

COMMERCIAL AND MIXED USE ZONES

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1 Scope of Report

- [1] This Recommendation Report relates to the Commercial and Mixed Use Zones ('CMUZ') chapter of the PDP and contains the Hearing Panel's recommendations to Council on the submissions and further submissions received on that chapter.
- [2] The Hearing Panel members for the CMUZ chapter were:
 - Mark Alexander
 - Lindsay Daysh
 - Gary Rae (Chair)
 - Raewyn Solomon
- [3] The initial Section 42A Report and the end of hearing Section 42A Report (Reply Report) for this topic were:
 - CMUZ, 3 February 2022, Jessica Tuilaepa
 - CMUZ, August 2022, Jessica Tuilaepa
- [4] The Panel also received an Addendum to the Section 42A Report, dated 15 February 2022, which provided a written update of changes made to correct errors or to provide clarification of some issues identified in the Section 42A Report for the CMUZ since it was published.
- [5] Prior to the hearing the reporting officer also provided a report entitled 'Officer's Response to Questions from The Hearings Panel', dated 2 March 2022. We also received a Joint Witness Statement(JWS) (Planning) dated 25 March 2022, addressing the better enablement of supermarkets in the CMUZ.
- [6] The Hearing Panel's recommended amendments to the notified provisions of the CMUZ chapter are set out in Appendix 1. Amendments recommended by the Section 42A Report author that have been adopted by the Hearing Panel are shown in strike out and underlining. Further or different amendments recommended by the Hearing Panel are shown in strike out, underlining and red font.
- [7] We note that some of the numbering of individual clauses in the rule and rule requirement provisions will need to be consequentially amended and not all such amendments are shown in Appendix 1. We understand that will occur in the amended version of the entire PDP that will accompany the release of all of the Recommendation Reports.
- [8] Further submitters are not listed in the tables in this Recommendation Report because further submissions are either accepted or rejected in conformance with our recommendations on the original submissions to which they relate.

2 Hearing and Submitters Heard

- [9] The hearing for the CMUZ chapter was held on Monday 7 March 2022. The submitters who appeared at the hearing (either in person or via Zoom) are listed below, together with an identification of whether they were an original submitter, a further submitter, or both.

Sub #	Submitter	Original	Further
Combined			
DPR-0358	RWRL	✓	✓
DPR-0363	IRHL	✓	✓
DPR-0374	RIHL	✓	✓
DPR-0384	RIDL	✓	✓
DPR-0367	Orion New Zealand Limited ¹	✓	
DPR-0373	Foodstuffs South Island Limited & Foodstuffs (South Island) Properties Limited	✓	
DPR-0386	Rolleston Square Limited	✓	✓
DPR-0391	Castle Hills Adventure Tours Limited	✓	✓
DPR-0396	Woolworths New Zealand Limited	✓	✓
DPR-0414	Kāinga Ora - Homes & Communities	✓	✓

[10] Some of the submitters had expert witnesses appear on their behalf. The witnesses we heard from are listed in Appendix 2, together with a list of tabled evidence. Copies of all evidence (expert and non-expert) received are held by the Council. We do not separately summarise that material here, but we refer to or quote from some of it in the remainder of this Recommendation Report.

[11] Following the hearing, the Panel issued Minutes 31, 32 and 34 to request additional evidence and information from submitters on the provision for residential activities above ground floor level in certain zones, and on food and beverage activities in the Large Format Retail Zone. The responses, including a report in response from the Section 42A Report author on 23 November 2022, are all discussed under the relevant sub-topics below.

[12] We record that we considered all submissions and further submissions, regardless of whether the submitter or further submitter appeared at the hearing and whether they were represented by expert witnesses.

3 Sub-topic Recommendations

[13] In this part of the Recommendation Report we assess the submissions by sub-topic, using the same headings as the initial Section 42A Report.

3.1 Definitions

3.1.1 Active Frontage

[14] For the following submitter and their submission point on the definition of 'active frontage' we adopt the recommendations and reasons of the Section 42A Report author, which results in no change to the provision.

Sub #	Submitter	Submission Point
DPR-0422	Federated Farmers of New Zealand - North Canterbury	017

[15] We agree that the definition forms an integral part of the CMUZ provisions that seek to achieve good urban design outcomes by providing attractive, functional, buildings that are well integrated with the adjoining road frontage, and should be retained.

¹ Commissioner Alexander recused himself from the consideration of this submission due to a conflict of interest.

3.1.2 *Department Store and Supermarket*

- [16] For the following submitters and their submission points on the definition of 'department store' and 'supermarket' we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0358	Rolleston West Residential Limited (RWRL)	015, 055
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	014, 054
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	020, 060
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	022, 062

- [17] The submitters requested that the definitions of these terms are replaced with their equivalent definitions in the Australian and New Zealand Standard Industrial Classification (ANZSIC).
- [18] We agree with the Section 42A Report that activities-based plans rightly tend to incorporate their own definitions, instead of requiring plan users to search elsewhere to determine how something is defined. We note that proposed PDP definitions for 'supermarket' and 'department store' have taken elements from the ANZSIC definitions, so whilst they are not identical, they provide clarity as how to define an activity and avoid duplication.
- [19] However, we also accept that, based on Mr. Foy's economic evidence, an amendment to the definition of 'supermarket' is appropriate so that the term 'comprehensive' is replaced with an alternative term (i.e. 'broad') and to 'department store' to add a clause so that the definition includes food and grocery items. Those changes will provide partial relief to some of the submitters.
- [20] We consider that a s32AA evaluation is not required given the minor scale of the changes and they will provide clarity regarding the definitions.

3.1.3 *Drive Through Facilities, Food and Beverage, On-site Public Space, and Primary Frontage*

- [21] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author, noting that all of the submissions supported the proposed definitions of the above terms and no changes are recommended.

Sub #	Submitter	Submission Points
DPR-0358	RWRL	018, 021, 037, 044
DPR-0363	IRHL	017, 020, 036, 043
DPR-0374	RIHL	023, 026, 042, 049
DPR-0384	RIDL	025, 028, 044, 051

3.1.4 *Retail Activity, and Trade Retail and Trade Suppliers*

- [22] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0145	Dean Williams, Bunnings Group Limited	001
DPR-0323	Investore Property Limited	004
DPR-0358	RWRL	050, 058
DPR-0363	IRHL	049, 057
DPR-0365	Stuart PC Limited	044

Sub #	Submitter	Submission Points
DPR-0374	RIHL	055, 063
DPR-0384	RIDL	057, 065

[23] In particular, we accept an amendment to include a reference to ‘the public’ in the definition of ‘retail activity’ will provide clarity by distinguishing between the definitions of ‘retail activity’ and ‘trade retail and trade supplier’. We do not consider it necessary to amend the definition of ‘trade retail and trade supplier’ to include reference to ‘construction supplies’, as that term would fall under the wider umbrella of ‘building supplies’.

[24] We consider that a s32AA evaluation is not required given the minor scale of the change which will provide clarity regarding the definition.

3.2 All CMUZ chapters in general and their overviews

3.2.1 Chapters in General

[25] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0126	Foster Commercial	002
DPR-0204	JP Singh	032
DPR-0323	Investore Property Limited	005
DPR-0358	RWRL	365, 383, 385
DPR-0363	IRHL	337
DPR-0373	Foodstuffs South Island Limited & Foodstuffs (South Island) Properties Limited	005
DPR-0374	RIHL	343, 361
DPR-0384	RIDL	373, 432, 391, 394
DPR-0414	Kāinga Ora - Homes & Communities	386

[26] In relation to the submission of Foodstuffs, we understand the drafting of the provisions as notified supported an approach to restrict supermarkets in certain areas to prevent negative economic impacts on the Key Activity Centres (KAC), based on economic evidence. We heard additional evidence provided which was called by Council to specifically consider the provisions related to supermarkets. Mr Foy’s evidence was that amendments should be made to better provide for supermarkets across the CMUZ, including amending the activity status from NC to PER in the LFRZ (discussed in more detail in subsequent sections).

[27] We accept that some amendments can be made to specific existing provisions to ensure that supermarkets are suitably enabled, where appropriate. However, we agree with the Section 42A Reporting officer that widespread changes are not required to be made to introduce a new objective, policies, or rules specific to supermarkets. We note that the issue of supermarkets outside of the CMUZ has been addressed in relation to other Zone hearing streams.

[28] In relation to the submission of Foster Commercial we accept that the CMUZ Overview’s assumptions relating to the hierarchy of activity centres, in particular that the viability of larger centres could be impacted by smaller centres, is appropriately supported by evidence and in particular in the CMUZ s32 Report. We therefore do not accept the request to delete the CMUZ Overview. We note that, in response to separate submissions, we have recommended

some amendments to other provisions in the CMUZ objectives and policies but we do not consider the over-arching CMUZ Overview should be deleted.

- [29] The Section 42A Report had recommended amending the LFRZ-Overview to remove the Rolleston specific references. Whilst we agree with that in general, we consider there is no scope for that amendment as there were no submissions lodged with respect to the LFRZ-Overview. This is a matter the Panel recommends for consideration by future plan change.

3.2.2 *Non-notification clauses*

- [30] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0358	RWRL	384, 426, 427, 428, 429
DPR-0363	IRHL	446, 447, 448, 449
DPR-0374	RIHL	492, 493, 494, 495
DPR-0384	RIDL	392, 525, 526, 527, 528

- [31] Submission points by RIDL, RIHL, IRHL and RWRL sought non-notification clauses be included across the CMUZ chapters. We accept the reasons of the Section 42A reporting officer and, in particular, we agree that it is not appropriate to preclude limited or public notification for controlled and restricted discretionary activities on a chapter wide basis. The RMA contains a specific process for determining notification on a case-by-case basis and in our view that statutory process should only be circumvented where there is absolute certainty that potential adverse effects will not affect any other party.
- [32] Having made this finding, we assess requests for non-notification for individual rules on their merits. These are addressed under Section Rule 3.7 Rule Requirements.

3.3 Objectives

3.3.1 *CMUZ Objectives*

- [33] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0126	Foster Commercial	003, 004
DPR-0353	Horticulture New Zealand	188
DPR-0358	RWRL	366 - 371
DPR-0363	IRHL	338 - 343
DPR-0374	RIHL	344 - 349
DPR-0384	RIDL	374 - 379
DPR-0396	Woolworths New Zealand Limited	001
DPR-0414	Kāinga Ora - Homes & Communities	387 - 392

- [34] The submission points from Foster Commercial seek that CMUZ-O1 and CMUZ-O2 be deleted for similar reasons to those addressed above for the CMUZ Overview, which we did not accept. We note that RWRL, IRHL, RIHL, RIDL and Kāinga Ora supported CMUZ-O1 be retained as notified and we accept those submissions.
- [35] Submission points by RWRL, IRHL, RIHL, RIDL sought amendments to CMUZ-O2 to specifically require a reference be made to 'adverse effects' on centres being avoided. In particular, Mr

Phillips' evidence was that the words 'do not undermine the viability and function of the Town Centre Zone' should be replaced with the words 'do not have significant adverse effects'. Mr Phillips, based on Mr Akehurst's economics evidence, was concerned the word undermine could mean any reduction relative to the status quo. However, we consider 'undermine' provides a very clear indication of the significant scale of effects that is envisaged in this objective without needing further qualification.

- [36] We agree with the Section 42A Report author that the terminology used appropriately encourages development in the Local Centre Zone, Neighbourhood Centre Zone and Large Format Retail Zone, whilst protecting the viability and function of the TCZ, an approach which aligns with the Activity Centre Network as outlined in the CMUZ Overview.
- [37] Submission points from both Woolworths and Kāinga Ora expressed concern at the references in CMUZ-06 to 'predominantly low density' development. We accept the subsequent amendments to this objective as recommended in the Section 42A Report which will better describe the anticipated development outcomes. We note that Ms Panther Knight, in planning evidence for Woolworths, accepted the recommended amendments². Mr Jeffries, in planning evidence for Kāinga Ora, also accepted the amendments³.
- [38] We consider that a s32AA evaluation is not required given the minor scale of the change to CMUZ-06 which will better describe anticipated development outcomes within the CMUZ.

3.3.2 TCZ-Objectives

- [39] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0204	JP Singh	033
DPR-0323	Investore Property Limited	001
DPR-0414	Kāinga Ora - Homes & Communities	416

- [40] We accept the submission point of Kāinga Ora, as supported in the Section 42A Report, to amend TCZ-O1 to reinforce that it is appropriate for residential activities to establish in the TCZ.
- [41] We consider that a s32AA evaluation is not required given the minor scale of the change to TCZ-O1, which will better describe anticipated residential activities within the TCZ.

3.3.3 LCZ-Objectives

- [42] For the following submitter and their submission point, which seeks LCZ-O1 is retain as notified, we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0414	Kāinga Ora - Homes & Communities	411

² Ms Panther Knight, EIC, para 20

³ Mr Jeffries, EIC, para 3.4 and Appendix 1

3.3.4 NCZ-Objectives

- [43] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author, which results in no changes to NCZ-O1.

Sub #	Submitter	Submission Points
DPR-0126	Foster Commercial	006
DPR-0414	Kāinga Ora - Homes & Communities	406

- [44] We do not accept the submission point by Foster Commercial. We accept the advice in the Section 42A Report that economic evidence provided in the CMUZ s32 Report at the time of notification of the PDP supported the approach to place limits on the scale of activities in the NCZ. We also note that this is consistent with the National Planning Standards which provide a generic description of the NCZ as: *“Areas used predominantly for small-scale commercial and community activities that service the needs of the immediate residential neighbourhood”*.

3.3.5 LFRZ-Objectives

- [45] For the following submitters and their submission points, seeking LFRZ-O1 be retained as notified, we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0374	RIHL	344 - 349
DPR-0384	RIDL	374 - 379

3.3.6 New Objectives

- [46] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0367	Orion New Zealand Limited ⁴	118
DPR-0424	Retirement Villages Association of New Zealand Incorporated (RVA)	033
DPR-0425	Ryman Healthcare Limited	032

- [47] We do not accept the submission of Orion that an additional Objective is required in the CMUZ chapter to further protect important infrastructure as it is currently protected through both the Strategic Directions and the Energy and Infrastructure chapters, which aligns with the requirements of the National Planning Standards.
- [48] We have considered the planning evidence of Mr Turner for RVA and Ryman, but do not accept that additional specific provision needs to be made specifically for retirement villages in the TCZ, LCZ and NCZ or that an additional objective needs to be included to specifically enable them. We note that the NPS-UD refers generally to ‘urban environments’ and the CRPS is similarly broad in terms of enabling a range of housing types including in key activity centres. However, we consider we did not receive sufficient evidence to persuade us that the NPS-UD or the CRPS are directive to the point that Commercial and Mixed Use Zones must have policies specific to retirement villages. We note that CMUZ-P3 makes provision broadly for ‘residential activities’ above ground floor level within the Town Centre, Local Centre, and

⁴ Commissioner Alexander recused himself from the consideration of this submission due to a conflict of interest.

Neighbourhood Centre zones and we consider this to be sufficient policy direction in the CMUZ for residential activities generally.

- [49] We agree with the Section 42A Report author that retirement villages tend to occupy large areas of land and are predominantly residential in nature, so generally they would be more appropriate in a residential zone. We consider it appropriate that the DIS status provided by TCZ-R24 would allow for Council to consider the impact of a retirement village to occupy land zoned for commercial development and consider how to best manage any potential reverse sensitivity issues.
- [50] However, we have also recommended amendments to rules in the Town Centre and Local Centre zones, in response to other submission points, to better enable residential activities above ground floor level (i.e. by changing the activity status from RDIS to CON). This may go some way to granting the relief sought by the submitters for retirement villages.

3.4 Policies

3.4.1 Commercial and Mixed Use Zones policies

- [51] For the following submitters and their submission points we adopt some of the recommendations and reasons of the Section 42A Report author (including in the Section 42A Addendum Report) and do not accept others, as set out in the Table below.

Sub #	Submitter	Submission Point	Accept	Accept in Part	Reject
DPR-0126	Foster Commercial	005			✓
DPR-0358	RWRL	372, 373, 376		✓	
DPR-0358	RWRL	374, 375	✓		
DPR-0363	IRHL	344, 345, 348		✓	
DPR-0363	IRHL	346, 347	✓		
DPR-0374	RIHL	350, 351, 354		✓	
DPR-0374	RIHL	352, 353	✓		
DPR-0384	RIDL	380, 381, 384		✓	
DPR-0384	RIDL	382, 383	✓		
DPR-0396	Woolworths	004	✓		
DPR-0414	Kāinga Ora	393, 394, 397		✓	
DPR-0414	Kāinga Ora	395, 396	✓		

- [52] Several submitters requested deletion of, or amendments to, CMUZ-P1.
- [53] We heard evidence from Ms Harte for Foster Commercial questioning the basis for the assumption that the viability of larger centres could be impacted by smaller centres. However we accept the evidence in the Section 42A Report which refers to the Baseline Selwyn Business Zone Policy Assessment prepared by Property Economics, to the effect that in order to protect the Key Activities Centres, restrictions on commercial centres outside of Key Activity Centres are required. This is consistent with our recommendation with respect to this submitter's points regarding the CMUZ Overview and its objectives.
- [54] Submission points by RWRL, RIHL, RIDL, IRHL sought amendments to reword CMUZ-P1 to essentially 'upgrade' the threshold of effects on the Town Centre Zone from 'adversely affect' to 'have significant adverse effects'. We do not consider that change is necessary, noting in particular there is a reference to 'retail distributional effects' in the latter part of the policy.

- [55] The submission of Woolworths requested an amendment to encourage compatible activities locating in the CMUZ as opposed to avoiding incompatible activities, as discussed further in the planning evidence of Ms Panther Knight. This was opposed by the Section 42A author as in Ms Tuilaepa's evidence the wording of CMUZ-P1 provides support for compatible activities within the zone, where appropriate, whilst retaining the potential to ensure that applications to establish incompatible activities can have conditions imposed to mitigate effects or declined where necessary.
- [56] The JWS prepared by planners for the supermarket submitters (i.e. Ms Panther Knight and Mr Allan) and the Section 42A author, addressed CMUZ-P1 further. The JWS records that Ms Panther Knight and Mr Allan agreed, in order to make more appropriate provisions for supermarkets in the CMUZ's, the policy should be 'flipped' so that changes from an 'avoid incompatible activities' approach to an 'encourage compatible activities' approach. This was linked to changing the activity status for supermarkets in the NCZ from NC to RDIS, as requested by the submitters.
- [57] However, Ms Tuilaepa maintained her view from the Section 42A Report that the avoid approach should be retained to avoid establishment of truly incompatible activities in the CMUZ, including prisons, landfills, and heavy industry as examples as well as larger supermarkets in smaller centres. This would be consistent with the NC status of these activities, which she supported. Ms Tuilaepa considered that the policies in each of the zones within the CMUZ are more enabling and give enough policy direction to address any potential conflicts that may arise if CMUZ-P1 was to be seen as not sufficiently enabling.
- [58] The JWS records that Ms Tuilaepa also considered that the wording of CMUZ-P1 could be improved to focus on avoiding the adverse effects of activities, rather than avoiding the activities themselves. We consider that is a sensible suggestion.
- [59] Overall, the Panel considers it is important for CMUZ-P1 to retain essentially an 'avoid the effects of incompatible activities' approach. It is important to provide this policy framework, noting that some activities are, for good reason, not provided at all in some of the zones, and therefore appropriately have NC activity status. As will become apparent in a later part of this report, we are recommending that the activity status of supermarkets (greater than 450 m²) in the Neighbourhood Centre Zone remains non-complying. We accept one requested change to the wording to include retail distributional effects.
- [60] Accordingly, we recommend the following wording:
- Avoid activities locating within any 'Commercial and Mixed Use Zone' that have effects that are incompatible with the character and function of that zone; and where located in a Local Centre, Large Format Retail or Neighbourhood Centre Zone are of a scale or nature that would adversely affect—the viability and function of the Town Centre Zone, including individual and cumulative adverse retail distributional and urban form effects.
- [61] We accept the submission of Kāinga Ora seeking amendments to CMUZ-P2 to remove the reference to 'low density' which we agree is unnecessary, noting this was supported in the Section 42A Report, and we heard no other contrary evidence. We also accept in part the submission of Kāinga Ora to amend CMUZ-P5 as outlined in the officer's Reply Report, by

making specific reference to ‘residential zoned’ properties, noting this was accepted by Mr Jeffries in supplementary evidence for this submitter⁵.

3.4.2 Town Centre Zones Policies

- [62] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0204	JP Singh	034
DPR-0323	Investore Property Limited	002
DPR-0414	Kāinga Ora	417 - 419

- [63] We note that the Section 42A Report author has agreed with Kāinga Ora’s request to amend TCZ-P1 to include ‘residential activities’, and also its request to amend TCZ-P3 to replace the reference to the ‘character of the area’ and instead reference a ‘planned urban form’. We accept those submission points, and do not consider the scale of change requires a s32AA evaluation.

3.4.3 Local Centre Zones Policies

- [64] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author. We do not consider the scale of change to LCZ-P1, to reference residential activities being appropriate to establish in the zone, requires a s32AA evaluation as this clarifies the activities that are able to establish in the zone.

Sub #	Submitter	Submission Points
DPR-0160	West Melton Three Ltd	004
DPR-0414	Kāinga Ora	412

3.4.4 Neighbourhood Centre Zones Policies

- [65] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0126	Foster Commercial	007
DPR-0414	Kāinga Ora	407

- [66] In response to Foster Commercial’s submission we accept the Section 42A author’s evidence that the wording of NCZ-P1 is appropriate as it helps to demonstrate the position of the NCZ in the township hierarchy.
- [67] We accept the submission of Kāinga Ora, as accepted by the Section 42A Report author, that whilst the purpose of the NCZ is not specifically for residential activity the rules make provision for residential activities above ground floor level which, according to our recommendations, would be assessed as a controlled activity. Accordingly, it is appropriate for NCZ-P1 to be amended to include reference to residential activities. We do not consider the scale of change to NCZ-P1, to make reference residential activities being appropriate to establish in the zone, requires a s32AA evaluation as this clarifies the intent of the zone.

⁵ Mr Jeffries, Supplementary Evidence dated 4 March 2022, para 2.5.

3.4.5 Large Format Retail Zones Policies

- [68] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author, noting that all the submissions supported the relevant proposed LFRZ policies.

Sub #	Submitter	Submission Points
DPR-0323	Investore Property Limited	007
DPR-0374	RIHL	363 - 365
DPR-0384	RIDL	396 - 398

3.4.6 New Policies

- [69] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0135	Lilley Family Trust	003, 004
DPR-0160	West Melton Three Ltd	003
DPR-0367	Orion New Zealand Limited ⁶	120
DPR-0424	Retirement Villages Association of New Zealand Incorporated (RVA)	034
DPR-0425	Ryman Healthcare Limited	034

- [70] We accept the evidence in the Section 42A Report that CMUZ-P2, CMUZ-P4 and CMUZ-P5, in addition to the specific policies in the TCZ, LCZ and NCZ chapters as notified, already cover the issues raised by Lilley Family Trust and West Melton Three Ltd.
- [71] We are also satisfied in relation to the submission by Orion that important infrastructure is currently protected through the both the Strategic Directions and the Energy and Infrastructure chapters (i.e. EI-P6), and a new policy is not required in the CMUZ chapter.
- [72] Our comments in section 3.3.6 are also relevant to RVA and Ryman's request for an additional policy to specifically enable retirement villages in the TCZ, LCZ and NCZ.

3.5 Rules

3.5.1 Activities not otherwise listed

- [73] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author, noting that the submissions supported LFRZ-22.

Sub #	Submitter	Submission Points
DPR-0374	RIHL	389
DPR-0384	RIDL	422

3.5.2 Airfields and helicopter landing areas

- [74] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author, noting that the submissions supported LFRZ-17.

Sub #	Submitter	Submission Points
DPR-0374	RIHL	384
DPR-0384	RIDL	417

⁶ Commissioner Alexander recused himself from the consideration of this submission due to a conflict of interest.

3.5.3 Automotive Activities

- [75] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author, noting that the submissions supported TCZ-R10.

Sub #	Submitter	Submission Points
DPR-0373	Foodstuffs South Island Limited & Foodstuffs (South Island) Properties Limited	020
DPR-0374	RIHL	374
DPR-0384	RIDL	407

3.5.4 Buildings and Structures

- [76] For the following submitters and their submission points we generally accept the recommendations and reasons of the Section 42A Report author, but we recommend some modifications to the recommended amendments, as explained further below.

Sub #	Submitter	Submission Points
DPR-0204	JP Singh	035
DPR-0204	JP Singh	036
DPR-0323	Investore Property Limited	009
DPR-0373	Foodstuffs South Island Limited & Foodstuffs (South Island) Properties Limited	011, 023
DPR-0374	RIHL	367
DPR-0384	RIDL	400

- [77] We consider it appropriate that the activity status for developments over 450m² in PREC2 Rolleston and PREC3 Lincoln is RDIS, in order to retain the ability to be able to potentially decline applications that do not achieve good urban design outcomes. We note that Mr Allan's planning evidence for Foodstuffs did not pursue the relief requested in the submission points.
- [78] We accept, in response to submission points by JP Singh and Investore, that some modifications are required to TCZ-R1.3 and TCZ-R1.10 to clarify that a resource consent would only be required for any external changes to a building. We accept the amendments made by the Section 42A Report author go some of the way to achieve this, but we consider that the word 'development' provides some ambiguity and accordingly have recommended it be replaced by the word 'building'.
- [79] We do not consider the scale of change to those rules requires a s32AA evaluation as it simply clarifies the intent of the rule.

3.5.5 Commercial Activities not Otherwise Listed

- [80] For the following submitters and their submission points we adopt some of the recommendations and reasons of the Section 42A Report author, and do not accept others, as set out in the table below.

Sub #	Submitter	Submission Point	Accept	Accept in Part	Reject
DPR-0204	JP Singh	037	✓		
DPR-0373	Foodstuffs South Island Limited & Foodstuffs (South Island) Properties Limited	017	✓		

Sub #	Submitter	Submission Point	Accept	Accept in Part	Reject
DPR-0374	RIHL	369	✓		
DPR-0384	RIDL	402	✓		

[81] The submissions of RIHL and RIDL seek an amendment of the activity status for ‘commercial activities not otherwise listed’ in LFRZ-R3 from NC to DIS. The Section 42A Report does not support the relief on the basis that non-compliant activities might conflict with CMUZ-O2. The view was that adequate provision is made for appropriate commercial activities as a permitted activity within the LFRZ, and NC status is required to ‘protect the TCZ’.

[82] However we prefer the evidence of Mr Phillips, and Mr Akehurst, for these submitters, for the following key reasons:

- Regardless of whether the activity is classified as NC or DIS it will still be open to an unrestricted assessment as to effects on the environment and effects on the relevant objectives and policies of the zones;
- Given our recommendations for supermarkets to be a permitted activity in the LFRZ, it would seem incongruous that NC activity status would be applied to any other commercial activities, just by virtue of them not being listed;
- LFRZ-O6 maintains control over ‘retail activities not otherwise listed’ (and includes for example retail tenancies of less than 450m²) as NC;
- It is acknowledged that, in framing the rule as notified, Council will not have thought of every possible commercial activity and NC status may be unnecessarily harsh, noting also that it is conceivable (through the life of the Plan) that an activity will emerge that is best placed to locate within the LFRZ – but has not been anticipated.

[83] We consider that in terms of s32AA, the change from NC to DIS provides a more proportional and appropriate activity status to commercial activities not otherwise listed. This is in recognition that some activities requiring consent may be appropriate and benign whereas others may be clearly inappropriate, and overall accords better with the policy framework in the LFRZ.

3.5.6 Commercial composting

[84] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author, noting that the submissions supported LFRZ-R18 as notified.

Sub #	Submitter	Submission Points
DPR-0374	RIHL	385
DPR-0384	RIDL	418

3.5.7 Community Facilities

[85] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0204	JP Singh	044
DPR-0374	RIHL	377

Sub #	Submitter	Submission Points
DPR-0384	RIDL	410

- [86] We accept that the focus of the LFRZ is to primarily provide for retail activities with a large floor or yard area. We also accept that community facilities are wide ranging (and include activities such as recreation centres, places of worship and cultural facilities), and whilst some of these activities may have a larger floor area, they are not 'retail' activities and there is potential for reverse sensitivity and other effects.
- [87] Community facilities in the LFRZ should be managed in terms of scale and type to avoid compromising the function, role and vitality of the TCZ and so we reject the submission points from RIHL and RIDL. Accordingly, we see no need to change the activity status for community facilities in the LFRZ which is DIS where the community facility is under 450m² and NC over 450m².

3.5.8 Corrections Activities

- [88] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0300	Ara Poutama Aotearoa the Department of Corrections	011 - 014
DPR-0374	RIHL	378
DPR-0384	RIDL	411

- [89] The amendments requested to 'corrections activities' provisions relating to the CMUZ as requested by Ara Poutama Aotearoa are consistent with those addressed in Hearing 2: Part 1 – Introduction and General Provisions and as accepted by the Panel. Mr Dale, in his statement for the submitter, accepted the recommended amendments outlined in the Section 42A Report⁷. We consider that no further s32AA evaluation is required.

3.5.9 Educational Facilities

- [90] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author, which results in no change to these provisions.

Sub #	Submitter	Submission Points
DPR-0126	Foster Commercial	009
DPR-0204	JP Singh	045
DPR-0374	RIHL	381
DPR-0378	The Ministry of Education	028, 029, 031
DPR-0384	RIDL	414

- [91] We accept that the 150m² limit in NCZ-R14 for educational facilities aligns with the purpose of the zone, to provide for small-scale commercial and community activities that service the needs of residents in the surrounding areas. This also aligns with the township hierarchy, which is for most commercial, cultural, community and educational activities being focused more towards the TCZ. We have considered the evidence of Ms Harte for Foster Commercial but consider that a resource consent process is appropriate for an education facility that is over 150m² seeking to establish in a NCZ.

⁷ Mr Dale, EIC, para 6.11

- [92] We accept that the status of an educational facility in the NCZ is appropriately set as DIS, rather than RDIS as requested by the Ministry of Education. The submitter's tabled letter acknowledges that the NCZ and LFRZ are not where education facilities are typically located and whilst it is appreciated they desire flexibility as regards siting of future educational facilities, the appropriateness of a NCZ site for say a large school which may occupy a large portion of a NCZ is considered to be more appropriately addressed through DIS status than RDIS.

3.5.10 Firearms Range

- [93] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author, noting that the submissions supported LFRZ-R13 as notified.

Sub #	Submitter	Submission Points
DPR-0374	RIHL	380
DPR-0384	RIDL	413

3.5.11 Food and Beverage Activities

- [94] For the following submitters and their submission points we adopt the recommendations and reasons provided in the Section 42A Report.

Sub #	Submitter	Submission Points
DPR-0204	JP Singh	038
DPR-0373	Foodstuffs South Island Limited & Foodstuffs (South Island) Properties Limited	018
DPR-0374	RIHL	371
DPR-0384	RIDL	403, 404

- [95] Submission points of RIDL and RIHL requested an amendment to LFRZ-R4, as follows:

The maximum GFA of the food and beverage activity does not exceed 150m² per individual tenancy, except that a tenancy limit shall not apply for up to a maximum total area of 1,000m² GFA within the zone ~~one individual food and beverage activity tenancy within the LFRZ may have a GFA of up to 1,000m².~~

- [96] The submitters had also requested a change in activity status for breaches of the rule, from NC to DIS. Mr Phillips, in planning evidence for the submitters, and based on Mr Akehurst's economics evidence, explained this request sought to maintain the status quo (i.e. in the ODP) with respect to food and beverage activities within the zone that is now proposed to be LFRZ.
- [97] The Reply Report advised that, based on the economics advice from Mr Foy, LFRZ-R4 should be amended to be consistent with the policy framework in LFRZ-O1 and LFRZ-P3 by retaining the following elements:
- a maximum tenancy size of 150m² for food and beverage tenancies, except for one larger tenancy being also permitted (potentially up to 1,000m²); and
 - a 1,000m² maximum total floorspace for food and beverage tenancies; and that
 - beyond these limits a non-complying, not a discretionary, status would apply.
- [98] However the specific amendments were not carried through to the amendments shown in Appendix 2 of the Reply Report. The Panel subsequently issued Minute 32 on 21 October 2022

requesting that a JWS be prepared by the Section 42A Report author and Mr Phillips to clarify and confirm any agreement as to the amended wording of LFRZ-R4.

- [99] The submitters lodged a memorandum of counsel on 14 November 2022 to advise that they no longer wished to pursue the relief sought at the hearing. Accordingly, a JWS was not required, and as there were no other submissions with respect to LFRZ-R4 the Panel is unable to make any changes to the rule as notified. We note however the Reply Report signalled there is an error made in the drafting of the PDP, and this will be addressed through a clause 16 (2) amendment. LFRZ-R4.a. should read 'not' but instead reads 'no'.
- [100] Having considered the planning and economics evidence on this matter the Panel recommends the wording of the rule as notified is reviewed as part of a future plan change to ensure it captures the intent of providing a cap on the amount of food and beverage activities that can occur as a permitted activity on the LFRZ.

3.5.12 Industrial Activities not Otherwise Listed

- [101] For the following submitters and their submission points we do not adopt the recommendations and reasons of the Section 42A Report author, as explained further below. Our recommendations with respect to the submissions are set out in the Table below.

Sub #	Submitter	Submission Point	Accept	Accept in Part	Reject
DPR-0374	RIHL	388		✓	
DPR-0384	RIDL	421		✓	

- [102] The submitters requested that LFRZ-21 (Industrial Activities not otherwise listed) as notified be deleted and replaced with a new provision that permits those industrial activities in the LFRZ that would be permitted in the GIZ zone.
- [103] The Section 42A Report noted the National Planning Standards are such that a LFRZ should enable predominantly larger format commercial activities, but does not specifically exclude activities of an industrial nature. It also described the planning background associated with the development of the one area that is zoned LFRZ, which adjoins the GIZ, in Rolleston. Under the ODP, the area is zoned Industrial (B2A), and has been included in the Council's capacity assessment as industrial, not commercial.
- [104] The Section 42A Report considered that retaining the ability for the land to be utilised for industrial activities will not reduce the commercial capacity beyond what is presently anticipated, noting also that a number of resource consents had been granted for this area. The report recommended accepting these submission points⁸ but instead of deleting the provisions, it recommended that LFRZ-R21 be amended so that the LFRZ (as notified) in Rolleston is subject to an additional PREC layer so that in the future if another LFRZ area was to be zoned in the district the relaxed industrial provisions are not automatically applied.
- [105] The Panel does not consider there is sufficient policy support in the chapter for essentially changing industrial activities not otherwise listed from a NC status to a permitted activity status. We note that the LFRZ-Overview is that this zone "...provides primarily for retail

⁸ The Table in Appendix 2 of the Section 42A Report says "accept" but the Section 42A Report, paragraph 11.54, says 'accept in part'.

activities with large floor or yard areas”, and the policies do not make any specific reference to industrial activities at all.

- [106] We also note that Mr Phillips, the planning expert for the submitters, said he agreed with the Section 42A Report’s assessment but provided no assessment of his own to support these submissions.
- [107] In that context we consider it would be more appropriate to provide for these as DIS status to enable industrial activities not otherwise listed to be assessed on their merits and in terms of the policy framework for the LFRZ. We consider there is scope for this change provided by the RIHL and RIDL submission points.
- [108] We consider that in terms of s32AA of the RMA this change makes more appropriate provision, and provides a less onerous consenting pathway, for this type of activity to establish in the zone. This will ultimately provide for a more efficient use of resources and land within the zone, recognising that industrial activities could have the risk of causing potential adverse amenity and reverse sensitivity effects if changed to permitted activity status and not appropriately managed through a consent process. Accordingly, the recommended amendment is more appropriate in achieving the relevant objectives of the PDP and the purpose of the RMA.

3.5.13 Keeping of Animals

- [109] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author which results in no changes to LFRZ-R15 or TZCZ-R19.

Sub #	Submitter	Submission Points
DPR-0374	RIHL	382
DPR-0384	RIDL	415
DPR-0386	Rolleston Square Limited	008

3.5.14 Landfills

- [110] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author, which results in no changes to the provisions as notified.

Sub #	Submitter	Submission Points
DPR-0122	Frews Quarries Ltd	029 - 032
DPR-0374	RIHL	386
DPR-0384	RIDL	419

- [111] In relation to the submission points by Frews Quarries Ltd, we accept the officer’s advice that landfills have a NC status across all CMUZ zones as it is not deemed an appropriate activity to establish in the CMUZ as it would not meet the objectives, specifically CMUZ-O3 and CMUZ-O4. We received no evidence to the contrary.

3.5.15 Office Activity

- [112] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0204	JP Singh	039 - 040
DPR-0374	RIHL	372
DPR-0384	RIDL	405

- [113] We agree with the submission points by JP Singh which requests that TCZ-R7 is amended to delete the rule requirements for both height and height in relation to boundary (HRTB). We consider these are not applicable as the building within which the activity occurs is subject to these requirements, not the activity itself. We consider this scale of change does not require a s32AA evaluation.

3.5.16 Public Amenities

- [114] For the following submitters and their submission points, which support LFRZ-R14 as notified, we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0374	RIHL	381
DPR-0384	RIDL	414

3.5.17 Primary Production

- [115] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author, which results in no change to the provisions as notified.

Sub #	Submitter	Submission Points
DPR-0374	RIHL	383
DPR-0384	RIDL	416
DPR-0439	Rayonier Matariki Forests	013, 014

- [116] In relation to the submission points of Rayonier Matariki Forests, we agree with the Section 42A Report author that no purpose is served by amending LFRZ-R16.1.a.iii to refer to plantation forestry activity as defined in the NES-PF. In the CMUZ, plantation forestry is a non-complying activity, and if consent is granted for such an activity to establish then the specifics of the activity would still be managed by NES-PF. We received no expert evidence to the contrary.

3.5.18 Research Activities

- [117] For the following submitter and their submission point, which support TCZ-R8 as notified, we adopt the recommendations and reasons of the Section 42A Report author, which results in no change to the provisions as notified.

Sub #	Submitter	Submission Points
DPR-0373	Foodstuffs South Island Limited & Foodstuffs (South Island) Properties Limited	019

3.5.19 Residential Units and Residential Activities

- [118] For the following submitters and their submission points we agree with and adopt some of the recommendations and reasons of the Section 42A Report author, but do not agree with others, as explained below.

- [119] Consequently, for the following submitters and submission points our recommendations are set out in the table below.

Sub #	Submitter	Submission Point	Accept	Accept in Part	Reject
DPR-0374	RIHL	368	✓		
DPR-0384	RIDL	401	✓		
DPR-0391	Castle Hill Adventure Tours Limited	003		✓	
DPR-0414	Kāinga Ora - Homes & Communities	408, 413, 420		✓	
DPR-0424	Retirement Villages Association of New Zealand Incorporated (RVA)	039, 040		✓	
DPR-0425	Ryman Healthcare Limited	039, 040		✓	

- [120] Several submission points requested amendments to NCZ-R3, LCZ-R3, and TCZ-R3 to make residential units a permitted activity above ground floor level rather than RDIS as notified.
- [121] The Section 42A Report recommended rejecting those submissions on the basis that RDIS is appropriate to ensure that residential developments are designed in such a manner as to ensure the amenity of the residents would not be unduly impinged. This could be assessed by a resource consent process in recognition that the degree of appropriateness and mitigation of a residential development could vary depending on the surrounding environment in the commercial zones and what steps must be taken to protect these activities from reverse sensitivity effects.
- [122] After considering the submissions and evidence from Kāinga Ora, RVA and Ryman, the Panel requested further information to properly assess this matter. In response to our Minute 31 Kāinga Ora provided a supplementary statement of evidence from Mr Jeffries to support permitted activity status. Through Minute 34, comments were then invited from other submitters. RVA and Ryman responded to the effect that they supported permitted activity status for these activities but in particular that retirement villages should be permitted. The Section 42A Report author responded in a report dated 23 November 2022 which confirmed the author's recommendation not to make any changes to the rules.
- [123] In our overall evaluation of this matter we consider that RDIS status is not appropriate and amendments are required to these rules to make them more enabling, in order to be consistent with CMUZ-P3.
- [124] We do however accept that CMUZ-P3 has as its purpose to manage residential activities in the CMUZ. It does this by both enabling them above ground floor level at the same time as *"managing the quality and design of residential units and potential reverse sensitivity effects ..."*. We received no evidence to convince us that this can be achieved by permitted activity status, and in particular we received no suggested performance standards from any of the planning experts on this matter.
- [125] Accordingly, we consider it appropriate at this time for the activity status to be changed to controlled activity, noting this is more enabling than RDIS but still allows for the effects identified in CMUZ-P3 to be assessed and managed. We consider that there is a case, perhaps as part of a future plan change, for residential activities to be further considered to be changed to permitted activity status, but as stated above we received no recommended rules or

performance standards to consider as part of this hearing despite requesting and receiving additional planning evidence on this matter.

3.5.20 Retail Activities

- [126] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0204	JP Singh	041
DPR-0323	Investore Property Limited	003, 012
DPR-0373	Foodstuffs South Island Limited & Foodstuffs (South Island) Properties Limited	019, 025
DPR-0374	RIHL	373
DPR-0384	RIDL	406
DPR-0396	Woolworths New Zealand Limited	013, 108

- [127] There was a substantial amount of evidence called by Woolworths and Foodstuffs requesting a more liberal approach to the provision of supermarkets, including in relation to provision in the LFRZ (i.e. LRFZ-R6).
- [128] Mr Foy's economics evidence for Council agreed with the submitters that the PDP as notified does not sufficiently provide for supermarkets. Mr Foy suggested that enabling Supermarkets in a LFRZ zone would not negatively impact the Key Activity Centre at Rolleston and would provide for future requirements of the growing district. The Section 42A Report author considered it appropriate to amend LFRZ-R6 to provide for supermarkets in the LFRZ, consistent with the outcomes sought in the policy framework and that the change in activity status for supermarkets is still in keeping with LFRZ-O1 which seeks to provide for retail activities with larger floor areas.
- [129] We accept that evidence. We note also that the change to LFRZ-R6 was an agreed outcome of the JWS, prepared in response to the Panel's request, specifically relating to the concerns of both Woolworths and Foodstuffs with Ms Panther Knight, Mr Allan, and Ms Tuilaepa as participants. We note that this will also provide partial relief to the submission points of RIHL and RIDL which sought to amend the activity status from NC to DIS in LFRZ-R6 for both supermarkets and department stores and where a retail activity is less than 450m². We do not accept it is appropriate to change the activity status for retail activities other than supermarkets for the reasons outlined in the Section 42A Report.
- [130] We consider there is no sound basis for increasing the gross floor area requirement for individual retail tenancies as requested by Investore, noting the Section 42A Report's evidence that the 2017 Selwyn Business Zone Policy Assessment, Property Economics recommended the 450m² limit.
- [131] The JWS also recorded agreement to other changes in response to submission points by Woolworths and Foodstuffs, including to LCZ-R9 to enable supermarkets up to 1,000m² area, and we accept all of those agreed changes.
- [132] We accept the s32AA evaluation for these changes provided in both the Section 42A Report and in the Reply Report as being the most appropriate options for achieving the purpose of the RMA, the relevant objectives of this Plan and other relevant statutory documents. The

changes will better provide for the demand for supermarkets in the future, without compromising the purpose and objectives of the LFRZ and the other CMUZs.

3.5.21 Trade Retail and Trade Suppliers

- [133] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0145	Dean Williams, Bunnings Group Limited	006, 008
DPR-0204	JP Singh	042
DPR-0374	RIHL	375
DPR-0384	RIDL	408

- [134] In response to the submission by Bunnings we accept the reasons in the Section 42A Report as to why trade retail and trade supplier activities are, in terms of TCZ-R11, a NC activity in PREC1 and do not accept that DIS status is appropriate. We received no contrary evidence on this point. Precincts are used to manage activities and guide urban design in the TCZ.
- [135] We accept the amendment recommended to LFRZ-R8, in response to submissions by RIHL and RIDL to clarify the rule by removing the obsolete activity status for non-compliance. This minor change does not require a s32AA evaluation.

3.5.22 Visitor Accommodation

- [136] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author, noting this results in no change to the provisions. We agree that the relief sought by Paul & Fay McOscar is not something that can be managed by the PDP.

Sub #	Submitter	Submission Points
DPR-0204	JP Singh	043
DPR-0455	Paul & Fay McOscar	008 - 011

3.5.23 Waste and Diverted Material facilities

- [137] For the following submitters and their submission points, which support LFRZ-R20 as notified, we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0374	RIHL	387
DPR-0384	RIDL	420

3.5.24 New Rules

- [138] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0367	Orion New Zealand Limited ⁹	143, 145, 157, 158-160, 167-169, 171, 177-180
DPR-0373	Foodstuffs South Island Limited & Foodstuffs (South Island) Properties Limited	003, 006

⁹ Commissioner Alexander recused himself from the consideration of this submission due to a conflict of interest.

Sub #	Submitter	Submission Points
DPR-0374	RIHL	366
DPR-0384	RIDL	399
DPR-0396	Woolworths New Zealand Limited	006
DPR-0424	Retirement Villages Association of New Zealand Incorporated (RVA)	035 - 037
DPR-0425	Ryman Healthcare Limited	035 - 037

- [139] As for our earlier finding on Orion's submission, important infrastructure is currently protected through both the Strategic Directions and the Energy and Infrastructure chapters, which aligns with the requirements of the National Planning Standards, and additional support is not necessary in the CMUZ chapter.
- [140] We understood Mr Phillips planning evidence¹⁰ to be that RIHL and RIDL are no longer pursuing the submission seeking additional rules in the LFRZ for on-site public space, temporary activities and public transport facilities.
- [141] In relation to Woolworths' submission point the Section 42A Report has clarified that supermarkets of up to 450m² are a permitted activity in a NCZ (as a 'commercial activity not otherwise listed'), so long as the development complies with the relevant rule requirements. We therefore recommend that no change is required.
- [142] In relation to the submission points of Foodstuffs, we understand from the JWS¹¹ that there is agreement between the planners that there is now no need to expressly provide for supermarkets in the objectives, policies and rules of the PDP for a range of centres, and to provide for supermarkets outside of centres where there is a demonstrated need.
- [143] It is noted the JWS contains some areas of disagreement as to specific provisions, and these are addressed elsewhere in this Recommendation Report. However, the Panel is satisfied that the provisions, as we have recommended to be amended, will generally enable the development of commercial activities including supermarkets in the CMUZ with the right balance to allow for proper assessment of individual proposals in terms of their effects on the CMUZ.
- [144] We have previously addressed the concerns of RVA and Ryman who consider there is a lack of provision for retirement villages in the TCZ, LCZ and NCZ. We accept the evidence in the Section 42A Report that new rules are not necessary to specifically enable retirement villages, however we have earlier in this Recommendation Report recommended a change to make more appropriate provision for residential activity in general.

3.6 Rule Requirements

3.6.1 Servicing

- [145] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0145	Dean Williams, Bunnings Group Limited	008
DPR-0374	RIHL	390

¹⁰ Mr Phillips, EIC, paragraph 8

¹¹ JWS (Planning) dated 25 March 2022, paragraph 19

Sub #	Submitter	Submission Points
DPR-0384	RIDL	423

- [146] In relation to the submission points of RIHL and RIDL we do not support general non-notification clauses are appropriate. We have considered the evidence of Mr Phillips, but in the instance of LFRZ-REQ1, as assessed on its merits, we consider servicing of commercial buildings for reticulated sewerage is important enough to not apply a specific non-notification clause to this rule.

3.6.2 Height

- [147] For the following submitters and their submission points we adopt some of the recommendations and reasons of the Section 42A Report author, in the Reply Report, and do not adopt others, as explained further below.

Sub #	Submitter	Submission Point	Accept	Accept in Part	Reject
DPR-0351	Next Level Developments Ltd - Shane Kennedy	003			✓
DPR-0373	Foodstuffs South Island Limited & Foodstuffs (South Island) Properties Limited	022			✓
DPR-0374	RIHL	391			✓
DPR-0384	RIDL	424			✓
DPR-0414	Kāinga Ora - Homes & Communities	409	✓		
DPR-0414	Kāinga Ora - Homes & Communities	421, 422, 423, 414			✓
DPR-0442	Castle Hill Community Association Inc.	011			✓
DPR-0442	Castle Hill Community Association Inc.	018	✓		

- [148] Several submitters requested changes to the maximum height limits in various zones, as outlined in the Section 42A Report¹². The requested amendments were to generally increase the maximum height limits, the only exception being from Castle Hill Community Association Limited Inc which requested a reduced height limit in the LCZ for any structure that is not a building.
- [149] We heard planning evidence from experts for submitters which can broadly be summarised as seeking consistency with height limits in other zones, following the direction set out by the Medium Density Residential Standards (MDRS) and Policy 3 of the National Policy Statement on Urban Development (NPS-UD) in Rolleston, Lincoln and Prebbleton where relevant residential zones adjoin CMUZs.
- [150] We record that there was very little or no evidence that fully assessed the impact of any changes to maximum permitted height levels on the zones and on adjacent zones, despite some of the requested amendments to the height limits being quite substantial.
- [151] The Section 42A Report included recommendations to accept some of the requested increases to the height limits. However the Reply Report noted that proposed Variation 1 to the PDP affects the height limits in the TCZ PREC 2, 4 and 5, and at Prebbleton, and in the NCZ, and as

¹² S42A Report, sections 12.113 – 12.119

a result it recommended only one change and that was to increase the height limit in the TCZ PREC 2 at Rolleston (from 10m to 12m) to align with permitted height limits in an adjoining zone. However, other than that observation, we did not receive any detailed evidence from any party as to the effects of increasing the height limit in that zone or in any other CMUZs.

- [152] As a general proposition we agree with the Reply Report where it acknowledges (in relation to the other submission points) that it is uncertain what approach Council will take to apply the MDRS provisions to the PDP.
- [153] Accordingly, this Panel considers it is not in a position to make any changes, at this time, to the maximum permitted height limits in any of the CMUZs noting also that any changes would need to be justified in terms of s32AA, which seems difficult in the absence of any detailed evidence as to effects.

3.6.3 Height in Relation to Boundary

- [154] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author, which results in no changes to these provisions.

Sub #	Submitter	Submission Points
DPR-0126	Foster Commercial	012, 016–019, 023-025,
DPR-0374	RIHL	392
DPR-0384	RIDL	425
DPR-0414	Kāinga Ora - Homes & Communities	410, 415, 424

- [155] In relation to the submission of Foster Commercial we acknowledge the height in relation to boundary rule (i.e. 'HRTB') is not implicitly stated in TCZ-REQ3, LCZ-REQ3, NCZ-REQ3 nor LFRZ-REQ3. There is a need for Plan users to refer to APP3 to determine how this applies to the various zones, and we agree with the Section 42A Report author that this is more efficient than making specific reference in each of the zone rules.
- [156] We also note that the HRTB requirements currently only apply to internal boundaries within the CMUZ (as stated in height in relation to boundary 'C'), and that these are used as an alternative to setbacks in the CMUZ with a range of matters able to be assessed. There is therefore no need to amend the rule requirements further as requested by Foster Commercial.
- [157] The planning evidence of Mr Phillips for RIHL and RIDL was that LFRZ-REQ3 should be deleted as the LFRZ is similar to the GIZ where such restrictions do not apply. We accept the Section 42A Report evidence that the LFRZ is intended to be more commercial in nature and the amenity for pedestrians is more closely managed than in an industrial Zone. Whilst large format type buildings are permitted in the LFRZ they also attract customers for which some level of amenity is an important consideration, noting that a resource consent process is available for any proposals seeking to breach the relevant HRTB which is not considered onerous in the context of a LFRZ development.
- [158] We do not accept the requests made by Kāinga Ora to delete TCZ-REQ3, LCZ-REQ3 and NCZ-REQ3 until such a time that a full review of the provisions is undertaken, noting the Section 42A Report's advice that the District Plan Review undertook an in-depth review of these provisions.

3.6.4 Setbacks

- [159] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author, including in the Reply Report.

Sub #	Submitter	Submission Points
DPR-0374	RIHL	393, 394
DPR-0384	RIDL	426, 427
DPR-0458	KiwiRail Holdings Limited (KiwiRail)	056

- [160] We accept the recommended amendment to LFRZ-REQ4 is appropriate to require a reduced road boundary setback of 5m, as opposed to 10m, with no setback being required where active frontage is provided. We understand the planning evidence of Mr Phillips¹³ for RIHL and RIDL accepts the recommended wording.
- [161] We agree with the Section 42A Report author that a general non-notification clause is not appropriate, and with respect to road setbacks we consider this is a matter that can affect third parties from a wider amenity perspective.
- [162] We note here that the JWS (Planning) records agreement of all the planners that all rule requirement infringements (with the exception of infringements for height and HRTB infringements) ought to be processed without public notice but may still require limited notification or the provision of written approval by affected parties. However we note also that the Section 42A Report author did not carry that through as a recommendation in the Reply Report for the set back rule requirements. The Panel does not agree that minimum building setbacks are a matter that should have a standard non-notification clause applied as these could potentially influence the character of the zones and should be available for potential wider public scrutiny.
- [163] We accept the recommended amendment to TCZ-REQ4 in response to the submission of KiwiRail to provide a 5 metre setback where the internal boundary of the site adjoins the rail corridor, however we have simplified the wording as recommended by the submitter.
- [164] We consider these changes are appropriate in terms of s32AA of the RMA as they provide more flexibility and efficiency of use of land, and will better achieve the objectives and policies of the zones with respect to amenity outcomes.

3.6.5 Fencing and Outdoor Storage Areas

- [165] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author, and in the Reply Report.
- [166] We note that the recommendations were amended as a result of the agreed outcomes of all participating planners in the JWS (Planning) including the Section 42A Report author, however these were not all reflected in the Reply Report and in the amendments in Appendix 1 of the Reply Report. For clarity as to our recommendations the key matters are explained further below.

Sub #	Submitter	Submission Points
DPR-0145	Dean Williams, Bunnings Group Limited	009
DPR-0374	RIHL	395. 396

¹³ Mr Phillips, EIC, paragraph 8

Sub #	Submitter	Submission Points
DPR-0384	RIDL	428, 429
DPR-0396	Woolworths New Zealand Limited	007, 014, 019

- [167] In the Reply Report the Section 42A Report author modified the recommendation with respect to submissions by RIHL, RIDL and Woolworths to amend the activity status relating to fencing and outdoor storage in several zones from DIS to RDIS where the rule requirement for the fencing and outdoor storage area is breached. This was also agreed in the JWS (Planning). We accept those amendments are appropriate, noting that breaches of the rule will likely lead to quite localised effects which can be more efficiently assessed as RDIS.
- [168] The JWS (Planning) also records agreement of all the planners that all rule requirement infringements (with the exception of infringements for height and HRTB infringements) ought to be processed without public notice but may still require limited notification or the provision of written approval by affected parties. However we note also that the Section 42A Report author did not carry that through as a recommendation in the Reply Report for the rule requirements. The Panel agrees that fencing and outdoor storage areas is a matter that should have a standard non-notification clause applied as breaches of the rule will have only very localised effects that do not warrant full public notification.
- [169] We consider these changes are appropriate in terms of s32AA of the RMA as they provide more flexibility and efficiency of use of land, and will better achieve the objectives and policies of the zones with respect to amenity outcomes.

3.6.6 Landscaping

- [170] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author, including in the Reply Report.
- [171] We note that the recommendations were amended as a result of the agreed outcomes of all participating planners in the JWS (Planning) including the Section 42A Report author, however these were not all reflected in the Reply Report and in the amendments in Appendix 1 of the Reply Report. For clarity as to our recommendations the key matters are explained further below.

Sub #	Submitter	Submission Points
DPR-0204	JP Singh	046
DPR-0386	Rolleston Square Limited	006
DPR-0374	RIHL	397, 398
DPR-0384	RIDL	430, 431
DPR-0396	Woolworths New Zealand Limited	008, 015, 020

- [172] In the Reply Report the Section 42A Report author modified her recommendation with respect to submission by RIHL, RIDL and Woolworths to amend the activity status relating to landscaping rule requirements in several zones from DIS to RDIS where the rule requirement for landscaping provision is breached. This was also agreed in the JWS (Planning). Accordingly, we accept that amendment as appropriate, noting that breaches of the rule will likely lead to quite localised effects which can be more efficiently processed as RDIS.
- [173] The JWS (Planning) also records agreement of all the planners that all rule requirement infringements (with the exception of infringements for height and HRTB infringements) ought

to be processed without public notice but may still require limited notification or the provision of written approval by affected parties. However we note also that the Section 42A Report author did not carry that through as a recommendation in the Reply Report for the rule requirements. The Panel agrees that landscaping requirement for a minimum width of 2 metres along boundaries adjoining a residential zone is a matter that should have a standard non-notification clause applied as breaches of the rule will have only very localised effects that do not warrant full public notification.

- [174] We heard no evidence to support JP Singh's submission seeking to exempt certain properties from the rule requirement, and we accept the Section 42A assessment of that.

3.6.7 Active Frontage

- [175] For the following submitters and their submission points we agree with and generally adopt the recommendations and reasons of the Section 42A Report author, noting that we understood the recommendations were amended as a result of the agreed outcomes of all participating planners in the JWS (Planning) including the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0126	Foster Commercial	010
DPR-0204	JP Singh	047, 048
DPR-323	Investore Property Limited	008
DPR-0373	Foodstuffs South Island Limited & Foodstuffs (South Island) Properties Limited	012, 026
DPR-0396	Woolworths New Zealand Limited	009, 016, 020

- [176] In relation to submission points of Foster Commercial and JP Singh we accept the evidence of the Section 42A Report author, supported by evidence of Council's urban design advisor (Ms Wolfer) that the integration of active frontage in NCZ is an appropriate method to meet the expected outcome of creating an attractive environment that is compatible and complementary within, in the case of Neighbourhood Centres, its residential surroundings. The intention of the provision is not to prohibit signage or the painting of windows, but to protect the transparent glazing that was required at the time a building was established to provide active frontage to enhance the safety and amenity of commercial areas.
- [177] However we have recommended some amendments to the relevant active frontage rule requirements which will provide more clarity for plan users as to what the provisions are trying to achieve and should limit the occasions where a resource consent would be needed.
- [178] In the Reply Report the Section 42A Report author modified the recommendation with respect to submissions so as to amend the activity status from DIS to RDIS where the rule requirement for active frontage provision is breached. This was also agreed in the JWS (Planning). Accordingly, we accept that amendment as appropriate, noting that breaches of the rule will likely lead to quite localised effects which can be more efficiently processed as RDIS.
- [179] The JWS (Planning) also recorded agreement of the three participating planners (including two planners representing Woolworths and Foodstuffs) as to an amended rule framework for active frontages. We accept that evidence and in particular the acceptance that supermarkets should not be specifically excluded from that amended rule (as originally requested in those submissions and in the submission of Investore Property Limited). We consider the amendments should go at least some way towards providing the relief sought by Investore.

3.6.8 Alpine Design

- [180] For the following submitter and their submission points we adopt the recommendations and reasons of the Section 42A Report author including in the Reply Report, as explained below.

Sub #	Submitter	Submission Points
DPR-0442	Castle Hill Community Association Inc.	007, 009, 012, 015

- [181] The Section 42A Report advised that coloured corrugated metal sheeting is widely used in Castle Hill and corrugated iron is a commonly used material in commercial centres.

- [182] However, the Reply Report changed that recommendation. It advised that:

On review of the ODP and background information relating to such provisions, I confirm that the ability to use coloured corrugated iron as a wall cladding is not consistent with the Alpine Design provisions in the ODP as they apply to Castle Hill in terms of both residential and commercial developments.

- [183] Based on the evidence of Mr Reid for the submitter, and in the Reply Report, we are therefore satisfied that coloured corrugated metal sheeting should be removed from the list of cladding materials able to be used in the LCZ at Castle Hill (i.e. in LCZ-REQ8.1.c), and so this submission point is accepted.

- [184] We consider an amendment is however required to be made to clause (d) of that rule requirement, as requested by the submitter, to clarify that reflectivity clause does not apply to windows.

3.6.9 Location of Car Parking

- [185] For the following submitters and their submission points we agree with and generally adopt the recommendations and reasons of the Section 42A Report author, noting that we understood the recommendations were amended as a result of the agreed outcomes of all participating planners in the JWS (Planning) including the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0126	Foster Commercial	011
DPR-0396	Woolworths New Zealand Limited	010, 017
DPR-0323	Investore Property Limited	010
DPR-0373	Foodstuffs South Island Limited & Foodstuffs (South Island) Properties Limited	013
DPR-0386	Rolleston Square Limited	007

- [186] These submission points relate to the rule requirements for car parking to be provided at the rear of a site, or at least not in the frontage area where it is visible from the road. The relief requested was to exempt supermarkets from this requirement, and/or to change the activity status from DIS to RDIS.

- [187] The Section 42A Report supported the rule requirements as notified, based on the urban design evidence of Ms Wolfer, who also provided some examples of where supermarkets had been designed with carparking located away from the frontage areas (as part of the Reply Report).

- [188] The submitters provided planning evidence, including through Ms Panther Knight and Mr Allan, as to why this rule was not appropriate for supermarkets. However, as part of the JWS

(Planning) agreement was reached between the above mentioned planners and the reporting officer Ms Tuilaepa, that the rule requirements should be amended to change the activity status to RDIS and some matters for assessment were also agreed upon. This is not fully explained in the Reply Report, but the JWS records the agreement of all the participating planners (including Ms Tuilaepa) to these amendments.

[189] The Section 42A Report author also included a recommended amendment to NCZ-REQ7, in response to Foster Commercial, to clarify the restriction applies to the primary frontage and that where a building has two frontages the developer may nominate which façade is the primary one. We accept that as reasonable clarification.

[190] The Panel agrees with the evidence on this point, and as recorded in the JWS.

3.7 Matters of Control or Discretion

3.7.1 CMUZ-MAT1

[191] For the following submitters and their submission points we do not accept the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Point	Accept	Accept in Part	Reject
DPR-0358	RWRL	377		✓	
DPR-0363	IRHL	349		✓	
DPR-0374	RIHL	355		✓	
DPR-0384	RIDL	385		✓	
DPR-0414	Kāinga Ora - Homes & Communities	398		✓	

[192] Mr Phillips, in planning evidence for RIDL, RIHL, IRHL and RWRL supported an amendment to CMUZ-MAT1 as notified to remove the consideration of the economic effect a proposal might have on a TCZ. His reasons were that positive economic effects remain a relevant consideration for applications irrespective of assessment matters and restricted discretion. Mr Akehurst's evidence was that the relevant adverse economic effects for consideration are already captured by CMUZ-MAT1.2.

[193] As part of the Reply Report, Mr Foy provided additional comment to the effect that he considered clause (1) of CMUZ-MAT1 is unnecessary. We understood that the Section 42A Report author did not disagree with Mr Foy, but she did not include this change in the Reply Report.

[194] We accept that the relevant adverse economic effects for consideration are captured by CMUZ-MAT1.2, and so CMUZ-MAT1.1 can be deleted, and it does not require a s32AA evaluation.

3.7.2 CMUZ-MAT2

[195] For the following submitter and their submission point we adopt the recommendations and reasons of the Section 42A Report author including in the Reply Report, as explained below.

Sub #	Submitter	Submission Points
DPR-0414	Kāinga Ora - Homes & Communities	398

[196] Mr Jeffries, in planning evidence for Kāinga Ora supported deletion of CMUZ-MAT2, as a consequence of the submitter's request to amend Rule 3 in each of the three centre zones in

order to make residential units a permitted activity rather than a restricted discretionary activity.

- [197] The Panel has not accepted the submitter's requests regarding permitted activity status for residential activities, as discussed earlier in this report. We have recommended amendments to the activity status from RDIS to CON and therefore CMUZ-MAT2 should be retained to assist with the assessment of applications for resource consent.
- [198] However, we recommend that Council reviews CMUZ-MAT2 in future, as it is generic to both RDIS and CON, and should ideally be refined to clarify the matters that should apply solely to controlled activities and those that apply solely to restricted discretionary activities.

3.7.3 CMUZ-MAT3

- [199] For the following submitters and their submission points we do not accept all the recommendations and reasons of the Section 42A Report author but do accept others, as explained below.

Sub #	Submitter	Submission Point	Accept	Accept in Part	Reject
DPR-0358	RWRL	378	✓		
DPR-0363	IRHL	350	✓		
DPR-0374	RIHL	356	✓		
DPR-0384	RIDL	386	✓		
DPR-0396	Woolworths New Zealand Limited	012	✓		
DPR-0414	Kāinga Ora - Homes & Communities	400	✓		

- [200] We accept that although CMUZ-MAT3 is not currently applicable in LFRZ it does not need to be specifically excluded, consistent with the approach throughout the PDP. We understand Mr Phillips, in planning evidence¹⁴, accepted the Section 42A recommendation to retain the provision as notified.
- [201] We accept the submission point of Kāinga Ora to amend CMUZ-MAT3.1.d by removing the reference to 'human scale'. The Section 42A Report did not agree with this request. However, we agree with Mr Jeffries' planning evidence that the reference to human scale in this assessment matter may give the impression that developments at a greater height are not appropriate, which may be incongruous with the maximum permitted height limits in these zones which do encourage higher development than what might be termed 'human scale'. This amendment will contribute to making centres a vibrant focal point for communities.

3.7.4 CMUZ-MAT4

- [202] For the following submitters and their submission points we accept the recommendations and reasons of the Section 42A Report author, with some amendments made to the recommended wording of the new assessment matter clause.

Sub #	Submitter	Submission Points
DPR-0101	Chorus New Zealand Limited, Spark New Zealand Trading Limited & Vodafone New Zealand Limited	046
DPR-0358	RWRL	379
DPR-0363	IRHL	351

¹⁴ Mr Phillips, EIC, para 8

Sub #	Submitter	Submission Points
DPR-0374	RIHL	357
DPR-0384	RIDL	387
DPR-0414	Kāinga Ora - Homes & Communities	401

[203] We accept that, in response to the submission point by Chorus and others, it is appropriate to consider the potential effect of an increase in building height on important infrastructure. We have recommended simplifying the recommended wording of new clause 3 to refer more broadly to the reverse sensitivity effects on important infrastructure where the height limit is breached.

[204] We accept the submission point of Kāinga Ora, supported by the Section 42A Report, that clause 4.1. sufficiently enables Council to consider the effect of the height limit breach on the receiving environment and character of the area, and therefore clause 4.2 is unnecessary and can be deleted.

3.7.5 CMUZ-MAT5

[205] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author, which results in no changes to this provision.

Sub #	Submitter	Submission Points
DPR-0358	RWRL	380
DPR-0363	IRHL	352
DPR-0374	RIHL	358
DPR-0384	RIDL	388
DPR-0414	Kāinga Ora - Homes & Communities	402

[206] Consistent with our earlier recommendations with respect to height in relation to boundary provisions, which we consider are appropriate in the CMUZ, we do not consider a full review of the relevant matters for control or discretion is required. We further agree that CMUZ-MAT5 allows flexibility for appropriate residential development in these zones.

3.7.6 CMUZ-MAT6

[207] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0358	RWRL	381
DPR-0363	IRHL	353
DPR-0374	RIHL	359
DPR-0384	RIDL	389
DPR-0414	Kāinga Ora - Homes & Communities	403
DPR-0458	KiwiRail Holdings Limited (KiwiRail)	069

[208] We do not accept that there is any requirement to transpose the language of the NPS-UD directly into CMUZ-MAT6. We consider the wording as notified sets out clearly what the relevant considerations are and they are all valid considerations regarding the impact of reduced setbacks on the amenity of the area.

- [209] We have earlier accepted a submission by KiwiRail for a building set back requirement from the rail corridor and it is therefore appropriate to also include an associated matter of discretion.

3.7.7 CMUZ-MAT7

- [210] For the following submitters and their submission points we adopt some of the recommendations and reasons of the Section 42A Report author but not others, as explained below.

Sub #	Submitter	Submission Point	Accept	Accept in Part	Reject
DPR-0358	RWRL	382		✓	
DPR-0363	IRHL	354		✓	
DPR-0374	RIHL	360		✓	
DPR-0384	RIDL	390		✓	
DPR-0414	Kāinga Ora - Homes & Communities	404		✓	

- [211] We accept the Section 42A author's advice that clause 2 of CMUZ-MAT7 covers the visual dominance effects and that the intention was to consider the potential impact on residential activities within CMUZ as well as adjoining residential zones. We therefore do not accept Kāinga Ora's request for amendment so that this matter would relate only to the amenity outcomes in neighbouring residential zones.
- [212] However, we agree with Mr Jeffries' evidence (in support of further submissions by RIHL and RIDL) that clause 1 is too open-ended and should be amended to provide more guidance on the types of (visual dominance) effects that are intended to be addressed in CMUZ-MAT7, which relate specifically to site coverage.
- [213] Whilst we acknowledge there is no particular rule in these zones relating to site coverage, we consider there is no scope to delete CMUZ-MAT7 but have nevertheless recommended some wording changes in partial acceptance of Kāinga Ora's submission point.

3.7.8 CMUZ-MAT8

- [214] For the following submitter and their submission point we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0414	Kāinga Ora - Homes & Communities	405

- [215] The matter raised by the submitter has been corrected via a clause 16(2) amendment process.

3.7.9 New Matters for Control or Discretion

- [216] For the following submitter and their submission point we adopt the recommendations and reasons of the Section 42A Report author in the Reply Report, in reflection of the agreed outcomes of the JWS (Planning).

Sub #	Submitter	Submission Points
DPR-0396	Woolworths New Zealand Limited	011

- [217] The recommended amended provisions are essentially more refined and targeted matters for control or discretion which are a consequence of the other changes agreed in the JWS

(Planning) and are recorded in the Reply Report. These include matters for fencing and outdoor storage, landscaping, active frontage, and location of car parking.

- [218] The Reply Report records that no s32AA evaluation is required for these new assessment matters. However, the Panel considers that if an assessment is required then the new provisions are warranted as they are a consequence of changes made to the rules, and they provide clarity and efficiency in the processing of consents under these provisions.

3.8 Maps

- [219] For the following submitters and their submission points we adopt some of the recommendations and reasons of the Section 42A Report author and do not accept others, as set out in the Table below.

Sub #	Submitter	Submission Point	Accept	Accept in Part	Reject
DPR-0373	Foodstuffs South Island Limited & Foodstuffs (South Island) Properties Limited	010, 016, 021, 024	✓		
DPR-0445	Rebecca Bennett	002		✓	

- [220] We note that the Rezoning Hearing Panel (Eastern Selwyn Commercial and Industrial – Hearing 30.8) has recommended rejecting Rebecca Bennett’s request for rezoning of the site at Lot 270 DP 81713, at 3 Markham Way, Rolleston. On that basis we consider there is no need to realign the PREC boundaries as requested by the submitter.
- [221] With respect to the Foodstuff’s submission points, the officer recommending accepting the submission points (which were in support of the TCZ in Darfield, Lincoln and Rolleston and the LCZ at West Melton as notified). However we note that some changes were recommended by the various Rezoning Hearing Panels (Eastern Selwyn Commercial and Industrial – Hearing 30.8, Rolleston – Hearing 30.1, and West Melton – Hearing 30.6) and so our recommendations are to accept in part those submissions to be consistent with their recommendations.

4 Other Matters

- [222] The recommended amendments to the PDP provisions contained in Appendix 1 are those that result from this Hearing Panel’s assessment of submissions and further submissions. However, readers should note that further or different amendments to these provisions may have been recommended by:
- Hearing Panels considering submissions and further submissions on other chapters of the PDP;
 - the Hearing Panels considering rezoning requests, and
 - the Independent Hearing Panel (IHP) considering submissions and further submissions on Variation 1 to the PDP
- [223] Any such further or different amendments are not shown in Appendix 1 of this Recommendation Report. However, the Chair¹⁵ and Deputy Chair¹⁶ of the PDP Hearing Panels

¹⁵ Who is also the Chair of the IHP.

¹⁶ Who chaired one stream of hearings.

have considered the various recommended amendments and have ensured that the overall final wording of the consolidated version of the amended PDP is internally consistent.

- [224] In undertaking that 'consistency' exercise, care was taken to ensure that the final wording of the consolidated version of the amended PDP did not alter the intent of the recommended amendments contained in Appendix 1 of this Recommendation Report.
- [225] There are no other matters arising from our consideration of the submissions and further submissions or that arose during the hearing.

Appendix 1: Recommended Amendments

Note to readers: Only provisions that have recommended amendments are included below. All other provisions remain as notified. Amendments recommended by the Section 42A Report author that have been adopted by the Hearing Panel are shown in strike out and underlining. Further or different amendments recommended by the Hearing Panel are shown in strike out, underlining and red font.

Amendments to the PDP Maps

There are no amendments recommended to PDP Planning Maps arising from our recommendations on the submissions and further submissions covered by this Recommendation Report.

Amendments to the PDP Text

Part 1 – Introduction and General Provisions

Interpretation

Definitions	
DEPARTMENT STORE	A retail activity that uses land and/or buildings for displaying or offering many varieties of goods in different departments for sale to the public, with a focus on supplying goods in three or more of the following categories: <ul style="list-style-type: none"> a. homewares; b. furniture; c. clothing; d. footwear; e. electronics; f. appliances; g. sporting and leisure equipment; h. toys; and i. cosmetics; <u>and</u> j. <u>food and groceries</u>¹⁷.
RETAIL ACTIVITY	A commercial activity that uses land and/or buildings for displaying or offering goods for sale <u>to the public</u> ¹⁸ . It includes supermarkets and department stores, but excludes food and beverage outlets, drive through facilities and trade retail and trade suppliers.

¹⁷ DPR-0358.015 RWRL, DPR-0363.014 IRHL, DPR-0374.020 RIHL and DPR-0384.022 RIDL

¹⁸ DPR-0358.050 RWRL, DPR-0363.055 IRHL, DPR-0374.049 RIHL and DPR-0384.057 RIDL

Definitions	
SUPERMARKET	A retail activity that uses land and/or buildings for displaying or offering a comprehensive <u>broad</u> ¹⁹ range of food, beverage and other disposable goods such as fresh meat and produce; chilled, frozen, packaged, canned and bottled foodstuffs and beverages; and housekeeping and other personal items for sale to the public.

Part 3 – Area Specific Matters

Zones

Commercial and Mixed Use Zones

CMUZ – Commercial and Mixed Use Zones

CMUZ-Objectives and Policies

CMUZ-Objectives	
CMUZ-O6	That the scale and density of development in building heights and density of urban form 'Commercial and Mixed Use Zones' is proportionate to the function of the applicable zone and reinforces that centres are focal points for the community ²⁰ . reflect the demand for a predominantly low density form of commercial, retail, and residential activity
CMUZ-Policies	
CMUZ-P1	Avoid activities locating within any 'Commercial and Mixed Use Zone' that <u>have effects that</u> are incompatible with the character and function of that zone; and where located in a Local Centre, Large Format Retail or Neighbourhood Centre Zone are of a scale or nature that would adversely affect the viability and function of the Town Centre Zone, including individual and cumulative adverse <u>retail</u> distributional and urban form effects ²¹ .
CMUZ-P2	Enable low density ²² commercial and retail activities in commercial zones that contribute to the function and planned urban built form of the zone.
CMUZ-P5	... 2. Ensuring that buildings and structures do not unduly shade or dominate adjoining <u>residential zoned</u> properties.... ²³

CMUZ-Matters for Control or Discretion

CMUZ-MAT1	Economic Impacts
	1. —The economic impacts on the Town Centre Zone. ²⁴

¹⁹ DPR-0358.055 RWRL, DPR-0363.054 IRHL, DPR-0374.060 RIHL and DPR-0384.062 RIDL

²⁰ DPR-0414.392 Kāinga Ora

²¹ DPR-0396.004 Woolworths

²² DPR-0414.394 Kāinga Ora

²³ DPR-0414.397 Kāinga Ora

²⁴ DPR-0358.377 RWRL, DPR-0363.349 IRHL, DPR-0374.355 RIHL, DPR-0384.385 RIDL

	2. The extent to which the scale of the activity adversely affects the viability and function of the Town Centre Zone, including individual and cumulative adverse distributional and urban form effects.
CMUZ-MAT3	Urban Design
	1. The extent to which the development incorporates good urban design principles, including: d. Provides a human scale and m Minimises ²⁵ building bulk through
CMUZ-MAT4	Height
	1. The extent to which the location, design, scale, and appearance (including reflectivity) of the building or structure mitigates the visual impact of exceeding the height limit. 2. The extent to which the building or structure is visible from the road, residential or rural zones. ²⁶ 3. 2. The extent to which the increase in height is necessary due to the functional requirements of an activity. 3. Any reverse sensitivity effects on important infrastructure where the zone height standard is exceeded. ²⁷
CMUZ-MAT6	Setbacks
	... 5. Whether a reduced setback from boundaries with in the rail corridor will enable buildings, balconies, or decks to be constructed or maintained without requiring access above, on, or over the railway corridor. ²⁸
CMUZ-MAT7	Site Coverage
	1. Any adverse visual dominance ²⁹ effects of the building or redevelopment on the amenity of the adjoining or nearby residential areas.
CMUZ-MAT8a	<u>Landscaping</u>
	1. The extent to which reduced landscaping results in adverse effects on amenity and visual streetscape values. 2. The extent to which the reduced landscaping is opposite any residential or open space and recreation zones, and the effects of any reductions in landscaping on the amenity values and outlook of those zones. 3. The extent to which the visual effects of reduced landscaping are mitigated through the location of ancillary offices, showrooms, the display of trade supplier or yard-based goods for sale, along the site frontage. 4. Measures to mitigate adverse effects associated with the above matters ³⁰
CMUZ-MATb	<u>Fencing and Outdoor Storage</u>
	1. The extent to which the infringement results in adverse effects on amenity and visual streetscape values. 2. The extent to which the infringement results in adverse effects on the safety and efficiency of loading and parking areas. 3. The size and location of storage area relative to the activity it is related to and the way in which the storage area achieves the intent of this standard.

²⁵ DPR-0414.400 Kāinga Ora

²⁶ DPR-0414.401 Kāinga Ora

²⁷ DPR-0101.046 Chorus

²⁸ DPR-0458.069 KiwiRail

²⁹ DPR-0414.404 Kāinga Ora

³⁰ DPR-0374.395 and 396 RIHL, DPR-0384.428 and 429 RIDL and DPR-0396.007 Woolworths

	4. Measures to mitigate adverse effects associated with the above matters. ³¹
CMUZ-MATc	Active Frontage
	<u>1. The extent to which the infringement results in adverse effects on amenity, centre character and visual streetscape values.</u> <u>2. The design and location of the building having regard to the operational and functional requirements of the activity to be accommodated.</u> <u>3. The extent to which the design of the building achieves the intent of the standard by other means, to enable passive surveillance and promote pedestrian safety and amenity.</u> <u>4. The extent to which Crime Prevention Through Environmental Design (CPTED) principles are incorporated.</u> <u>5. Measures to mitigate adverse effects associated with the above matters.</u> ³²
CMUZ-MATd	Location of Car parking
	<u>1. The extent to which the infringement results in adverse effects on amenity, centre character and visual streetscape values.</u> <u>2. The design and location of the car parking having regard to the operational and functional requirements of the activity to be accommodated.</u> <u>3. The extent to which the infringement results in adverse effects on the safety and efficiency of loading and parking areas.</u> <u>4. The extent to which the location of car parking achieves the intent of the standard by other means, to promote pedestrian safety and amenity.</u> <u>5. The extent to which Crime Prevention Through Environmental Design (CPTED) principles are incorporated.</u> <u>6. Measures to mitigate adverse effects associated with the above matters.</u> ³³

TCZ – Town Centre Zone

TCZ-Objectives and Policies

TCZ-Objectives	
TCZ-O1	The Town Centre Zone is the primary focus for commercial activities within the district and provides a diverse range of commercial activities, along with <u>residential</u> , recreation, cultural and community activities and civic services, with associated residential activity ³⁴
TCZ-Policies	
TCZ-P1	Enable a range of commercial activities, <u>residential activities</u> ³⁵ , visitor accommodation, recreational, cultural, community activities, and public amenities to establish and operate within the Town Centre Zone.
TCZ-P3	Ensure buildings are set back an appropriate distance from identified boundaries to maintain privacy and outlook for residents and to maintain the character of the area in which they are located contribute to the planned urban form. ³⁶

³¹ DPR-0396.011 Woolworths³² DPR-0396.011 Woolworths³³ DPR-0396.011 Woolworths³⁴ DPR-0414.414 Kāinga Ora³⁵ DPR-0414.417 Kāinga Ora³⁶ DPR-0414.419 Kāinga Ora

TCZ-Rules

TCZ-Rule List		
...		
TCZ-R16	<u>Community Correction Activities</u>	
TCZ-RX	<u>Corrections Prison</u>	
...		
TCZ-R1	Any buildings that are not otherwise listed in TCZ-R3	
TCZ (Darfield and Leeston)	Activity Status: PER ... 3. Any addition <u>to, or structural</u> modification <u>to the exterior of</u> , ³⁷ an existing building... Where: a. The development building ³⁸ has a total gross floor area of less than 450m ²
TCZ (Lincoln and Rolleston) <u>PREC1</u> <u>PREC2</u> <u>PREC4</u> <u>PREC5</u>	Activity Status: PER ... 10. Any addition <u>to, or structural</u> modification <u>to the exterior of</u> , ³⁹ an existing building... Where: a. The development building is located in Rolleston Core Precinct PREC1; or b. The development, building ⁴⁰ , located in Rolleston Fringe Precinct PREC2 or Lincoln Core Precinct PREC4 or Lincoln Fringe Precinct PREC5 has a total gross floor area of less than 450m ²
TCZ-R3	Residential Units	
	Activity Status: RDIS <u>CON</u> ⁴¹	...

³⁷ DPR-0323.009 Investore³⁸ DPR-0204.036 JP Singh and DPR-0323.009 Investore³⁹ DPR-0323.009 Investore⁴⁰ DPR-0204.036 JP Singh and DPR-0323.009 Investore⁴¹ DPR-414.408 Kainga Ora

	<p>3. The erection of one or more residential units; or</p> <p>4. The conversion of all or part of a non- residential existing building into a residential unit,</p> <p>Where:</p> <p>a. ... ; and</p> <p>And the activity complies with the following rule requirements:</p> <p>...</p> <p>Matters for discretion control:</p> <p>6. The exercise of discretion control in relation to TCZ-R3.3.a., and TCZ-R3.4.a. is restricted to reserved over the following matters:</p> <p>a. CMUZ-MAT2 Residential Activities in CMUZ Matters for control or discretion</p> <p>b. CMUZ-MAT3 Urban Design in CMUZ Matters for control or discretion</p>	<p>Activity Status where compliance not achieved:</p> <p>6. When compliance with any of TCZ-R3.3.a. or TCZ-R3.4.a. is not achieved: NC</p> <p>7. When compliance with any rule requirement listed in this rule is not achieved: Refer to TCZ-Rule Requirements</p>
TCZ-R7	Office Activities	
	<p>...</p> <p>Where the activity complies with the following rule requirements:</p> <p>TCZ-REQ1 Servicing</p> <p>TCZ-REQ2 Height</p> <p>TCZ-REQ3 Height in relation to boundary⁴²</p> <p>TCZ-REQ5 Fencing and outdoor storage areas</p> <p>TCZ-REQ8 Active frontage...</p>	...
TCZ-R16	Community Corrections Activities	
	<p>Activity Status: PER</p> <p>1. Any <u>community</u> corrections activity ⁴³</p> <p>...</p>	<p>... Activity status when compliance not achieved:</p> <p>2. When compliance with any of TCZ-16.1.a. is not achieved: NC⁴⁴</p> <p>...</p>
TCZ-RX	Corrections Prison	
	Activity Status: NC	Activity status when compliance not achieved:

⁴² DPR-0204.039 and 040 JP Singh

⁴³ DPR-0300.011, 012, 013 and 014 Ara Poutama Aotearoa

⁴⁴ DPR-0300.011, 012, 013 and 014 Ara Poutama Aotearoa

	<u>Any Corrections Prison⁴⁵</u>	<u>N/A</u>
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TCZ-Rule Requirements

TCZ-REQ4	Setbacks	
	5. Any building or structure shall be set back 5m where the internal boundary of the site is with from the rail corridor.	<p>Activity status when compliance not achieved: 6. Where compliance with any of TCZ-REQ4.5. is not achieved: <u>RDIS</u></p> <p>Matters for discretion: 7. The exercise of discretion in relation to TCZ-REQ4.6. is restricted to the following matters: a. <u>CMUZ-MAT6 Setbacks⁴⁶</u></p>
TCZ-REQ5	Fencing and Outdoor Storage Areas	
	1. No road boundary fence...	<p>Activity status when compliance not achieved: 7. Where compliance with any of TCZ-REQ5. is not achieved: DIS <u>RDIS</u></p> <p>Matters for discretion: 8. The exercise of discretion in relation to TCZ-REQ5.7. is restricted to the following matters: a. <u>CMUZ-MATb Fencing and Outdoor Storage⁴⁷</u></p>
TCZ-REQ7	Landscaping	
	1. Except where the site is located in:...	<p>Activity status when compliance not achieved: 2. Where compliance with any of TCZ-REQ7.1. is not achieved: <u>RDIS</u> DIS</p> <p>Matters for discretion: 3. The exercise of discretion in relation to TCZ-REQ7.2. is restricted to the following matters: a. <u>CMUZ-MATx Landscaping</u></p>
TCZ-REQ8	Active Frontage	
	<p>1. In relation to new developments:</p> <p>a. the primary frontage must incorporate active frontage which results in at least 50% of the development's façade ground floor level being transparent glazing.</p>	<p>Activity status when compliance not achieved: 34. Where compliance with any of TCZ-REQ8.1. or TCZ-REQ8.2. or TCZ-REQ8.3. is not achieved: DIS <u>RDIS</u></p>

⁴⁵ DPR-0300.011, 012, 013 and 014 Ara Poutama Aotearoa

⁴⁶ DPR-0458.056 KiwiRail

⁴⁷ DPR-0396.019 Woolworths

	<p>b. If the development includes a secondary frontage, active frontage resulting in at least 60% of the combined primary frontage and secondary frontage, with a minimum of 10% of the secondary frontage at ground floor level, must be transparent glazing.</p> <p>2. In relation to existing developments: Where a façade overlooks on-site public space, or a road, or other area where the public have legal right of access, 80% of existing transparent glazing must be retained as active frontage.</p> <p>3. Transparent glazing may not be obscured by being boarded up, painted, or covered by signage or obscured by other means.</p> <p>1. Any new commercial building:</p> <p>a. The primary frontage must contain at least 50% active frontage at ground floor level. The secondary frontage must contain at least 10% active frontage at ground floor level.</p> <p>2. Any existing commercial building:</p> <p>a. For any structural modification to an existing commercial building the primary frontage must contain either at least 50% active frontage at ground floor level or retain the existing active frontage, whichever the greater.</p>	<p>Matters for discretion:</p> <p>4. The exercise of discretion in relation to TCZ-REQ8.3. is restricted to the following matters:</p> <p>a. CMUZ-MATc Active Frontage⁴⁸</p>
	<p>5. Any existing residential development to be converted for commercial use:</p> <p>a. Any façade that overlooks public space or 'on-site public space must retain at least 80% of existing glazing at ground floor level.</p> <p>6. Transparent glazing may not be obscured by being boarded up, painted, or covered by signage or obscured by other means.</p>	<p>Activity status when compliance not achieved:</p> <p>7. When compliance with any of TCZ-REQ8.5. or TCZ-REQ8.6. is not achieved: DIS</p>
TCZ-REQ9	Location of Car parking	
	<p>1. No car parking or...</p>	<p>Activity status when compliance not achieved:</p> <p>2. When compliance with any of TCZ-REQ9.1 is not achieved: DIS-RDIS</p> <p>Matters for discretion:</p> <p>3. The exercise of discretion in relation to TCZ-REQ9.2 is restricted to the following matters:</p>

⁴⁸ DPR-0396.012 Woolworths

		a. CMUZ-MATd Location of Car Parking ⁴⁹
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LCZ – Local Centre Zone

LCZ-Objectives and Policies

LCZ-Policies	
LCZ-P1	Enable a range of commercial, <u>residential</u> ⁵⁰ , visitor accommodation, recreational, cultural, community activities, and public amenities to establish and operate within the Local Centre Zone, provided that they are of a scale and nature that does not detract from the role and function of the Town Centre Zone.

LCZ-Rules

LCZ-Rule List	
...	
LCZ-R15	<u>Community</u> Correction Activities
LCZ-RX	<u>Corrections</u> Prison
...	

LCZ-R3	Residential Units	
	<p>Activity status: RD IS CON</p> <p>4. The erection of one or more residential units; <u>or</u></p> <p>5. The conversion of all or part of a non- residential existing buildings into a residential unit.</p> <p>Where:</p> <p>...</p> <p>Matters for discretion control:</p> <p>6. The exercise of discretion control in relation to LCZ-R3.4.a., and LCZ-R3.5.a. is restricted to reserved over the following matters:</p> <p>a. CMUZ-MAT2 Residential Activities in CMUZ-Matters for control or discretion</p>	<p>Activity status when compliance not achieved:</p> <p>7. When compliance with any of LCZ-R3.4.a. or LCZ-R3.5.a. is not achieved: NC</p>

⁴⁹ DPR-0396.010 and 017 Woolworths, DPR-0386.007 Rolleston Square and DPR-0373.013 Foodstuffs

⁵⁰ DPR-0414.412 Kāinga Ora

LCZ-R9	Retail Activities	
	<p>Activity status: PER</p> <p>1. Any retail activity</p> <p>Where:</p> <p>a. the GFA of the retail activity is no more than 450m²; and</p> <p>b. the activity is not a supermarket.</p> <p>And the activity complies with the following rule requirements:</p> <p>LCZ-REQ1 Servicing</p> <p>LCZ-REQ5 Fencing and outdoor storage</p> <p>LCZ-REQ7 Active frontage</p>	<p>Activity status when compliance not achieved:</p> <p>2. When compliance with any of LCZ-R9.1.a. is not achieved: Refer to LCZ-R9.6</p> <p>3. When compliance with any of LCZ-R9.1.b. is not achieved: <u>Refer to LCZ-R9.11 RDIS</u>⁵¹</p> <p>4. When compliance with any rule requirement listed in this rule is not achieved: Refer to LCZ-Rule requirements.</p>
	<p>Activity status: RDIS</p> <p>6. Any retail activity,</p> <p>Where:</p> <p>a. The GFA of the retail activity is more than 450m² but no more than 1000m²; and</p> <p><u>b. the activity is not a supermarket</u>⁵²</p> <p>And the activity complies with the following rule requirements:</p> <p>LCZ-REQ1 Servicing</p> <p>LCZ-REQ5 Fencing and outdoor storage</p> <p>LCZ-REQ7 Active frontage</p> <p>Matters for discretion:</p> <p>7. The exercise of discretion in relation to LCZ-R9.6. is restricted to the following matters:</p> <p>a. CMUZ-MAT1 Economic Impacts</p>	<p>Activity status when compliance not achieved:</p> <p>83. When compliance with any of LCZ-R9.6.a. is not achieved: NC</p> <p>94. When compliance with LCZ-R9.6.b. is not achieved: <u>Refer to LCZ-R9.11.</u>⁵³</p> <p>10. When compliance with any rule requirement listed in this rule is not achieved: Refer to LCZ-Rule requirements.</p>
	<p>Activity status: <u>PER</u></p> <p><u>11. Any retail activity,</u></p>	<p>Activity status when compliance not achieved:</p> <p><u>12. When compliance with LCZ-R9.11.a is not achieved: RDIS</u></p>

⁵¹ DPR-0396.013 Woolworths⁵² DPR-0396.013 Woolworths⁵³ DPR-0396.013 Woolworths

	<p>Where: a. the activity is a supermarket with a GFA up to 1,000m².</p> <p>And the activity complies with the following rule requirements: <u>LCZ-REQ1 Servicing</u> <u>LCZ-REQ5 Fencing and outdoor storage</u> <u>LCZ-REQ6 Landscaping</u> <u>LCZ-REQ7 Active frontage</u> <u>LCZ-REQ9 Location of car parking</u></p>	<p>Matters for discretion: <u>13. The exercise of discretion in relation to LCZ-R9.12. is restricted to the following matters:</u> a. <u>CMUZ-MAT1 Economic Impacts</u></p> <p><u>14. When compliance with any rule requirement listed in this rule is not achieved: Refer to LCZ-Rule requirements.</u> ⁵⁴</p>
LCZ-R15	Community Corrections Activities	
	<p>Activity Status: PER 1. Any <u>community</u> corrections activity ⁵⁵ ...</p>	<p>Activity status when compliance not achieved: 2. When compliance with any of LCZ-16.1.a. is not achieved: NC ⁵⁶ ...</p>
LCZ-RX	Corrections Prison	
	<p>Activity Status: NC Any Corrections Prison ⁵⁷</p>	<p>Activity status when compliance not achieved: N/A</p>

LCZ-Rule Requirements

LCZ-REQ5	Fencing and Outdoor Storage Areas	
	<p>1. No road boundary fence...</p>	<p>Activity status when compliance not achieved: 5. When compliance with any of LCZ-REQ5.1., LCZ-REQ5.2., LCZ-REQ5.3., or LCZ-REQ5.4. is is not achieved: DIS <u>RDIS</u></p> <p>Matters for discretion: <u>6. The exercise of discretion in relation to LCZ-REQ5.5. is restricted to the following matters:</u> a. <u>CMUZ-MATb Fencing and Outdoor Storage</u> ⁵⁸</p> <p>Notification:</p>

⁵⁴ DPR-0396.013 Woolworths

⁵⁵ DPR-0300.011, 012, 013 and 014 Ara Poutama Aotearoa

⁵⁶ DPR-0300.011, 012, 013 and 014 Ara Poutama Aotearoa

⁵⁷ DPR-0300.011, 012, 013 and 014 Ara Poutama Aotearoa

⁵⁸ DPR-0396.014 Woolworths

		<u>7. Any application arising from LCZ-REQ5.5. shall not be subject to public notification.</u> ⁵⁹
LCZ-REQ6	Landscaping	
	1. Where a site adjoins...	<p>Activity status when compliance not achieved:</p> <p>2. When compliance with any of LCZ-REQ6.1. is not achieved: DIS-<u>RD</u>IS</p> <p>Matters for discretion:</p> <p>3. The exercise of discretion in relation to LCZ-REQ6.2. is restricted to the following matters:</p> <p>a. CMUZ-MATa Landscaping⁶⁰</p> <p>Notification:</p> <p><u>4. Any application arising from LCZ-REQ6.2. shall not be subject to public notification.</u>⁶¹</p>
LCZ-REQ7	Active Frontage	
	<p>1. In relation to new developments:</p> <p>a. the primary frontage must incorporate active frontage which results in at least 50% of the development's façade ground floor level being transparent glazing.</p> <p>b. If the development includes a secondary frontage, active frontage resulting in at least 60% of the combined primary frontage and secondary frontage, with a minimum of 10% of the secondary frontage at ground floor level, must be transparent glazing.</p> <p>2. In relation to existing developments: Where a façade overlooks on-site public space, or a road, or other area where the public have legal right of access, 80% of existing transparent glazing must be retained as active frontage.</p> <p>3. Transparent glazing may not be obscured by being boarded up, painted, or covered by signage or obscured by other means.</p> <p>1. Any new commercial building:</p>	<p>Activity status when compliance not achieved:</p> <p>34. Where compliance with any of LCZ-REQ7.1. <u>or</u> LCZ-REQ7.2. or LCZ-REQ7.3 is not achieved: DIS-<u>RD</u>IS</p> <p>Matters for discretion:</p> <p>4. The exercise of discretion in relation to LCZ-REQ7.3. is restricted to the following matters:</p> <p>a. CMUZ-MATc Active Frontage⁶²</p>

⁵⁹ DPR-0374.396 RIHL, DPR-0384.429 RIDL

⁶⁰ DPR-0396.015 Woolworths

⁶¹ DPR-0374.398 RIHL, DPR-0384.431 RIDL

⁶² DPR-0396.012 Woolworths

	<p><u>a. The primary frontage must contain at least 50% active frontage at ground floor level. The secondary frontage must contain at least 10% active frontage at ground floor level.</u></p> <p><u>2. Any existing commercial building:</u></p> <p><u>a. For any structural modification to an existing commercial building the primary frontage must contain either at least 50% active frontage at ground floor level or retain the existing active frontage, whichever the greater.</u></p>	
	<p><u>5. Any existing residential development to be converted for commercial use:</u></p> <p><u>a. Any façade that overlooks public space or 'on-site public space must retain at least 80% of existing glazing at ground floor level.</u></p> <p><u>6. Transparent glazing may not be obscured by being boarded up, painted, or covered by signage or obscured by other means.</u></p>	<p><u>Activity status when compliance not achieved:</u></p> <p><u>7. When compliance with any of LCZ-REQ7.5 or LCZ-REQ7.6 is not achieved: DIS</u></p>
LCZ-REQ8	Castle Hill Specific Control Area	
SCA-AD2	<p>1. ...</p> <p>c. comprise of at least 80% wall cladding (by area excluding glazing) that consists of:</p> <p>...</p> <p>iv. coloured corrugated metal sheeting;...⁶³</p> <p>d. excluding windows⁶⁴, where coloured or painted, have a reflectivity value between 0 and 37% inclusive excluding windows⁶⁵...</p>	...
LCZ-REQ9	Location of Car parking	
	<p>1. No car parking or...</p>	<p><u>Activity status when compliance not achieved:</u></p> <p>2. When compliance with any of LCZ-REQ9.1 is not achieved: DIS <u>RDIS</u></p> <p><u>Matters for discretion:</u></p> <p><u>3. The exercise of discretion in relation to LCZ-REQ9.2 is restricted to the following matters:</u></p> <p><u>a. CMUZ-MATd Location of Car Parking</u>⁶⁶</p>

⁶³ DPR-0442.012 Castle Hill Community Association

⁶⁴ DPR-0442.015 Castle Hill Community Association

⁶⁵ DPR-0442.015 Castle Hill Community Association

⁶⁶ DPR-0396.010 and 017 Woolworths, DPR-0386.007 Rolleston Square and DPR-0373.013 Foodstuffs

NCZ – Neighbourhood Centre Zone

NCZ-Objectives and Policies

NCZ-Policies	
NCZ-P1	Enable a limited range and scale of commercial activities, visitor accommodation, <u>residential</u> ⁶⁷ and community facilities.

NCZ-Rules

NCZ-Rule List	
...	
NCZ-R13	<u>Community</u> Correction Activities
NCZ-RX	<u>Corrections Prison</u>
...	

NCZ-R3	Residential Units	
	<p>Activity status: RD IS CON</p> <p>4. The erection of one or more residential units; 5. The conversion of all or part of a non- residential existing buildings into a residential unit.</p> <p>Where: ...</p> <p>Matters for discretion control: 4. The exercise of discretion <u>control</u> in relation to NCZ-R3.4.a., and NCZ-R3.5.a. is restricted to reserved over the following matters: a. CMUZ-MAT2 <u>Residential Activities in CMUZ Matters for control or discretion</u></p>	
NCZ-R13	Community Corrections Activities	
	<p>Activity Status: PER</p> <p>1. Any <u>community</u> corrections activity ...</p>	<p>... Activity status when compliance not achieved: 2. When compliance with any of NCZ-13.1.a. is not achieved: <u>NC</u>⁶⁸ ...</p>

⁶⁷ DPR-0414.407 Kāinga Ora⁶⁸ DPR-0300.011, 012, 013 and 014 Ara Poutama Aotearoa

NCZ-RX	Corrections Prison	
	Activity Status: NC <u>Any Corrections Prison</u> ⁶⁹	Activity status when compliance not achieved: <u>N/A</u>

NCZ-Rule Requirements

NCZ-REQ4	Fencing and Outdoor Storage Areas	
	1. No road boundary fence...	<p>Activity status when compliance not achieved: 4. When compliance with any of NCZ-REQ4.1., NCZ-REQ4.2., or NCZ-REQ4.3., not achieved: DIS <u>RDIS</u></p> <p>Matters for discretion: <u>5. The exercise of discretion in relation to NCZ-REQ4.4. is restricted to the following matters:</u> a. CMUZ-MATb Fencing and Outdoor Storage ⁷⁰</p> <p>Notification: <u>6. Any application arising from NCZ-REQ4.4. shall not be subject to public notification.</u>⁷¹</p>
NCZ-REQ5	Landscaping	
	1. Where a site adjoins...	<p>Activity status when compliance not achieved: 2. When compliance with any of NCZ-REQ5.1. is not achieved: DIS <u>RDIS</u></p> <p>Matters for discretion: <u>3. The exercise of discretion in relation to NCZ-REQ5.2. is restricted to the following matters:</u> a. CMUZ-MATxa Landscaping ⁷²</p> <p>Notification:</p>

⁶⁹ DPR-0300.011, 012, 013 and 014 Ara Poutama Aotearoa⁷⁰ DPR-0396.014 Woolworths⁷¹ DPR-0374.396 RIHL, DPR-0384.429 RIDL⁷² DPR-0396.015 Woolworths

		<u>4. Any application arising from NCZ-REQ5.2. shall not be subject to public notification.⁷³</u>
NCZ-REQ6	Active Frontage	
	<p>1. In relation to new developments:</p> <p>a. the primary frontage must incorporate active frontage which results in at least 50% of the development's façade ground floor level being transparent glazing.</p> <p>b. If the development includes a secondary frontage, active frontage resulting in at least 60% of the combined primary frontage and secondary frontage, with a minimum of 10% of the secondary frontage at ground floor level, must be transparent glazing.</p> <p>2. In relation to existing developments: Where a façade overlooks on-site public space, or a road, or other area where the public have legal right of access, 80% of existing transparent glazing must be retained as active frontage.</p> <p>3. Transparent glazing may not be obscured by being boarded up, painted, or covered by signage or obscured by other means.</p> <p>1. Any new commercial building:</p> <p>a. For any new commercial building the primary frontage must contain at least 50% active frontage at ground floor level. The secondary frontage must contain at least 10% active frontage at ground floor level.</p> <p>2. Any existing commercial building:</p> <p>a. For any structural modification to an existing commercial building the primary frontage must contain either at least 50% active frontage at ground floor level or retain the existing active frontage, whichever the greater.</p>	<p>Activity status when compliance not achieved:</p> <p>34. Where compliance with any of NCZ-REQ6.1. or NCZ-REQ6.2 or NCZ-REQ6.3 is not achieved: DIS <u>RDIS</u></p> <p>Matters for discretion:</p> <p>4. The exercise of discretion in relation to NCZ-REQ6.3. is restricted to the following matters:</p> <p>a. <u>CMUZ-MATc Active Frontage⁷⁴</u></p>
	<p>5. Any existing residential development to be converted for commercial use:</p> <p>a. Any façade that overlooks public space or 'on-site' public space must retain at least 80% of existing glazing at Ground Floor level.</p>	<p>Activity status when compliance not achieved:</p> <p>7. When compliance with any of NCZ-REQ6.5. or NCZ-REQ6.6. is not achieved: <u>DIS</u></p>

⁷³ DPR-0374.398 RIHL, DPR-0384.431 RIDL

⁷⁴ DPR-0396.012 Woolworths

	6. Transparent glazing may not be obscured by being boarded up, painted, or covered by signage or obscured by other means.	
NCZ-REQ7	Location of Car parking	
	1. No car parking or vehicular access is provided between the <u>primary</u> frontage of any building and a legal road (or any accessway from which the public will access the site if it does not have access to a legal road), <u>except where the building has more than two frontages, in which case the developer may nominate which façade is the primary one.</u> ⁷⁵	Activity status when compliance not achieved: 2. When compliance with any of LN2-REQ7.1 is not achieved: DIS <u>RDIS</u> Matters for discretion: 3. The exercise of discretion in relation to NCZ-REQ7.2 is restricted to the following matters: a. <u>CMUZ-MATd Location of Car Parking</u> ⁷⁶

LFRZ – Large Format Retail Zone

LFRZ-Rules

LFRZ-Rule List	
...	
LFRZ-R11	<u>Community</u> Correction Activities
LFRZ-RX	<u>Corrections</u> Prison
...	

LFRZ-R3	Commercial Activities Otherwise Not Listed in the LFRZ- Rule List	
	Activity Status: NC <u>DIS</u> ⁷⁷ 1. Any commercial activity not otherwise listed in LRFZ-Rule List....	...
LFRZ-R6	Retail Activities	
	... Where: a. The retail activity is not a supermarket or ⁷⁸ department store; and b. The GFA of any individual retail tenancy is no less than 450m ²

⁷⁵ DPR-0126.011 Foster Commercial⁷⁶ DPR-0396.010 and 017 Woolworths, DPR-0386.007 Rolleston Square and DPR-0373.013 Foodstuffs⁷⁷ DPR-0374.369 RIHL and DPR-0384.402 RIDL⁷⁸ DPR-0396.018 Woolworths

LFRZ-R8	Trade Retail and Trade Supply Activities	
	Activity Status: PER 1. Any trade retail and trade supply activity. And the activity complies with the following rule requirements: LFRZ-REQ1 Servicing LFRZ-REQ5 Outdoor storage	Activity status when compliance not achieved: 2. Where compliance with any of LFRZ-R8.1 is not achieved: DIS 2.3. When compliance with any rule requirement listed in this rule is not achieved: Refer to LFRZ-Rule Requirements
LFRZ-R11	Community Corrections Activities	
	Activity Status: PER 2. Any <u>community</u> corrections activity Activity status when compliance not achieved: 2. When compliance with any of LFRZ-11.1.a. is not achieved: NC⁷⁹ ...
LFRZ-RX	Corrections Prison	
	Activity Status: NC <u>Any Corrections Prison⁸⁰</u>	Activity status when compliance not achieved: <u>N/A</u>
LFRZ-R21	Industrial Activities that are not otherwise listed in LFRZ-Rule List	
	Activity Status: NC DIS ⁸¹ 1. Any industrial activity that is not otherwise listed in the LFRZ-Rule List.	Activity status when compliance not achieved: N/A

LFRZ-Rule Requirements

LFRZ-REQ4	Setbacks	
	1. Any building shall be setback a minimum of <u>5m</u> 10m from the road boundary, <u>except where 40% or more of the road facing ground-floor façade of the building is glazed.</u> ⁸²	...
LFRZ-REQ5	Outdoor Storage	
	1. Any outdoor storage...	Activity status when compliance not achieved:

⁷⁹ DPR-0300.011, 012, 013 and 014 Ara Poutama Aotearoa

⁸⁰ DPR-0300.011, 012, 013 and 014 Ara Poutama Aotearoa

⁸¹ DPR-0374.388 RIHL and DPR-0384.421 RIDL

⁸² DPR-0374.393 RIHL and DPR-0384.427 RIDL

		<p>35. When compliance with any of LFRZ-REQ5.1. or LFRZ-REQ5.2. is not achieved: DIS-<u>RDIS</u></p> <p><u>Matters for discretion:</u> <u>4. The exercise of discretion in relation to LFRZ-REQ5.3. is restricted to the following matters:</u> a. <u>CMUZ-MATb Fencing and Outdoor Storage</u>⁸³</p> <p><u>Notification:</u> <u>4. Any application arising from LFRZ-REQ4.3. shall not be subject to public notification.</u>⁸⁴</p>
LFRZ-REQ6	Landscaping	
	1. Prior to the erection of...	<p>Activity status when compliance not achieved: 8. When compliance with any of LFRZ-REQ6 is not achieved: DIS-<u>RDIS</u></p> <p><u>Matters for discretion:</u> <u>3. The exercise of discretion in relation to LFRZ-REQ6.8. is restricted to the following matters:</u> a. <u>CMUZ-MATxa Landscaping</u>⁸⁵</p> <p><u>Notification:</u> <u>4. Any application arising from LFRZ-REQ6.8. shall not be subject to public notification.</u>⁸⁶</p>

⁸³ DPR-0396.019 Woolworths, DPR-0374.394 RIHL and DPR-0384.428 RIDI

⁸⁴ DPR-0374.396 RIHL, DPR-0384.429 RIDL

⁸⁵ DPR-0396.015 Woolworths

⁸⁶ DPR-0374.398 RIHL, DPR-0384.431 RIDL

Appendix 2: List of Appearances and Tabled Evidence

Hearing Appearances

Sub #	Submitter	Author	Role
Combined DPR-0358 DPR-0363 DPR-0374 DPR-0384	RWRL IRHL RIHL RIDL	Jeremy Phillips Greg Akehurst	Planner Economist
DPR-0367	Orion New Zealand Limited	Melanie Foote	Planner
DPR-0373	Foodstuffs South Island Limited & Foodstuffs (South Island) Properties Limited	Alex Booker Rebecca Parish Fraser Colegrave Mark Allan	Counsel Property Manager Economist Planner
DPR-0386	Rolleston Square Limited	Lloyd Bathurst	Company Director
DPR-0391	Castle Hills Adventure Tours Limited	John Reid	Company
DPR-0396	Woolworths New Zealand Limited	Joshua Leckie Kay Panther Knight	Counsel Planner
DPR-0414	Kāinga Ora - Homes & Communities	Lauren Semple Joe Jeffries	Counsel Planner

Tabled Evidence

Tabled material was received from:

Sub #	Submitter	Author	Role
DPR-0101	Chorus, Spark & Vodafone	Chris Horne	Planner
DPR-0126	Foster Commercial	Patricia Harte	Planner
DPR-0145	Bunnings Limited	Matt Norwell	Planner
DPR-0300	Ara Poutama - Department of Corrections	Maurice Dale	Planner
DPR-0378	Ministry of Education	Kate Graham	Planner
DPR-0424	Retirement Villages Association of NZ Inc	John Collyns	Company Director
DPR-0425	Ryman Healthcare Ltd & Retirement Villages Association of NZ Inc	Richard Turner	Planner