUSSELL TOWNSHIP ZONE

12 MAY 2024

A. INTRODUCTION

1 My name is John Andrew Riddell.

Qualifications

2 I hold the qualification of Bachelor of Resource and Environmental Planning with First Class Honours.

Experience

3 I set out my experience generally in my evidence for Hearing 4. For convenience, my Hearing 4 statement of experience is attached in appendix 1 to this statement.

4 I now set out experience of particular relevant to Hearing 12.

- participation in the submissions, appeals and mediation in relation to the heritage provisions for Kororāreka with the second review of the Bay of Islands District Scheme ('BOI District Scheme'¹), Plan Change 1 to the Bay of Islands section of the transitional Far North District Plan,² and the operative Far North District Plan ('operative District Plan');
- the preparation of planning assessments in support of resource consents in the Kororāreka area, including for a medical centre, retaining walls and earthworks, indigenous vegetation clearance, several building applications (new buildings and alterations and extensions to existing buildings), and a boat slip and jetty. Several of these applications were within heritage precincts in Kororāreka;

¹ The BOI District Scheme was included in the transitional Far North District Plan as the Bay of Islands section.

² This Plan Change did not go to appeal.

- reviewing and commenting on resource consent applications in the Kororāreka area,³ including within the heritage precincts, for the Department of Conservation, including preparing submissions and evidence in relation to some of these applications;
- providing advice and evidence for the Department of Conservation in relation an application for a jetty development proposed by Far North Holdings Limited within the Kororipo/Kerikeri Basin Heritage Precinct;⁴
- one of the organisers and facilitators for three community planning exercises in Kororāreka – Russell Twenty Years Out, Russell 2000, and Russell Community Plan;
- acted as advocate for Te Runanga o Taumarere in its successful appeal against an wastewater scheme proposed by the Far North District Council for Kororāreka. Later I was a member of a liaison group/working party set up by the District Council which resulted in the approval and operation of the current wastewater scheme.

Code of Conduct

5 I have read the Code of Conduct for Expert Witnesses produced by the Environment Court (2023) and undertake to follow it for this hearing. My qualifications as an expert are set out in my Hearing 4 evidence,⁵ supplemented by further detail set out above. Other than those matters identified within my evidence as being from other experts, I confirm that the issues addressed in this brief of evidence are within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

³ I also reviewed and commented for the Department of Conservation on heritage aspects of resource consent applications and proposed Plan provisions in most, if not all, of the other heritage precincts identified in the operative District Plan.

⁴ The Council decision was appealed by the Director-General of Conservation. It was settled by negotiation.

⁵ Attached in Appendix 1 to the evidence.

- 6 It is important to note that this evidence is presented to support my own submissions and further submissions on the historic heritage and the Kororāreka Russell Township Zone provisions in the proposed District Plan. I consider that what I say in this evidence is my professional opinion. However, it is up to the Hearing Panel to decide what weight to give to this evidence.
- 7 I live on a freehold property in Kororāreka. The proposed District Plan zoning for the property is Kororāreka Russell Township zone, with a Coastal Environment overlay and a Part D Kororāreka Russell Heritage Area Overlay overlay both applying to the property. A portion of the property is Coastal Flood Hazard 1, 2 and 3.
- 8 I was a co-appellant with my wife in an appeal on policies and rules applying to Russell Township zone in the proposed version of the operative District Plan. This appeal notably resulted in the inclusion of the following provisions in the now operative District Plan
- further policies in the applying to Kororāreka,
 - the two tier building scale rule, and
 - the introduction of the Russell Township Basin and Gateway Area.⁶

Other points to note

- 9 I note that directly related to this evidence, but not scheduled to be heard at this hearing are:
- submission S431.025 seeking rezoning of certain properties within Kororāreka from General Residential to Kororāreka Russell Township Zone,⁷
 - submission S431.109 seeking a maximum height of 8.5 metres for the Mixed Use Zone at Kororāreka,

⁶ The interim decision A064/2006 and the final decision A72/2007 are appended as, respectively, Appendix 2 and Appendix 3.

⁷ The District Council subsequently notified a plan variation covering this rezoning

- submissions S431.110, .111, and .112 extending the application of certain Mixed Use Zone standards to apply in the vicinity of lots zoned Kororāreka Russell Township Zone.

Approach taken my evidence

- 10 My evidence is presented in the following order
 - a comment on the relevant provisions of the Resource Management Act and resource management documents
 - some background on Kororāreka
 - a review of the various planning, historic heritage and architectural studies that have informed the development of the provisions applying to Kororāreka
 - a summary of the Kororāreka community planning exercises
 - a comment on infrastructure restraints applying to Kororāreka
 - the building scale rule – how it was developed, the interaction between the heritage heritage and zone provisions, how the proposed District Plan building scale rule differs from the rule as set by the Environment Court, amendments to KRT-S5, insertion of further standard in Heritage Area rules,
 - Kororāreka design guidelines, inclusion of references to guideline in policies and rules, policy HA-P6
 - rules applying in Part D of the Kororāreka Russell Heritage Area Overlay
 - wastewater infrastructure
- 11 As a general comment the policy and rule provisions for Kororāreka are spread across several chapters of the proposed District Plan, particularly the Kororāreka Russell Township Zone chapter and the Heritage Area Overlay chapter. This approach does result in important but subtle provisions being misunderstood and overlooked. For example, the operation of the building scale rule is dependent on

Heritage Area Overlay and Kororāreka Russell Township rules working together.

B. RELEVANT RESOURCE MANAGEMENT PROVISIONS

- 12 I agree with the section 32 and section 42A report assessments of the relevant national and regional resource management directives and on the content of district plans.
- 13 I do note though that since the section 32 assessments the Regional Plan has been made operative, although that does not make a marked difference to the consideration of the matters being address in this hearing.
- 14 I also note that it is the resource management law and documents provisions as they are now that are relevant, and to not speculate on what changes there might or might not be to resource management legislation and to guiding documents.⁸
- 15 I am of the view that comprehensive and detailed objectives and policies are good practice in terms of providing an element of certainty to the public on what to expect during the life of the plan, and to provide robust guidance to decision makers.
- 16 I note that there is a high degree of continuation in the proposed District Plan of the operative Russell Township Zone provisions and the Heritage Precinct provisions relating to Kororareka. However there are some omissions and differences which appear to be as a result of a misunderstanding of how the omitted provision works. This is a further reason for having a close look at the existing objectives and policies, compared to those in the proposed District Plan.

⁸ If there are changes to resource management law or to overarching resource management documents that have effect during the hearing of submissions to the proposed District Plan, no doubt extra hearings will be scheduled to allow all the parties to identify what changes if any are needed to the proposed District Plan and/or to their evidence and submissions.

C. SOME BACKGROUND ON KORORĀREKA

Planning and heritage studies

- 17 Two planning studies of Kororāreka, its historic heritage, its layout and architecture, its urban character and its wider landscape setting, have led to the current planning provisions for Russell.
- 18 The first was the Russell Planning Study undertaken by the which commenced in 1974, culminating in *A Plan for Russell* published by the Department of Lands and Survey in September 1977.⁹
- 19 The Plan recommended a set of planning objectives and policies which are largely still reflected in the Kororāreka-relevant objectives, policies and rules in the proposed District Plan. The recommended objectives¹⁰ give a flavour of this:
 - Preserve the physical and cultural identity of Russell within the total environment of the Bay of Islands.
 - Preserve the visual identity and 'place' quality of the Russell Township.
 - Preserve or enhance the natural, scenic and historic features of the peninsula.
 - Retain the existing scale and enhance the urban character of Russell in any future development or reconstruction.
 - Preserve or enhance important historical features or areas in Russell and interpret the history of the town to the public.
- 20 These objectives were supported by thirty three policies and by spatial planning concepts.
- 21 A design guideline, *The Russell Handbook*, was published to assist people to undertake new construction and building modifications in a way that implemented the objectives. Two criticisms of this design guideline are that it was based on an incomplete architectural analysis

⁹ The Plan was developed by the Russell Planning Team comprising representatives of Russell Community Council, Bay of Islands County Council, Northland Regional Planning Authority, Ministry of Works and Development, and Department of Lands and Survey.

¹⁰ The quoted objectives come from the Planning Objectives and Planning section, pages 10 to 14 of *A Plan for Russell – Summary*, prepared by The Russell Planning Study Team, 1st edition, September 1977

and that it was often misinterpreted more as a rigid requirement than a guideline.

- 22 In 1987-1988 this 1977 *Plan for Russell* and its recommendations were reviewed in a study by Denis Nugent, planning consultant, Jeremy Salmond heritage architect, and Helen Preston-Jones, landscape architect. The study was commissioned by the Department of Conservation and the New Zealand Historic Places Trust in order to inform their submissions on the proposed Second Review of the Bay of Islands District Scheme.
- 23 This study, titled *Russell Planning Review*, was completed in May 1988. Its recommendations are the immediate origin for the current planning provisions for Kororāreka and its surrounds.¹¹
- 24 The review describes the then-operative planning controls applying to Kororāreka as being three zones in the urban area – two Russell Historic Protection Zone Areas (which were largely congruent with the current heritage areas in the Kororāreka Bay basin),¹² and a residential zoning over the rest of the town.
- 25 The Russell Historic Protection Areas were a temporary measure intended to be updated when the 1977 Russell Planning Study was completed. This updating had not been done by the time of the second review of the Bay of Islands District Scheme. In effect the 1988 *Russell Planning Review* sets out such an update.
- 26 The *Planning Review's* proposed strategy included three conservation areas to protect historic heritage and character,¹³ modifying the standard Commercial zone controls in the village to allow a mix of commercial and residential uses and to limit on-site car parking, and a

¹¹ The recommended planning provisions were largely included in the operative second review of the Bay of Islands District Scheme (which became part of the Transitional Far North District Plan) following the hearing of submissions and appeals.

¹² The two Russell Historic Protection Zones applied, respectively, to the residential and to the commercial portions of the commercial land within the Kororāreka Bay basin. All new buildings within the Russell Historic Protection Zones required planning consent as a conditional use.

¹³ More or less the same areas as Parts A, B and C of the Kororāreka Heritage Area Overlays in the proposed District Plan.

single customised residential zone¹⁴ for the rest of Kororāreka which, importantly, included the following recommended measure

It is proposed that Floor Area Ratios be applied to all buildings in this residential zone. This would control the bulk of the building. It is proposed to permit dwellings between 80m² and 150 m² as predominant uses, with those over that limit as conditional uses. Where a site is less than 400m² then the FAR could be exceeded to build a dwelling of up to 80m². Otherwise, no increase on a FAR would be permitted.¹⁵

- 27 The driver behind the the floor-area ratio was to maintain the proportion of built form on a lot to a level that reflected the scale and character of Kororāreka. The *Planning Review* also included a recommended refining of the objectives and policies from the 1977 *Plan for Russell*.

- 28 The refined policies included one setting out design guidelines. This presumably was in response to a comment in the *Planning Review*

In discussions with the County Planner and the councillor representing Russell, it was apparent that the lack of clear guidelines for decision-making on applications in Russell was the greatest problem in the Operative District Scheme.¹⁶

- 29 The Kororāreka planning provisions in the Second Review of the Bay of Islands District Plan were finalised by consent order in 1990 or 1991. It largely followed the recommendations from the *Russell Planning Review*.

Development of Operative District Plan Kororāreka Provisions

- 30 The next time the Russell planning provisions were reviewed was with the development of the Operative Far North District Plan. The same general schema was continued: Commercial and Kororareka-specific Residential zones, and three Heritage Precincts. Many, but not all, of the objectives and policies were carried over to the notified version. The rules were different in appearance as this plan did not follow the previous approach of listing activities. However, the essential bulk and

¹⁴ Other changes from the standard residential zone were not providing for multiunit developments, a reduced height limit, no side or rear yard requirement, and a reduced front yard.

¹⁵ Page 30, *Russell Planning Review*, May 1988.

¹⁶ Page 9, *Russell Planning Review*, May 1988.

location provisions from the Second Review of the Bay of Islands District Scheme continued – height limit, setbacks, site coverage, floor area ratio.

- 31 The main evolution of the planning controls for Kororāreka with the operative District Plan was the introduction of the Russell Township Basin and Gateway Area as an overlay within the Russell Township Zone following an appeal to the Environment Court.¹⁷ This area is essentially the same as the area identified within the proposed District Plan as covered by Part D of the Kororāreka Heritage Overlay Area.
- 32 The Russell Township Basin and Gateway Area also had specific design guidelines set out in section 11.21 of chapter 11, assessment criteria, of the operative District Plan.¹⁸
- 33 The final Environment Court decision also confirmed a two part floor area ratio control. Within the three heritage precincts and within the Russell Township Basin and Gateway Area a permitted activity floor area ratio applies where the total floor area of all buildings on the site cannot exceed 20% of the lot size. Within the balance of the Russell Township Zone the floor area ratio of 20% was calculated only accounting for using total *ground* floor area.¹⁹

Wastewater Collection and Treatment System and Lot Sizes

- 34 In my opinion, the other important background information with respect to the planning controls in Kororāreka relate to the provision of a wastewater collection and treatment system and lot size controls.
- 35 The minimum controlled activity lot size provisions that initially applied to the Residential 6 zone in the Bay of Islands Section of the

¹⁷ Interim Decision A064/2006 and Final Decision A72/2007, HD Pick and JA Riddell v Far North District Council. For the reasoning for the extent of the Basin and Gateway Area see paragraphs 32 to 35 and 39 of the interim decision and paragraphs 7 to 9 of the final decision. Copies of these decisions are attached in Appendices 2 and 3 to this evidence.

¹⁸ Discussed at paragraphs 41 to 45 of decision A064/2006. The provision is reproduced on the left hand side of table 2, paragraph 72 of this statement.

¹⁹ See paragraph 11 of decision A72/2007.

transitional Far North District Plan was 3,000 square metres for unsewered lots and 600 square metres for sewerer lots.

- 36 Plan change 1 to the Bay of Islands Section of the transitional Far North District Plan amended the controlled activity sewerer lot size in the Kororāreka-specific Residential 6 zone to 1,000 square metres, and 800 square metres as a discretionary activity.
- 37 These changes were made because subdivision to 600 square metres would fundamentally and irreversibly adversely change the scale and character of Kororāreka and thus be contrary to the objectives and policies for Kororāreka.²⁰
- 38 The unsewered lot minimum sizes were retained for the Residential 6 zone because at the time of Plan Change 1 the wastewater collection and treatment system had yet to be constructed.
- 39 However, when the operative District Plan was being prepared the wastewater scheme was operational and covered all the residential zoned land. It was not necessary therefore to include unsewered lot size rules for the Russell Township zone.

Community Planning

- 40 There have been three community planning exercises undertaken since the 1981. I helped plan, facilitate and record these exercises.²¹
- 41 The first was called 'Russell 20 Years Out' and occurred in 1981. It was designed to see what common vision Kororāreka residents had for the town. There was very wide agreement with the general direction and vision for Kororāreka set out in the district planning documents.
- 42 The second community planning exercise – by Russell 2000 – in 1998. It largely confirmed the results of the Russell 20 Years Out exercise,

²⁰ The capacity of the scheme was also a factor in the 1,000/800 square metre sewerer lot size, as is discussed further later in this statement.

²¹ My written records of these exercises are in storage while we undertake major renovations to our house. This discussion of the community planning exercises relies on my recollection.

and resulted in the implemented an urban design plan for Cass Street, particularly the intersection of Cass Street, The Strand and the wharf.²²

- 43 The most recent exercise was the development of a plan applying to all of the peninsula – called the Russell Future Plan. This exercise commenced in June 2013, and included several public meetings and report backs. A comprehensive draft Plan was presented to a town meeting in October 2014 and it was decided that more work needed to be done on the plan, particularly in terms of recognising the needs of businesses, including staff accommodation. Further work on the draft Russell Future Plan has stalled since 2016.
- 44 Community support for the protection of the character of Kororāreka has been a consistent theme in these community planning exercises.

THE BUILDING SCALE RULE

Submission S431.024, paragraphs 124, 144 and 145 Kororāreka Russell Township Zone Section 42A Report. Russell Protection Society further submission in support.

Submissions S431.057, .060, .061, .062, .063; paragraphs 254, 261, 287, 311, 333, 335, and 336 Heritage Area Overlay and Historic Heritage Chapters Section 42A Report. Heritage New Zealand Pouhere Taonga further submissions in opposition; Russell Protection Society further submissions in support.

- 45 Standard KRT-S5 in the proposed District Plan currently sets the following standard

The maximum combined net floor area of all buildings or structures on the site is no more than 20% of the net site area.

- 46 The submissions, as a set, seek to amend this standard and add a further standard in the Heritage Area Overlay chapter to, effectively, replicate the operative District Plan standard

10.9.5.1.5 BUILDING SCALE

The maximum net ground floor area of all the buildings on the site shall not exceed 20% of the net site area; except where a site is within the Russell Township Basin and Gateway Area or within a Heritage Precinct, all as defined on **Maps 89** and **HP4**, the maximum net floor area of all buildings on the site shall not exceed 20% of the net site area, provided that this may be exceeded on sites with a net site area less than 400m² such that the maximum net floor area may be up to 80m².

²² This was undertaken by the Russell 2000 Trust.

- 47 The way the submissions propose to replicate this building scale standard reflects the more atomistic district plan layout mandated by the national planning standards. The approach set out in the submissions is to
- amend standard KRT-S5 so it is a standard applying to net ground floor area;
 - insert a new standard in the Historic Overlay chapter that sets a maximum permitted activity net floor area of 20% of lot size within all of the Kororāreka Russell Heritage Overlay;
 - add this new Historic overlay standard to rules applying to existing and proposed buildings and structures within the Kororāreka Russell Heritage Overlay.
- 48 The recommendations on these submissions in the two relevant section 42A reports is to accept the amendment to rule KRT-S5 and to reject the addition of the further standard in the Heritage Overlay chapter and to the specified rules applying to the Kororāreka Heritage Overlay.
- 49 The reasons for the recommended rejection of the changes sought to the Historic Overlay chapter is that the concern is adequately addressed by standard KRT-S5 in the Kororāreka Russell Township Zone.²³
- 50 My understanding is that that the intention for Kororāreka was to carry over the provisions in the operative District Plan into the proposed District Plan, albeit with some relocating and rewording to reflect the requirements in the National Planning Standards with respect to the content of district plans.

²³ One reason for the section 42A reports not recognising that the building scale standard was more onerous under the proposed District Plan compared with the operative District Plan could be that to understand this from my submission it is necessary to read reasons for the submission from both the Kororāreka Russell Township Zone sub-section of my submission and the Heritage Overlays sub-section of the submission – namely paragraphs 14, 17, 27 and 28.

- 51 As has been discussed earlier in this statement, the operative District Plan's version of the building scale rule comes from an Environment Court decision.²⁴
- 52 The following table compares that operative building scale rule with the proposed building scale standard as notified and as it would be if the submissions were upheld.

Table 1			
	Operative Plan	Proposed Plan As Notified	Proposed Plan If Submissions Granted
Parts A, B and C Kororareka Russell Heritage Area Overlay	Permitted max. of net floor area of all buildings is 20% of site area. Restricted discretionary to 25%	Permitted max. of net floor area of all buildings is 20% of site area (KRT-S5) Restricted discretionary for greater than 20%	Permitted max. of net floor area of all buildings is 20% of site area via new standard HA-S4
Part D Kororāreka Russell Heritage Area Overlay	Permitted max. of net floor area of all buildings is 20% of site area. Restricted discretionary to 25%	Permitted max. of net floor area of all buildings is 20% of site area (KRT-S5) Restricted discretionary for greater than 20%	Permitted max. of net floor area of all buildings is 20% of site area via new standard HA-S4
Kororareka Russell Township Zone outside the Kororāreka Russell Heritage Area Overlay	Permitted max. of net <u>ground</u> floor area of all buildings is 20% of site area. Restricted discretionary to 25%	Permitted max. of net floor area of all buildings is 20% of site area (KRT-S5) Restricted discretionary for greater than 20%	Permitted max. of net <u>ground</u> floor area of all buildings is 20% of site area (via an amendment to KRT-S5) Restricted discretionary for greater than 20%

- 53 As can be seen in the table, the treatment of building scale under the notified proposed District Plan is more onerous than it is under the operative District Plan. Specifically, the scale of buildings and structures within the Kororāreka Russell Township Zone but located outside Parts A to D, inclusive, of the Kororāreka Russell Heritage Area Overlay are restricted by net floor area under the proposed District

²⁴ Paragraph 11 Decision A72/2007.

Plan whereas under the operative District Plan the building standard applied to net ground floor area.

- 54 I also note that if the section 42A report recommendations are accepted i.e. change KRT-S5 to apply to ground floor area, and reject the further standard sought in the Kororāreka Russell Heritage Area Overlay would result in a lesser protection for heritage and character within the Kororāreka Russell Heritage Area Overlay than exists under the operative District Plan.²⁵

Options to resolve concern

- 55 In my opinion there are two options to realign the building scale provisions with those in the operative District Plan.
- 56 The first option is the solution as sought in the submissions – change standard KRT-S5 in the Kororāreka Russell Township Zone to apply to net ground floor area, and add a further standard applying to the Kororāreka Russell Heritage Area Overlays as sought in the submission. A requirement to meet this new standard would need to be added to rules HA-R2 PER 3 and HA-R4 PER-2 and RDIS-2.
- 57 The second option would be to replace KRT-S5 with the standard as set out in the operative District Plan.²⁶ This would be within the ambit of the set of submissions on the building scale provisions. I favour this approach.
- 58 In my experience, however, the standard in the operative District Plan can be difficult to follow. I consider that this can be overcome with some adjustments to the layout of the standard as follows:

(a) For any sites with a net site area less than 400m² the maximum net floor area may be up to 80m².

(b) For sites 400 m² or greater within the Kororāreka Russell Township Zone that are also within the Kororāreka Russell

²⁵ Paragraph 150 Kororāreka Russell Township Zone chapter Section 42A Report, paragraph 261 Heritage Area Overlay chapter and Historic Heritage chapter Section 42A Report.

²⁶ Updating the references to zone names and zone maps as necessary to reflect the different references in the proposed District Plan.

Heritage Overlay Area the maximum combined net floor area of all buildings on the site shall not exceed 20% of the net site area.

(c) For all other sites the maximum combined net floor area of the ground floor of all the buildings on the site shall not exceed 20% of the net site area.

Further submissions

- 59 Heritage New Zealand Pouhere Taonga lodged further submissions opposing the submissions seeking the changes to the building scale standards. The reason giving for this opposition is “HNZPT's primary submission (409) supports the planning framework notified for the protection of the Kororareka Russell Heritage Area Overlay”.
- 60 In my opinion, neither the first option or the second option set out above²⁷ make any change to the planning framework in the proposed District Plan for the protection of the Kororāreka Russell Heritage Area Overlay. The change that is made is to the detail of the planning framework applying outside that Heritage Area Overlay.²⁸

²⁷ At paragraphs 56 to 58.

²⁸ The concern expressed by Heritage New Zealand Pouhere Taonga in their further submissions is a relevant consideration though in relation to other appropriate controls on buildings and structures within Part D of the Kororareka Russell Heritage Area Overlay. This is a matter discussed later in the statement.

DESIGN GUIDELINES

Submission S431.004; paragraphs 65, 79 to 84, 95c, 97h
Kororāreka Russell Township Zone Section 42A Report. Heritage
New Zealand Pouhere Taonga further submission of support in
part; D & L Morrison further submission in opposition; Russell
Protection Society further submission in support.

Submission S431.006; paragraphs 69, 79 to 84, 89(c), 95c, 97h
Kororāreka Russell Township Zone Section 42A Report. Heritage
New Zealand Pouhere Taonga further submission of support in
part; D & L Morrison further submission in opposition; Russell
Protection Society further submission in support.

Submissions S431.010 (KRT-R1), .011 (KRT-R2), .012 (KRT-R3),
013 (KRT-R8), .018 (KRT-S5); paragraphs 107, 130, 131, 148a,
150. Kororāreka Russell Township Zone Section 42A Report. D &
L Morrison further submissions in opposition; Russell Protection
Society further submissions in support.

Submission S431.063; paragraphs 333, 335, 337, 261 Heritage
Area Overlay and Historic Heritage Chapters Section 42A Report.
Heritage New Zealand Pouhere Taonga further submission in
opposition; Russell Protection Society further submission in
support.

61 These submissions seek the following with respect to design
guidelines:²⁹

- a further clause “it is consistent with the Kororāreka/Russell design guidelines” be inserted in policy KRT-P1 (S431.004)
- the amendment of policy KRT-P3 be adding the words “the development is consistent with the Kororāreka/Russell design guidelines (S431.004)
- the insertion of two further matters of discretion “the extent of building area and the scale of the building and the extent to which they are compatible with both the built and natural environments in the vicinity” and “consistency with the Kororāreka/Russell Design Guidelines in either rules KRT-1, KRT-R3, and KRT-8 or in standards KRT-S1, KRT-S2, KRT-S3, KRT-S4, KRT-S5, KRT-S6, KRT-S7 and KRT-S8
- the insertion of a new standard in the Heritage Area Overlay rules applying to the Kororāreka Russell Heritage Area on building or site coverage which includes “consistency with the Kororāreka/Russell Design Guidelines” as one matter of discretion (S431.063)³⁰

²⁹ The descriptions given here relate to design guidelines. The submissions themselves may include other matters be addressed in addition to design guidelines. The discussion in this section of my evidence is confined to the design guideline matters.

³⁰ This submission is discussed in the previous section of this evidence, with the conclusion that the standard should be included. In this section the appropriateness of this specific matter of discretion relating to design guidelines is considered.

- 62 The *Kororāreka/Russell Design Guidelines* is a reference to a 2007 document prepared by Salmond/Reed Architects and published by the Far North District Council.³¹ The document is not referenced or included in the operative District Plan.
- 63 While operative Plan descriptions, objectives, policies, rules and assessment criteria for Kororāreka identify matters of design to consider, these, with few exceptions, lack the detail to assist would-be applicants and decision makers in the way that design guidelines do.
- 64 The closest that Russell Township Zone policies get to setting out design criteria, for example, is with policy 10.9.4.8

That the special character of Russell be protected by:

- (a) providing additional controls in areas of Russell where groups of buildings, places or objects have significant historical associations or characteristics and protecting those buildings which are most important as examples of period styles;
 - (b) retaining the visual dominance of natural landforms in the Russell Township Basin and Gateway area (as defined on **Maps 89** and **HP4**);
 - (c) ensuring development in the Gateway Area of Matauwhi Bay (as defined on **Maps 89** and **HP4**) reflects its role as an entrance to Russell and that activities are of a scale and size that is consistent with that of Russell itself and appropriate to the character of the Bay;
 - (d) maintaining as far as practicable the informal blending of land uses that have evolved to contribute to the village atmosphere of Russell;
 - (e) protecting and fostering the small size and pedestrian scale of Russell; and
 - (f) ensuring public works and the provision of utility services are carried out in a manner consistent with the special character of Russell.
- 65 Although this identifies several design-related matters, e.g. references to special character, it does not include any detail (or guidelines) about how to identify and design for that special character. The bulk and location provisions in the rule do provide a degree of design guideline. There is still, arguably, in the absence of more detailed design guidelines of some sort, an undesirable level of uncertainty for would-

³¹ A copy is attached in Appendix 4 to this statement.

be applicants and for decision-makers over the results being achieved compared to the intentions set out in the objectives and policies.

- 66 Nor do the operative District Plan's heritage and heritage precinct Kororāreka-related descriptions, objectives and policies offer much in the way of design guidelines.
- 67 The exception is the design guidelines specific to the Russell Township Basin and Gateway Area in the assessment criteria chapter of the operative District Plan. These guidelines are reproduced at paragraph 81 of the Kororāreka Russell Township Zone Section 42A Report.
- 68 The commentary in that Section 42A report continues
- 82 Although some of the aspects of these design guidelines cover matters that could be considered to manage both heritage values and amenity/special character values, in my view many of these guidelines are more about preserving the special character of the area and many of these guidelines would not be justified if viewed simply through a heritage lens. From that perspective, any recommendation to include the design guidelines in some form would correctly sit (in my view) in the KRTZ chapter as opposed to the Kororāreka Russell Heritage Area Overlay provisions.
- 83 I do see value in some aspects of the design guidelines in terms of providing direction on the design of buildings and materials used to maintain the character of the built form. However, the drafting style and some of the language used makes it difficult to translate the guidelines directly into the PDP, as well as the fact that there is no clear 'home' for guidelines such as these in the National Planning Standards structure for a district plan.
- 84 My view is that the most appropriate part of the KRTZ chapter to introduce the critical components of the design guidelines from the ODP is KRT-P6, which is the 'consideration' policy that is used in all zone chapters to provide direction on the matters that decision makers should consider when processing resource consents. It functions in a similar way to assessment criteria in the ODP and is the closest equivalent provision for these types of matters. I recommend amendments to KRT-P6 below to this effect as part of a wider rationalisation of the matters listed under this policy to create a more cohesive and directive list. As such, I do not recommend that a specific reference to the Kororāreka Russell design guidelines be included in KRT-P1.

- 69 Surprisingly, the Heritage Area Overlay chapter and Historic chapter Section 42A report does not discuss design guidelines for Kororāreka heritage areas, except to a very limited extent in relation to policy HA-P6.³² Rather it is left for the Kororāreka Russell Township provisions to address design guideline issues, including in the mapped heritage overlay areas.
- 70 I now consider the extent to which the recommended replacement policy KRT-P6 addresses the lack of design guidelines in the proposed District Plan.
- 71 With respect to the reasoning for including design guideline issues in this policy, I accept the point that assessment criteria have to, under the National Planning Standards structure, translated into policies and, for rules, into matters of control or discretion.
- 72 Table 2 below compares the design guidelines in section 11.21 of the operative District Plan with the recommended guidelines set out in clause b of rewritten policy KRT-P6

Table 2	
11.21 Assessment Criteria Russell Township Basin and Gateway Area, operative District Plan	Recommended replacement KRT-P6, clause b, proposed District Plan
The extent to which any proposed building or development within the Russell Township Basin and Gateway Area, as defined on Maps 89 and HP4, has regard to the following general design guidelines:	Consider the following when assessing and managing the effects of land use and subdivision in the Kororāreka Russell Township Zone: b. consistency with the scale, design, amenity values and character of Kororāreka Russell, including:
(a) Where existing buildings are being added to or altered, pitches of new roofs should be the same as the existing roof, unless the alterations are generally re-establishing the proven original style or character of the building.	i. preserving essential elements of a building's character or restoring original character lost through subsequent unsympathetic modification, such as matching the pitch of roofs, selecting appropriate style and placement of windows and using low levels of ornamentation;

³² See paragraphs 186, 197 and 198 of the Heritage Area Overlay chapter and Historic chapter Section 42A report

Table 2	
11.21 Assessment Criteria Russell Township Basin and Gateway Area, operative District Plan	Recommended replacement KRT-P6, clause b, proposed District Plan
(b) Where existing buildings are altered or added to, this should be in a manner which preserves their essential character or which recovers original character lost through subsequent unsympathetic modification.	[summarised in i.]
(c) Window size and shape should be appropriate to the style of building.	[included in i.]
(d) Generally, traditional construction methods (e.g. timber frame), together with traditional cladding such as weatherboard or corrugated sheet steel and traditional roof coverings such as shingles or corrugated sheet steel, reinforce historic forms and are generally appropriate. Concrete block walls, concrete or pressed metal roof tiles, and aluminium joinery are generally considered inappropriate.	ii. a preference for traditional construction methods and materials over modern elements such as concrete blocks or aluminium joinery;
(e) Dormer windows are only considered appropriate where they are generally consistent with the historic style of the building.	
(f) A low level of ornamentation is generally desirable in Russell.	[included in i]
(g) The protection and enhancement of existing vegetation will be encouraged and soft landscaping (including hedging) will be preferred at site boundaries except on the Strand where hard edges such as fences are more appropriate.	iii. providing soft landscaping (including hedging) along site boundaries except on the Strand where hard edges such as fences are more appropriate;
(h) Buildings should not be visually obtrusive as viewed from the Strand or Kororāreka Bay and Matauwhi Bay. In particular, buildings on the skyline should not exceed the maximum height.	iv. avoiding visually obtrusive buildings or structures when viewed from the Strand or Kororāreka Bay and Matauwhi Bay; and
	v. whether the development maintains the pedestrian scale and layout of Kororāreka Russell;

Commentary of policy KRT-P6 and design guidelines

- 73 In my opinion, compared to the *Kororāreka/Russell Design Guidelines*, proposed revised clause b of KRT-P6 is insufficient in terms of guidelines for new buildings and structures as opposed to modifications

to and restorations of existing buildings. The Guidelines include a specific section on new buildings which identifies two priorities which, in my opinion, should included in summary form in policy KRT-P6b:

The single most important quality in a new design will be scale and successful new design will respond to its context by striving to preserve the general scale of existing development or scale of the nearest buildings.

A second important consideration is form – the overall shape and arrangement of the building. Clear simple forms are most likely to be successful, but moderate use of features such as verandahs is a sound way of creating additional accommodation. It is not necessary to mimic existing houses, but roof pitches similar to those on adjacent buildings will help new buildings fit in. Once scale and form have been addressed, attention to materials and details ensure a successful outcome.³³

- 74 I also consider that the statement in the operative District Plan assessment criteria “In particular, buildings on the skyline should not exceed the maximum limit” should be included in clause iv of KRT-P6b.
- 75 Having a policy like KRT-P6 is of very limited value unless it is considered with a resource consent application. For controlled and restricted discretionary applications this requires a matter of control or discretion allowing that consideration.
- 76 I therefore disagree with the recommendation to limit the reference to policy KRT-P6 to clause b of that policy.
- 77 In my opinion it is clear from the chapeau to policy KRT-P6 that all of the policy should be able to be considered as a matter of discretion. This would be achieved by deleting the reference to a sub-section of Policy KRT-P6 so that the matters of discretion for rule KRT-R1 becomes:

Matters of discretion are restricted to:

- a. The matters of discretion of any infringed standard; and
- b. The matters listed in Policy KRT-P6.

- 78 I also consider that this additional matter of discretion needs to be added to rule KRT-R8, minor residential unit and to rule HA-R4.

³³ Page 3 of the *Kororāreka/Russell Design Guidelines*, attached in Appendix 4.

Further submission

- 79 There is one further submission³⁴ opposing the submission relating to design guidelines. The reason given for that opposition is that it is inappropriate to require compliance with design guidelines.
- 80 Given that whether design guidelines are complied with or not is a matter of discretion, the concern of the further submitter about requiring compliance is misplaced.

**RULES APPLYING TO PART D OF THE KORORĀREKA RUSSELL
HERITAGE AREA OVERLAY**

S431.056, .057, .060, .061 HPT oppose

S431.062, .063 HPT oppose

- 81 The collective effect of these submissions is to seek amendments to the proposed District Plan rules to reflect the rule structure in the operative District Plan for Kororāreka. That rule structure is:
- The Heritage Precincts³⁵ – the heritage precinct rules and the Russell Township Zone and Commercial Zone rules apply, the floor area ratio of 20% applies to net floor area,
 - The Russell Township Basin and Gateway Area³⁶ – heritage precinct rules only apply where there is a mapping overlap with a heritage precinct, Russell Township Zone applies, the floor area ratio of 20% applies to net floor area
 - Rest of Russell Township Zone, the floor area ratio of 20% applies to net *ground* floor area only.
- 82 The notified District Plan varies from this operative District Plan rule regime in two ways.
- 83 First, the heritage area rules have been extended to include all of Russell Township Basin and Gateway Area (Part D of the Kororāreka Russell Heritage Overlay Area).

³⁴ By D & L Morrison.

³⁵ Parts A, B and C of the Kororāreka Russell Heritage Overlay Area.

³⁶ Part D of the Kororāreka Russell Heritage Overlay Area. There is some overlap between Part D and Parts B and C of the Kororāreka Russell Heritage Overlay Area. Within the overlapped area the Part B and C rules also apply.

- 84 Second, the floor area ratio rule applying to net floor area is extended over the rest of Kororāreka Russell Township Zone³⁷.
- 85 The recommendations in the section 42A reports are to retain the heritage rules in Part D of the Kororāreka Russell Heritage Overlay Area and to remove the distinction between the floor area ratio rule applying in the Kororāreka Russell Heritage Overlay Area and the Kororāreka Russell Township Zone. (The recommendation is that the 20% floor area ratio be applied to net *ground* floor area through the zone.)
- 86 I have discussed at length earlier in this evidence why I consider that the current floor area ratio standard for Kororāreka should be retained.
- 87 My understanding is that the Council's heritage advisor considers that Part D of the Kororāreka Russell Heritage Overlay Area should remain in the 'core' heritage area (where buildings are at a minimum a restricted discretionary activity) rather than a 'peripheral' area (where buildings are a permitted activity if specific standards are met).
- 88 This is, in my opinion, at variance to the intended function of the Part D buffer area as set out in the Environment Court decision which established the buffer area in the first place, and at variance to the relevant policy direction in the operative and proposed District Plans.

From Decision A064/2006

[34] That said, we are persuaded by the evidence overall that it is not sufficient for the heritage precincts as mapped to be the sole protection for amenity born significantly of historic heritage. We find that lack of broader support by way of provisions in the buffer area of the basin and gateway, is inapt. To leave matters in that state would be to fail to offer policies and rules that we consider the most appropriate way to achieve the objectives of the plan. Further, their absence would mean that the territorial authority would lack provisions necessary to assist it to carry out its functions in order to achieve the purpose of the Act, and (as regards rules) achieve the objectives and policies of the plan.

[35] That is, we are persuaded that a number of the very clear objectives, policies and issues quoted earlier in this decision (which properly address the relevant aspects of the purpose and principles of Part 2 of the Act), should have further reinforcement

³⁷ That is outside the area outside the Kororāreka Russell Heritage Overlay Area

at policy and implementation levels. Without derogating from the importance of the many objectives, policies and issues we referred to earlier in this decision, we particularly have in mind those that include mention of “surrounds”, “vicinity”, “amenity values” and “landscape setting” such as Issue 10.9.1.1, Issue 11.5.1.3, Objective 11.5.3.1, Policy 11.5.4.1, and Policy 11.5.4.11. The evidence clearly established that there is an attractive village atmosphere in the relevant parts of the town, with a distinctive low density character, that the setting and landscape character give Russell a particular distinction from other urban localities in the district and beyond, that historic heritage and amenity values are interwoven, and that these qualities can be diminished by encroachment by out of scale new buildings, alterations and additions, on the flat area and basin slopes.

From operative District Plan

10.9.4.8 That the special character of Russell be protected by:

- (b) retaining the visual dominance of natural landforms in the Russell Township Basin and Gateway area (as defined on Maps 89 and HP4)
- (c) ensuring development in the Gateway Area of Matakau Bay (as defined on Maps 89 and HP4) reflects its role as an entrance to Russell and that activities are of a scale and size that is consistent with that of Russell itself and appropriate to the character of the Bay;

from proposed District Plan (with section 42A report recommendations included)

HA-P6 To maintain the integrity of the Kororāreka Russell Heritage Area Overlay and protect the heritage values by:

- e. limiting the scale and form of development in Part D Remainder of Overlay as it provides a backdrop to the village setting and the land entrance to Kororāreka/Russell and also supports the heritage values of Part A The Strand, Part B Wellington Street, and Part C Christchurch (sic)

KRT-P1 Enable land use and subdivision in the Kororāreka Russell Township zone where:

- a. landscaping and areas of open space are maintained around buildings on the site;
- b. it is consistent with scale, character and design anticipated in the surrounding ~~residential~~ environment, which is characterised by:
 - i. Period style buildings and structures, often with significant historical associations;

- ii. The visual dominance of natural landforms surrounding the township basin;
- iii. A mix of land uses that create a village atmosphere; and
- iv. Pedestrian scale development;
- c. there is appropriate infrastructure to support residential and non-residential development; and
- d. heritage resources are protected.; and
- e. ~~values of coastal environment and High Natural Character are recognised and protected.~~

89 A key control for achieving this policy direction is the building scale rule which limits the scale of any permitted activity built form to a level compatible with the small scale village atmosphere and ensures potentially out of scale development goes through a resource consent process.

90 In my opinion, having the three overall steps in rules for Kororāreka that applied in the operative District Plan is the appropriate way to manage subdivision, use and development within Kororāreka to achieve the objectives and policies for the place.

91 The changes to those three overall steps, in particular the increased consenting requirements within Part D of the Kororāreka Russell Heritage Overlay Area and within the balance of the Kororāreka Russell Township zone is not, in my opinion, the most effective and efficient way to achieve the objectives and policies for Kororāreka.

Recommendation to address submissions

92 To correct this I recommend the following two amendments to the proposed District Plan as the simplest and most efficient correction:

- (i) In rule HA-R4 shift Kororāreka Russell Part D to the permitted activity list; and
- (ii) The replacement of standard KRT-S5 with
 - (a) For any sites with a net site area less than 400m² the maximum net floor area may be up to 80m².
 - (b) For sites 400 m² or greater within the Kororāreka Russell Township Zone that are also within the

Kororāreka Russell Heritage Overlay Area the maximum combined net floor area of all buildings on the site shall not exceed 20% of the net site area.

- (c) For all other sites the maximum combined net floor area of the ground floor of all the buildings on the site shall not exceed 20% of the net site area.

A COMMENT ON KORORĀREKA INFRASTRUCTURE LIMITS

S431.002; paragraphs 59, 73 and 76 of the Kororāreka Russell Township section 42A report. Further submission in support by Russell Protection Society.

FS372.018 opposing submission S6.001 by R and A Jess; paragraphs 50, 55 of the Kororāreka Russell Township section 42A report.

- 93 The submission seeks the insertion of a further statement in the Overview section for the Kororāreka Russell Township Zone that the community wastewater scheme has real, existing capacity limits.
- 94 The further submission opposes the submission by R and A Jess seeking that the minimum lot sizes applying in the Kororāreka Russell Township Zone be reduced to 600 m².
- 95 The recommendation in the section 42A report on S431.002 is to reject the submission, but also noting that the recommended replacement policy KRT-P6 includes a reference to considering the capacity of the wastewater network.
- 96 The recommendation in the section 42A report in relation to the submission by R and A Jess seeking reduced lot sizes in the Kororāreka Russell Township Zone is that the submission be rejected.
- 97 Paragraph 55 of the Kororāreka Russell Township Zone section 42A report includes the following

This is consistent with the approach of the ODP to managing subdivision of sewered sites in the Russell Township Zone in Table 13.7.2.1(xi), which also provides for a controlled activity minimum lot size of 1,000m² and a discretionary activity minimum lot size of 800m². In this context the PDP is more permissive of subdivision in the KRTZ compared to the ODP as it applies a single set of minimum lot sizes to all land within the zone, regardless of wastewater servicing, whereas the ODP required larger minimum lot sizes for unsewered sites. I do not support making the subdivision minimum lot size standard more permissive in the KRTZ as the purpose of the standard is to

reflect historic subdivision patterns within the area and ensure lots are sufficiently sized to achieve a level of onsite amenity that is higher than the General Residential zone i.e. fewer opportunities for residential intensification and subsequent impacts on the character of Kororāreka Russell.

- 98 I support the recommendation to reject the Jess submission, and have two further comments to make on this.
- 99 The first is the the area served by the wastewater scheme is the area zoned Kororāreka Russell Township and the Commercial Zone. This is why the lot size provision for unsewered sites in the Bay of Islands section of the transitional Far North District Plan is no longer necessary. All the sites in the Kororāreka Russell Township Zone are in the collection catchment of the community wastewater scheme.
- 100 Further, the collection catchment does not extend beyond the Kororāreka Russell Township Zone and the Commercial Zone at Kororāreka. When the Township Zone and the Commercial Zone, at their current extent, are fully developed the scheme will be at, or slightly over, full capacity.³⁸
- 101 This leads to my view that it is not possible to extend the Kororāreka Russell Township zone without a significant revision of the zone provisions to provide for unsewered lots (unless there is a significant increase in the capacity of the current community wastewater scheme). This is because any extension would be to properties not served, and not able to be served, by the current wastewater scheme.



John Andrew Riddell

³⁸ I gave evidence at the hearing of application for the current wastewater scheme where I calculated the number of 800 m² lots possible within collection catchment of the wastewater scheme which demonstrated that the scheme would be at full capacity when fully developed. The consented volume of wastewater discharge from the treatment plant has not changed since then.

APPENDICES

1. Statement of Experience from Hearing 4 Evidence
2. Environment Court Interim Decision A064/2006
3. Environment Court Final Decision A72/2007
4. Kororareka/Russell Design Guidelines

APPENDIX 1

STATEMENT OF EXPERIENCE FROM HEARING 4 EVIDENCE

I have been practising as a resource management planner for over 30 years, on a part-time basis since 1989 and a full-time basis since 1993. Until November 1998 I was self-employed, although I did work for Nugent Consultants Limited on a part time basis from 1993 until 1996. Between November 1998 and June 2013 I was employed by the Department of Conservation. Since then, until very recently, I operated as consultant planner for my company CEP Services Matauwhi Limited.

My experience includes providing evidence and advice on the provisions of plans and policy statements provisions, participating in mediation and negotiations over policy statement and plan provisions, and presenting evidence to the Environment Court on matters under appeal.

In terms of resource consents, my experience covers limited processing of consent applications for the Far North District Council, reviewing consent applications for the Department of Conservation, giving evidence on notified applications at council hearings, giving evidence to the Environment Court on applications, and preparing resource consent applications for a range of activities, including a medical centre, jetties and slipways, discharges from fish processing factories, houses, huts, 1080 and brodifacoum aerial pest control operations, indigenous vegetation clearance, wetland weir structures, water takes, treated wastewater discharges, and earthworks.

Much of my resource management work has been in Northland, although it has extended to Auckland, Thames-Coromandel, Bay of Plenty, Gisborne, sub-Antarctic islands, Waikato and Kaikōura.

Directly relevant to my evidence on my submission on the proposed Far North District Plan is the background knowledge I have from my active participation in

- submissions and appeals³⁹ on earlier district plans for the Far North, including the Second Review of the Bay of Islands District Scheme, the first draft District Plan (which was withdrawn and replaced) and the current operative Far North District Plan ('the operative District Plan');
- submissions and appeals on the current and preceding Regional Policy Statements for Northland and the current Regional Plan for Northland;
- whilst employed by Department of Conservation, commenting on many resource consent applications located in the coastal environment of the Far North and/or where Far North indigenous biodiversity values were relevant;

³⁹ This includes a joint appeal lodged with my wife on zoning heritage matters in Kororāreka/Russell not relevant to the scope of Hearing 4.

- preparing resource consent applications for private clients in the Far North.

Whilst employed by the Department of Conservation I participated in meetings with the District Council over the development of this proposed district plan and prepared comments for the Department on the early draft of the proposed District Plan.
