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# ADDENDUM TO THE S42A REPORT FOR HEARING 23

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**DATE:** 15 February 2022

**HEARING:** CMUZ – Commercial and Mixed Use Zones

**HEARING DATE:** 7 March 2022

**PREPARED BY:** Jessica Tuilaepa – Senior Strategy & Policy Planner

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## Introduction

The purpose of this report is to provide a written update of changes made to correct errors or to provide clarification of any issues identified in the section 42A report for the CMUZ s42a Report since it was published on 3 February 2022. Changes are reflected using a double underline or a double strikethrough.

## Changes, Reasons and Submitters Affected

Error or issue requiring clarification	Page No. of s42A report	Affected submission point
The s42a report states that Kāinga Ora requested that CMUZ-P5 be retained, and the table summary states “Unspecified amendments sought”, when the Kāinga Ora submission actually requested a specific amendment. The amendment was a request that CMUZ-P5 be amended to reference Residential and Open Space Zones. I recommend all submission point related to CMUZ-P5 be accepted in part.	<ul style="list-style-type: none"><li>• page 60 of the s42A Report</li><li>• pages 16, 26, 58 and 69 of Appendix 1 to the s42A Report</li><li>• page 2 of Appendix 2 to the s42A Report</li></ul>	DPR-0414.397 Kāinga Ora  DPR-0358.376 RWRL  DPR-0363.348 IRHL  DPR-0374.354 RIHL  DPR-0384.384 RIDL
The section of the CMUZ s42a report discussing submission points relating to TCZ-REQ2 did not address Kāinga Ora’s request to increase the height limit from 10m to 12m. Although text within paragraph 12.117 noted support for the submitters request in relation to ‘parts of the TCZ’, the report did not specifically comment on this submission point. In review, I do not support this proposed amendment as it relates to Leeston and Darfield (where no PREC applies).	<ul style="list-style-type: none"><li>• page 123 of the s42A Report</li><li>• page 98 of Appendix 1 of the s42A report.</li></ul>	DPR-0414.421 Kāinga Ora

Error or issue requiring clarification	Page No. of s42A report	Affected submission point
In Appendix 1 the recommendation was to accept DPR-0414.421, this recommendation has now changed. I recommend this submission point be rejected.		
The s42a report (paragraph 12.116) incorrectly recommends retaining a height of 15m in PREC4 and PREC5 even though the notified height was 12m. The recommendation in Appendix 1 was to Accept in Part, however, now I recommend this submission point be rejected.	<ul style="list-style-type: none"> <li>• page 123 of the s42A Report</li> <li>• page 99 of Appendix 1 to the s42A Report</li> </ul>	DPR-0414.423 Kāinga Ora
The section of the CMUZ s42a report discussing submission points relating to NCZ-R6 did not address Foster Commercials request to remove the floorspace limit for food and beverage in NCZ-R6. The amendment sought to remove the 150m <sup>2</sup> limit on food and beverage. I recommend this submission point be rejected. The recommendation in Appendix 1 was for this submission point to be rejected, this remains unchanged.	<ul style="list-style-type: none"> <li>• Page 80 of the s42A Report</li> </ul>	Foster Commercial DPR-0126.008

ODP, rather activity thresholds are used instead. I consider there is economic evidence to support activity thresholds in the NCZ and I recommend this submission point be rejected.

- 10.4 Kāinga Ora<sup>37</sup> seeks CMUZ-P1 be retained as notified. I recommend this submission point be accepted.
- 10.5 Kāinga Ora<sup>38</sup> seek amendments to CMUZ-P2 to remove the reference to 'low density'. As detailed in Section 9 above in regard to CMUZ-O6, the reference to 'low density' built form was made in an attempt to depict anticipated development outcomes in the zones as a response to the NPS-UD 'Lower density' was the term selected to reference the fact that the CMUZ would be home to buildings of a lesser height and lower population as compared to somewhere like Christchurch CBD. On review, the term 'lower density' could create confusion for plan users, as elsewhere 'density' is the term used to solely describe population and is not associated with built form. To better describe the anticipated development outcomes, I consider removing the term 'lower density' would indicate that the scale and density of development should be proportionate to the function of the centre. Such an amendment would also be more enabling should a higher intensity of development (in terms of scale and population density) be considered desirable in the future. I recommend this submission point be accepted in part.
- 10.6 RWRL, IRHL, RIDL and RIHL<sup>39</sup> seek CMUZ-P2 is retained as notified. I recommend that these submission points be accepted in part, as the intent of the Policy remains unchanged because of Kāinga Ora's submission, but the text will be altered.
- 10.7 Kāinga Ora, RWRL, IRHL, RIDL and RIHL<sup>40</sup> seek CMUZ-P3 and CMUZ-P4 and CMUZ-P5 are retained as notified. I recommend these submission points be accepted. Kāinga Ora<sup>41</sup> seeks an amendment to CMUZ-P5 by referencing adjoining residential and open space zones. There are no open space zones in the PDP, however, I do consider the amendment involved the inclusion of a reference to residential zones would provide clarity that the CMUZ-P5 applies to adjoining residential zoned properties not residential activities with the CMUZ. RWRL, IRHL, RIDL and RIHL seek CMUZ-P5 is retained as notified. I recommend these submission points be accepted in part.

### ***Recommendation***

- 10.8 I recommend, for the reasons given above, that the Hearings Panel:
- a) Amend CMUZ-P2 as shown in **Appendix 2** to better describe anticipated development outcomes within the CMUZ.
- 10.9 It is recommended that submissions and further submissions are either accepted, accepted in part, or rejected as shown in **Appendix 1**.

## ***Town Centre Zones Policies***

### ***Submissions***

- 10.10 Seventeen submission points, including 12 further submissions, were received in relation to the TCZ-Policies.

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<sup>37</sup> Kainga Ora DPR-0414.393

<sup>38</sup> Kainga Ora DPR-0414.394

<sup>39</sup> RWRL DPR-0358.373, RIHL DPR-0374.351, IRHL DPR-0363.345, RIDL DPR-0384.381, Woolworths DPR-0396.004

<sup>40</sup> Kainga Ora DPR-0414.095, DPR-0414.096 and DPR-0414.097, RIDL DPR-0384.382, DPR-0384.383, DPR-0384.384, RWRL DPR-0358.374, DPR-0358.375, DPR-0358.376 IRHL DPR-0363.346, DPR-0363.347, DPR-0363.348, RIHL DPR-0374.352, DPR-0374.353 and DPR-0374.354

<sup>41</sup> Kainga Ora DPR-0414.397

## Analysis

- 11.49 Foodstuffs and JP Singh support and support in part TCZ-R6 as notified. I recommend these submission points be accepted. Foster Commercial<sup>76</sup> opposes NCZ-R6 as notified. The submitter considers there is no sound basis for limited the size of food and beverage outlets in NCZ. The 150m<sup>2</sup> limit on educational facilities aligns with the purpose of the zone, to provide for the small-scale commercial activities that service the needs of residents in the surrounding areas, but also aligns with the township hierarchy, which see most commercial, cultural, community and educational activities being focused towards the TCZ, with a NCZ providing services to the immediate community. Limiting the scale of activities in the NCZ is supported in the s32, the 150m<sup>2</sup> size itself was adopted as food and beverage has been limited to 150m<sup>2</sup> in certain zones within the ODP. I recommend the 150m<sup>2</sup> limit is retained and the submission point be rejected.
- 11.50 RIDL and RIHL<sup>77</sup> oppose the wording of LFRZ-R4 as notified and seek an amendment to the activity status when compliance is not met. I consider the amended wording proposed by the submitters in relation it LFRZ-R4.1 is clearer terminology, however, the intention is to allow one tenancy of up to 1000m<sup>2</sup> and I consider the amended wording could enable, for example two 500m<sup>2</sup> or three 300m<sup>2</sup> tenancies, which could result in economic impacts on the Rolleston KAC. For the same reasons I also consider the change in status from DIS to NC would not be appropriate. I recommend these submission points be rejected. On review of the LFRZ-R4 I note that an error has been made in the drafting of the PDP, and this will be addressed through a cl16 (2) amendment. LFRZ-R4.a. should read 'not' but instead reads 'no'.

## Recommendation

- 11.51 I recommend, for the reasons given above, that the Hearings Panel retain the provision as notified subject to the clause 16(2) amendments being undertaken as identified above.
- 11.52 It is recommended that submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

## Industrial activities not otherwise listed

### Submissions

- 11.53 Three submission points, including one further submission, was received in relation to Industrial Activities not otherwise listed in 'Commercial and Mixed Use' Zones.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	388	LFRZ-R21	Oppose	Delete as notified and replace with a new provision that that permits industrial activities in the LFRZ that would be permitted in the GIZ zone.
DPR-0453	Midland Port, Lyttelton Port Company Limited (LPC)	FS029	LFRZ-R21	Support	Accept
DPR-0384	Rolleston Industrial	421	LFRZ-R21	Oppose	Delete as notified and replace with a new provision that that permits

<sup>76</sup> Foster Commercial DPR-0126.008

<sup>77</sup> RIDL DPR-0384.403, DPR-0384.404 and DPR-0374.370, DPR-0384.371

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	391	LFRZ-REQ2	Support In Part	Amend provision to note that any corresponding applications shall not require public or limited notification.
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	424	LFRZ-REQ2	Support In Part	Amend provision to note that any corresponding applications shall not require public or limited notification.

### ***Analysis***

12.114 Next Level<sup>117</sup> seek to increase the height limit in the NCZ from 8m to 10m given the proximity of NCZ to residential zones and the reduced Height in Relation to Boundary requirements for the zone. Kainga Ora<sup>118</sup> seeks NCZ-REQ2 be retained as notified. However, given the recent amendments to the RMA that provides for an 11m height limit for medium density residential development in a relevant residential zone, and up to 12m where a gable is used, an increase in maximum potential height within an adjoining NCZ to align with this would be sensible. NCZ currently exists only in Lincoln and Rolleston and are surrounded by land zoned GRZ which in the future will be subject to MRDS provisions. As such, I consider that increasing the height limit in line with the recent RMA Amendment Act is an appropriate response. I recommend these submissions are accepted in part.

12.115 Foodstuffs<sup>119</sup> seek to amend TCZ-REQ2.1 to provide for a maximum building height of 15m in any TCZ not covered by PREC1 (Rolleston), PREC4 or PREC5 (both in Lincoln). This would see a 15m height limit applied to PREC2 (Rolleston) and the TCZ's of both Darfield and Leeston. As indicated above, Rolleston will be subject to an increased residential height limit of up to 12m, therefore I consider that an increase in the height in the TCZ (PREC2) to 15m would be appropriate. However, in the case of Leeston and Darfield, the maximum residential height limit will be likely retained at 8m, as MDRS are unlikely to be applied to these townships within the next 10 years. I consider it would be appropriate to increase the height limits in PREC2 to 15m, I recommend this submission point be accepted in part.

12.116 Kainga Ora<sup>120</sup> seek an amendment to those areas of TCZ not covered by a PREC to increase in height from 10m to 12m. I recommend this submission point be rejected. Kainga Ora<sup>121</sup> seeks the maximum height of any building shall be increased from 12m to 18m in PREC4 and PREC5 and from 15m to 18m in PREC1. Regarding PREC1, the main commercial core of Rolleston, I consider an 18m height limit would be in keeping with the anticipated future development outcomes for the TCZ. In responses to the request to increase the height limit in Lincoln, I consider that the ~~15m~~ 12m height limit in the plan as notified is sufficient to enable commercial development, whilst retaining the character of the township. I recommend this submission point be accepted in part.

<sup>117</sup> Next Level DPR-0351.003

<sup>118</sup> Kainga Ora DPR-0414.009

<sup>119</sup> Foodstuffs DPR-0373.022

<sup>120</sup> Kainga Ora DPR-0414.421

<sup>121</sup> Kainga Ora DPR-0414.423

# CMUZ

					character and function of that zone; and where located in a Local Centre, Large Format Retail, or Neighbourhood Centre Zone are or which are of a scale or nature that would have significant adverse effects on adversely affect the viability and function of the Town Centre Zone, including individual and cumulative adverse distributional and urban form effects.		
DPR-0358	Rolleston West Residential Limited (RWRL)	373	CMUZ-P2	Support	Retain as notified	Accept in Part	10
DPR-0358	Rolleston West Residential Limited (RWRL)	374	CMUZ-P3	Support	Retain as notified	Accept	10
DPR-0358	Rolleston West Residential Limited (RWRL)	375	CMUZ-P4	Support	Retain as notified	Accept	10
DPR-0358	Rolleston West Residential Limited (RWRL)	376	CMUZ-P5	Support	Retain as notified	Accept <u>in Part</u>	10
DPR-0358	Rolleston West Residential Limited (RWRL)	377	CMUZ-MAT1	Oppose	Amend as follows:  1. <del>The economic impacts on the Town Centre Zone.</del>  2. <del>The extent to which</del> <u>Whether</u> the scale of the activity <u>would have significant adversely affects effects</u> on the viability and function of the Town Centre Zone, including individual and cumulative adverse distributional and urban form effects.  3. ...	Reject	13
DPR-0358	Rolleston West Residential Limited (RWRL)	378	CMUZ-MAT3	Support In Part	Amend as follows: ... 2. ... <u>Note: CMUZ-MAT3 does not apply to activities in the LFRZ.</u>	Reject	13

# CMUZ

DPR-0363	Iport Rolleston Holdings Limited (IRHL)	343	CMUZ-O6	Support	Retain as notified	Accept in Part	9
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	344	CMUZ-P1	Oppose	Amend as follows:  Avoid activities locating within any 'Commercial and Mixed Use Zone' that are incompatible with the character and function of that zone; <del>and where located in a Local Centre, Large Format Retail, or Neighbourhood Centre Zone are or which are</del> of a scale or nature that would <u>have significant adverse effects on adversely</u> <del>affect</del> the viability and function of the Town Centre Zone, including individual and cumulative adverse distributional and urban form effects.	Reject	10
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	345	CMUZ-P2	Support	Retain as notified	Accept in Part	10
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	346	CMUZ-P3	Support	Retain as notified	Accept	10
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	347	CMUZ-P4	Support	Retain as notified	Accept	10
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	348	CMUZ-P5	Support	Retain as notified	Accept <u>in Part</u>	10
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	349	CMUZ-MAT1	Oppose	Amend as follows:  <del>1. The economic impacts on the Town Centre Zone.</del>  2. <del>The extent to which</del> Whether the scale of the activity <u>would have significant adversely affects effects</u> <del>on</del> the viability and function of the Town Centre Zone, including individual and cumulative adverse distributional and urban form effects.  3. ...	Reject	13

# CMUZ

					Avoid activities locating within any 'Commercial and Mixed Use Zone' that are incompatible with the character and function of that zone; <del>and where located in a Local Centre, Large Format Retail, or Neighbourhood Centre Zone are or which are</del> of a scale or nature that would <u>have significant adverse effects on adversely</u> affect the viability and function of the Town Centre Zone, including individual and cumulative adverse distributional and urban form effects.		
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	351	CMUZ-P2	Support	Retain as notified	Accept in Part	10
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	352	CMUZ-P3	Support	Retain as notified	Accept	10
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	353	CMUZ-P4	Support	Retain as notified	Accept	10
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	354	CMUZ-P5	Support	Retain as notified	Accept <u>in Part</u>	10
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	355	CMUZ-MAT1	Oppose	Amend as follows:  <del>1. The economic impacts on the Town Centre Zone.</del>  2. <del>The extent to which</del> <u>Whether</u> the scale of the activity <u>would have significant adversely affects effects</u> on the viability and function of the Town Centre Zone, including individual and cumulative adverse distributional and urban form effects.  3. ...	Reject	13
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	356	CMUZ-MAT3	Support In Part	Amend as follows: ... 2. ... <u>Note: CMUZ-MAT3 does not apply to activities in the LFRZ.</u>	Reject	13



# CMUZ

DPR-0384	Rolleston Industrial Developments Limited (RIDL)	377	CMUZ-O4	Support	Retain as notified	Accept	9
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	378	CMUZ-O5	Support	Retain as notified	Accept	9
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	379	CMUZ-O6	Support	Retain as notified	Accept in Part	9
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	380	CMUZ-P1	Oppose	Amend as follows:  Avoid activities locating within any 'Commercial and Mixed Use Zone' that are incompatible with the character and function of that zone; <del>and where located in a Local Centre, Large Format Retail, or Neighbourhood Centre Zone are or which are</del> of a scale or nature that would <u>have significant adverse effects on</u> <del>adversely affect</del> the viability and function of the Town Centre Zone, including individual and cumulative adverse distributional and urban form effects.	Reject	10
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	381	CMUZ-P2	Support	Retain as notified	Accept in Part	10
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	382	CMUZ-P3	Support	Retain as notified	Accept	10
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	383	CMUZ-P4	Support	Retain as notified	Accept	10
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	384	CMUZ-P5	Support	Retain as notified	Accept <u>in Part</u>	10
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	385	CMUZ-MAT1	Oppose	Amend as follows:  <del>1. The economic impacts on the Town Centre Zone.</del>	Reject	13

CMUZ

					5. The exercise of discretion in relation to TCZ-R3.3. and TCZ-R3.4. is restricted to the following matters: a.CMUZ-MAT2 in CMUZ Matters for control or discretion b.CMUZ-MAT3 in CMUZ Matters for control or discretion ...		
DPR-0209	Manmeet Singh	FS027	TCZ-R3	Oppose In Part	Reject the submission in part	Accept in Part	11
DPR-0298	Trices Road Re-zoning Group	FS298	TCZ-R3	Oppose In Part	Reject submission	Accept in Part	11
DPR-0461	Dunweavin 2020 Ltd	FS377	TCZ-R3	Oppose In Part	Reject submission	Accept in Part	11
DPR-0493	Gallina Nominees Ltd & Heinz-Wattie Ltd Pension Plan	FS344	TCZ-R3	Oppose In Part	Reject the submission points in part.	Accept in Part	11
DPR-0414	Kāinga Ora - Homes & Communities	421	TCZ-REQ2	Oppose	Amend as follows: TCZ-REQ2 Height - Any Town Centre Zone except as specified below 1. The maximum height of any building shall be <del>10</del> <u>12</u> m. ...	<del>Accept in Part</del> <u>Reject</u>	12
DPR-0209	Manmeet Singh	FS028	TCZ-REQ2	Oppose In Part	Reject the submission in part	Reject	12
DPR-0298	Trices Road Re-zoning Group	FS299	TCZ-REQ2	Oppose In Part	Reject submission	Reject	12
DPR-0461	Dunweavin 2020 Ltd	FS378	TCZ-REQ2	Oppose In Part	Reject submission	Reject	12
DPR-0493	Gallina Nominees Ltd & Heinz-Wattie Ltd Pension Plan	FS345	TCZ-REQ2	Oppose In Part	Reject the submission points in part.	Reject	12
DPR-0414	Kāinga Ora - Homes & Communities	422	TCZ-REQ2	Oppose	Amend as follows: TCZ-REQ2 Height - PREC1 5. The maximum height of any building shall be <del>15</del> <u>18</u> m. ... Matters for discretion 8. The exercise of discretion in relation to TCZ- REQ2.7. is restricted to the following matters: a. CMUZ-MAT54 Height in Relation to Boundary	Accept in Part	12

CMUZ

DPR-0209	Manmeet Singh	FS029	TCZ-REQ2	Oppose In Part	Reject the submission in part	Reject	12
DPR-0298	Trices Road Re-zoning Group	FS300	TCZ-REQ2	Oppose In Part	Reject submission	Reject	12
DPR-0461	Dunweavin 2020 Ltd	FS379	TCZ-REQ2	Oppose In Part	Reject submission	Reject	12
DPR-0493	Gallina Nominees Ltd & Heinz-Wattie Ltd Pension Plan	FS346	TCZ-REQ2	Oppose In Part	Reject the submission points in part.	Reject	12
DPR-0414	Kāinga Ora - Homes & Communities	423	TCZ-REQ2	Oppose	Amend as follows: TCZ-REQ2 Height - PREC4, PREC5 9. The maximum height of any building shall be <del>12</del> 18m. ...	<del>Accept in Part</del> <u>Reject</u>	12
DPR-0209	Manmeet Singh	FS030	TCZ-REQ2	Oppose In Part	Reject the submission in part	Reject	12
DPR-0298	Trices Road Re-zoning Group	FS301	TCZ-REQ2	Oppose In Part	Reject submission	Reject	12
DPR-0461	Dunweavin 2020 Ltd	FS380	TCZ-REQ2	Oppose In Part	Reject submission	Reject	121
DPR-0493	Gallina Nominees Ltd & Heinz-Wattie Ltd Pension Plan	FS347	TCZ-REQ2	Oppose In Part	Reject the submission points in part.	Reject	2
DPR-0414	Kāinga Ora - Homes & Communities	424	TCZ-REQ3	Support In Part	Delete as notified and undertake a full review of the provision and introduce a new series of rules in relation to: - a general building setback at upper levels; - a height in relation to boundary adjoining open space or residential zones control; and - introduce a daylight and outlook control to ensure adequate access to daylight to living areas and bedrooms in dwellings and ensure habitable rooms have a sense of outlook and space.	Reject	12
DPR-0209	Manmeet Singh	FS031	TCZ-REQ3	Oppose In Part	Reject the submission in part	Reject	12
DPR-0298	Trices Road Re-zoning Group	FS302	TCZ-REQ3	Oppose In Part	Reject submission	Reject	12